

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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

Plaintiffs,)

vs.)

Case No. 312236

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

Defendants.)

DEPOSITION OF MOISES CANEL
San Francisco, California
Saturday, May 12, 2001
Volume I

Reported by:
THERESA A. DARNELL
CSR No. 9966
JOB No. 847414

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 COUNTY OF SAN FRANCISCO
 3
 4 ELIEZER WILLIAMS, a minor,)
 by Sweetie Williams, his)
 5 guardian ad litem, et al.,)
 6)
 Plaintiffs,)
 7 vs.) Case No. 312236
)
 8 STATE OF CALIFORNIA; DELAINE)
 EASTIN, State Superintendent)
 9 of Public Education; STATE)
 DEPARTMENT OF EDUCATION;)
 10 STATE BOARD OF EDUCATION,)
)
 11 Defendants.)

12
 13 Deposition of MOISES CANEL, Volume 1,
 14 taken on behalf of Defendants, at
 15 275 Battery Street, 25th Floor, San Francisco,
 16 California, beginning at 10:15 a.m. and ending
 17 at 4:55 p.m., on Saturday, May 12, 2001, before
 18 THERESA A. DARNELL, Certified Shorthand
 19 Reporter No. 9966.
 20
 21
 22
 23
 24
 25

1 APPEARANCES:
 2
 3 For Plaintiffs:
 4 MORRISON & FOERSTER LLP
 BY: JACK W. LONDEN
 5 Attorney at Law
 425 Market Street
 6 San Francisco, California 94105-2482
 415-268-7415
 7
 8 For Defendants:
 9
 10 O'MELVENY & MYERS LLP
 BY: VANESSA KOURY
 Attorney at Law
 11 400 South Hope Street
 Los Angeles, California 90071-2899
 12 213-430-6000
 13
 14 Also Present:
 15 Sara Canel
 Sarah Canel
 16 Julio Canel (after lunch)
 17
 18 Interpreter:
 19 BLAINE STODDARD
 (until first recess)
 20 WORDS ARE NOT CHEAP
 800-963-7142
 21
 22
 23
 24
 25

1 INDEX
 2
 3 WITNESS: EXAMINATION
 4
 5 MOISES CANEL
 Volume 1

6 BY MS. KOURY 5

7
 8 EXHIBITS
 9 (None)
 10
 11
 12

13 INSTRUCTION NOT TO ANSWER

14 Page Line
 15 25 8
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 San Francisco, California, Saturday, May 12, 2001
 2 10:15 a.m. - 4:55 p.m.
 3

4 MOISES CANEL,
 5 having been first duly sworn, was examined and
 6 testified as follows:
 7

8 EXAMINATION
 9

10 BY MS. KOURY:

11 Q Good morning, Moises. My name is Vanessa Koury
 12 and I'm an attorney representing the State of California
 13 in this litigation.

14 Would you state your full name and spell it,
 15 and the city in which you live for the record.

16 A Okay. My name is Moises Canel. Do I spell my
 17 name?

18 Q Uh-huh.

19 A M-o-i-s-e-s, my last name is Canel, spelled
 20 C-a-n-e-l, and I live in San Pablo.

21 Q Thank you. Have you ever had your deposition
 22 taken before?

23 A No.

24 Q Okay. Let me briefly explain to you what we're
 25 going to do here today. I'm going to ask you a series

1 of questions so that I can learn about the facts of this
 2 litigation. The reporter here is reporting my questions
 3 and your answers which will be transcribed into a
 4 booklet, and after you get this booklet, you can review
 5 and sign it. When you receive the booklet, you can make
 6 any changes to it that you feel are necessary. However,
 7 being aware that the attorneys in the case can make
 8 comments on any changes you make to the booklet at trial
 9 or any other proceeding in this case. Do you understand
 10 that?

11 A Yes, I understand.

12 Q Okay. So again, it's very important that you
 13 respond to the questions that I ask fully and
 14 truthfully. Do you understand?

15 A Yes.

16 Q When you answer my questions, it's also
 17 important that you say your answers. Any shakes or nods
 18 of your head cannot be recorded by the court reporter.
 19 Do you understand this?

20 A Yes.

21 Q Also it's hard for the court reporter to get a
 22 clear record of all the testimony when more than one
 23 person is speaking at once, so please allow me to finish
 24 my questions before you start your answers, and I also
 25 will allow to you finish your answers before I ask the

1 the record and we will take a break. If there's a
 2 question pending, I will ask you to finish your answer
 3 before we take a break. Do you understand that?

4 A Yes.

5 Q If at any point during the deposition today a
 6 question that I ask triggers a memory about something we
 7 had been talking about earlier, please let me know.

8 A Okay.

9 Q And if you don't I will assume that all your
 10 answers that you give today are full and complete. Do
 11 you understand these rules?

12 A Yes.

13 Q Do you have any questions?

14 A No.

15 Q Again I just want to remind you, yes's and
 16 no's, shakes of the head, the court reporter can't
 17 record. Okay?

18 A Okay.

19 Q Is there any reason why you may be unable to
 20 testify or give your best testimony today?

21 A No.

22 Q Have you recently taken any medication?

23 A No.

24 Q No?

25 A No.

1 next question.

2 A Okay.

3 Q If at any time you don't understand one of my
 4 questions, please let me know and I'll attempt to
 5 rephrase it. However, if you answer the question, I
 6 will assume that you understand the question. Do you
 7 understand me so far?

8 A Yes.

9 Q Okay. You're required to answer my questions
 10 to the best of your ability, but I don't want you to
 11 guess. So what I am entitled to is your best estimate.
 12 Do you understand the difference between an estimate and
 13 a guess?

14 A Yes.

15 Q Okay. Because your testimony is given under
 16 oath, it will have the same force and effect as if you
 17 were testifying in a court of law with a judge. You are
 18 therefore subject to all the penalties of perjury for
 19 giving false testimony, so even though we're in a
 20 informal settling here today, you're testifying as if
 21 you were in a formal courtroom with a judge. Do you
 22 understand that?

23 A Yes.

24 Q If you need a break, please let me know, and
 25 I'll instruct the court reporter that we're going off

1 Q Any alcohol?

2 A No.

3 Q Any other substance that would interfere with
 4 your ability to answer these questions?

5 A No.

6 Q Do you suffer from any disability of any kind?

7 A No.

8 Q What did you do to prepare for this deposition?

9 A I took a look at my school and to make sure
 10 everything was, you know -- make sure what was the way
 11 it's supposed to be. You know, not the way it's
 12 supposed to be, but the way -- looking at any more
 13 mistakes or anything bad just to tell you.

14 Q What specifically did you look at at your
 15 school?

16 A The rooms, the bathrooms, the books, my
 17 classes, the hallways, the cafeteria.

18 Q When did you do this?

19 A Friday.

20 Q Okay. Did you talk to anybody about this
 21 deposition?

22 A No.

23 Q Did you talk to your attorney about this
 24 deposition?

25 MR. LONDEN: That's me.

1 THE WITNESS: Yes.
 2 BY MS. KOURY:
 3 Q Okay. In person? Did you speak to him face to
 4 face?
 5 A Yes.
 6 Q How many times?
 7 A Once.
 8 Q How long?
 9 A I don't know.
 10 Q Who else was there when you were talking to
 11 him?
 12 A A lady named Amy and two other ladies. I don't
 13 know their names.
 14 Q Do you know if they were attorneys?
 15 A Yes, I think they were.
 16 Q Did you -- you only had one in-person
 17 conversation with your attorneys. Did you talk to them
 18 on the telephone?
 19 A I talked to Amy on the telephone.
 20 Q How many times?
 21 A Like five times.
 22 Q About the deposition?
 23 A Yes, and about my school too.
 24 Q When did you speak to her?
 25 A A couple -- last week.

1 Q You spoke to her five times last week?
 2 A No, last year she called me a couple times.
 3 Q Last -- I'm sorry, last year she called you?
 4 A Last year, yeah, and then this last week she
 5 called me again, so altogether it was like five.
 6 Q And what was her name, Amy?
 7 A Amy.
 8 MR. LONDEN: Amy Kott, K-o-t-t.
 9 MS. KOURY: Right.
 10 Q And when you spoke to her last week you talked
 11 about the deposition?
 12 A Yeah, she told me that -- yeah, we talked about
 13 it.
 14 Q Okay. And have you spoken to anyone else about
 15 the deposition other than your attorneys?
 16 A No.
 17 Q Did you speak to anybody at school about the
 18 deposition?
 19 A No.
 20 Q Did you review any documents in preparation for
 21 the deposition?
 22 A No.
 23 Q Other than these records here that your
 24 attorney brought, did you bring any notes or any
 25 documents today?

1 A No.
 2 Q I'm going to ask you about -- you said that you
 3 looked at your school on Friday in preparation for the
 4 deposition.
 5 A Yes.
 6 Q Can you tell me again, what classrooms did you
 7 look at?
 8 A All my classes, like my third period math,
 9 second period science, third period English, fourth
 10 period P.E., the gym, fifth period, the cafeteria, sixth
 11 period U.S. history, seventh period French.
 12 Q What else did you look at besides the
 13 classrooms?
 14 A The roofs, the hallways.
 15 Q In which hallways?
 16 A Like by the library.
 17 Q What's the name of the building that the
 18 library is in?
 19 A It's in the same building where the -- it's in
 20 the same building where they teach.
 21 Q Are there -- is there just one main building in
 22 your school, on your school campus?
 23 A Yeah, there's three main buildings. There's a
 24 gym, the main one has two floors and then the library
 25 and the office in it. The other one is like the art

1 building.
 2 Q Is the art building the 400 building?
 3 A Yes.
 4 Q Okay. So you said you looked at the roofs in
 5 the hallways in the main building?
 6 A Yes.
 7 Q Where in the main building did you look?
 8 A By the library.
 9 Q Other than the classrooms and the roofs, the
 10 hallways, did you -- what else did you look at on
 11 Friday?
 12 A That's pretty much it, what I said.
 13 Q In the classrooms, in your math classroom, what
 14 did you look at?
 15 A I looked at the windows, how like, you know --
 16 how they are. Some were like broken and cracked.
 17 Q What else did you look at in your math
 18 classroom?
 19 A The desks.
 20 Q Anything else?
 21 A That's it.
 22 Q Okay. So other than the windows and the desks,
 23 that's all that you looked at in your math classroom?
 24 A Yes.
 25 Q What about your science classroom?

- 1 A The windows, the floors and the desks.
 2 Q Other than the windows, the desks and the floor
 3 in the science classroom, did you look at anything else?
 4 A No.
 5 Q Okay. What about in the English classroom,
 6 what did you look at?
 7 A I looked at the books; I looked at the windows,
 8 the roof and that's it.
 9 Q You said you looked at the books. What books
 10 did you look at?
 11 A The English books.
 12 Q Are these English books -- where were these
 13 English books?
 14 A They were on the shelf.
 15 Q Other than these English books on the shelf,
 16 the windows and the roof, did you look at anything else
 17 in the English room?
 18 A No.
 19 Q What about the gym, what did you look at in the
 20 gym?
 21 A I looked at the roof, at the walls and the
 22 bleachers. That's it.
 23 Q So other than the roof, the walls and the
 24 bleachers, you didn't look at anything else?
 25 A No.

- 1 Q What about the cafeteria?
 2 A I looked at the tables, the walls and the
 3 windows.
 4 Q Other than the tables, the walls and the
 5 windows, did you look at anything else?
 6 A Yes, expired milk.
 7 Q Where did you see the expired milk?
 8 A When I got my lunch.
 9 Q How did you know it was expired?
 10 A I tasted it and it smelled weird.
 11 Q Did you look at the date on the milk carton?
 12 A No.
 13 Q You didn't -- did you tell anyone about the
 14 expired milk?
 15 A No, just my friends.
 16 Q What happened?
 17 A We were just talking about it and like how we
 18 should complain. That's all.
 19 Q Okay. Other than the tables, the walls, the
 20 windows and the milk that we just discussed, is there
 21 anything else that you saw in the cafeteria?
 22 A No.
 23 Q What about the U.S. history class, what did you
 24 see there?
 25 A The books, the windows, the roof and that's it.

- 1 Q Where were the books?
 2 A On the desk.
 3 Q On what desk?
 4 A On every desk that's in the room. They were on
 5 top of the desk.
 6 Q Were the students in the desks, sitting at
 7 their desks?
 8 A Yes.
 9 Q So these are the students' books?
 10 A Uh-huh.
 11 Q Other than the books on the student desks, the
 12 windows and the roof, is there anything else that you
 13 saw in the U.S. history class?
 14 A No.
 15 Q Okay. What about your French class, what did
 16 you see is there?
 17 A I looked at the desks; I looked at the windows
 18 and the roof.
 19 Q Anything else?
 20 A That's it.
 21 Q So you just looked at the desks, the windows
 22 and the roof?
 23 A Yes.
 24 Q Okay. I'm going to ask you again about
 25 meetings you had with your attorneys in preparation for

- 1 the deposition. You said you spoke to Amy this week.
 2 Do you remember what day you spoke to her?
 3 A I don't remember.
 4 Q Do you remember about how long it was, the
 5 conversation?
 6 A No.
 7 Q And when -- other than speaking to her this
 8 week, what was the last conversation you had with an
 9 attorney?
 10 A When was the last conversation?
 11 Q Other than the conversation that you had with
 12 her this week?
 13 A The last conversation was with him.
 14 MR. LONDEN: Jack.
 15 THE WITNESS: Jack.
 16 BY MS. KOURY:
 17 Q When was that?
 18 A It was Thursday.
 19 Q Of last week?
 20 A Of this week.
 21 Q Thursday of this week. How long was that
 22 conversation?
 23 A Like an hour -- an hour and a half I think.
 24 Q And was that in person?
 25 A Yes.

1 Q And you had stated before there were other
 2 people there, correct?
 3 A Yes.
 4 Q And other than that conversation with Jack,
 5 what was the last conversation you had with one of your
 6 attorneys before that?
 7 A Before that?
 8 Q Right.
 9 A With Amy.
 10 Q And when was that?
 11 A That was the last week.
 12 Q I'm sorry. I know you had a conversation with
 13 Amy last week and then you had a conversation with Jack
 14 before that. And before Jack did you have a
 15 conversation with any of your attorneys?
 16 A No.
 17 MR. LONDEN: I don't think that exactly states the
 18 sequence he's testified to, but it's not important.
 19 MS. KOURY: Okay.
 20 Q You said you spoke to Amy on what day?
 21 A Last week.
 22 Q Do you remember what day?
 23 A I don't remember.
 24 Q Was it before you spoke to Jack or after?
 25 A Before.

1 Q Okay. Thank you. Before you spoke to Amy,
 2 when was the last conversation you had with an attorney?
 3 A Last year.
 4 Q Last year?
 5 A Yes.
 6 Q And who was that with?
 7 A Amy.
 8 Q Okay. Do you remember around when that was?
 9 A Like in July or June.
 10 Q Do you remember where it was?
 11 A Where.
 12 Q Where?
 13 A She was talking me by phone.
 14 Q Did she call you?
 15 A She called me.
 16 Q Okay. How long was the conversation?
 17 A Like a half an hour.
 18 Q Was that the first conversation you had with
 19 her?
 20 A Yes.
 21 Q Okay. How old are you?
 22 A 13.
 23 Q And what grade are you in?
 24 A Eighth.
 25 Q Eighth grade?

1 A Eighth grade.
 2 Q And how long have you -- I'm sorry, where did
 3 you live. What city do you live in?
 4 A San Pablo.
 5 Q And how long have you lived there?
 6 A For two years.
 7 Q Where did you live before that?
 8 A Daly City.
 9 Q Where is that?
 10 A It's close to South San Francisco.
 11 Q And how long did you live there?
 12 A Five years.
 13 Q Where were you born?
 14 A San Francisco.
 15 Q Okay. And did you pretty much grow up in
 16 San Francisco?
 17 A For five years.
 18 Q And where you live now who lives with you?
 19 A My family, my parents, my brother and my
 20 sister.
 21 Q So can you tell me -- your mom lives with you?
 22 A My mom, my dad, my brother and my sister.
 23 Q How old is your brother?
 24 A 17.
 25 Q How old is your sister?

1 A Five.
 2 Q How did you get to and from school?
 3 A My mom mostly drops me off.
 4 Q When your mom doesn't drop you off, how do you
 5 get to school?
 6 A I take the bus.
 7 Q And how long is your bus ride?
 8 A Like six minutes.
 9 Q Who picks -- or how do you get home from
 10 school?
 11 A My dad or my mom picks me up.
 12 Q Other than your mom or your dad picking you up,
 13 is this the only way you get home from school?
 14 A Yes.
 15 Q How long have you been a student at Helms?
 16 A Two years.
 17 Q So you --
 18 THE INTERPRETER: Counsel, the guardian has
 19 asked -- the question was how long does it take to get
 20 the school, or what were you asking?
 21 MR. LONDEN: I think we just had some background
 22 noise and difficulty hearing, as opposed to translation
 23 problems.
 24 MS. KOURY: Right.
 25 (Record read as requested.)

1 BY MS. KOURY:
 2 Q So you started Helms in the sixth grade?
 3 A Seventh grade.
 4 Q When did you start in the seventh grade?
 5 A September.
 6 Q So at the beginning of the year?
 7 A Beginning of the year.
 8 Q Where did you go to school before you went to
 9 Helms?
 10 A Garden Village in Daly City.
 11 Q And how long were you there?
 12 A For five years.
 13 Q And before that where did you go to school?
 14 A In San Francisco, Hillcrest.
 15 Q What grades were you at Hillcrest for?
 16 A Just kindergarten.
 17 Q Have you ever had a job?
 18 A No.
 19 Q Do you play any sports?
 20 A No.
 21 Q At school, are you in any clubs?
 22 A No.
 23 Q How about after school?
 24 A No.
 25 Q No after-school activities?

1 honor roll and who's not.
 2 Q And is that honor roll for the last quarter or
 3 is it for the entire semester?
 4 A For the entire semester.
 5 Q So you were on the honor roll for spring of
 6 2000?
 7 A Yes.
 8 Q And you were also on the honor roll for another
 9 semester?
 10 A Yes, but I forgot when.
 11 Q Was it at Helms?
 12 A No, it was in another school.
 13 Q Other than being on the honor roll in spring of
 14 2000 at Helms and honor roll at another school that you
 15 cannot remember, were you ever on the honor roll?
 16 A No.
 17 Q Is there any other award that you've received?
 18 A No.
 19 Q Any other type of honor in school?
 20 A No.
 21 Q Okay. When did you first learn about this
 22 case?
 23 A Thursday.
 24 Q This past Thursday?
 25 A Yes.

1 A No.
 2 Q Okay. Does your school have an English -- I'm
 3 sorry.
 4 Have you ever received any awards or
 5 scholarships?
 6 A Yes.
 7 Q What awards have you received?
 8 A The honor roll.
 9 Q When?
 10 A Last year.
 11 Q Tell me about the honor roll. What is it?
 12 A It's when you get A's and B's, no C's, no D's,
 13 no F's.
 14 Q Were you on the honor roll for the entire year?
 15 A No. I only went on it two times.
 16 Q When did you go -- when did you get the honor
 17 roll?
 18 A I think -- when?
 19 Q Yeah.
 20 A The last time was on the last quarter, like --
 21 last day of school.
 22 Q And you were on the honor roll for the entire
 23 last quarter, is that --
 24 A After I got my grades, they -- the teacher has
 25 like a list and it tells the kids like who's on the

1 Q That's the first time that you learned about
 2 this entire case?
 3 A Yes.
 4 MR. LONDEN: The question's vague.
 5 BY MS. KOURY.
 6 Q When you spoke to Amy last year, did she tell
 7 you about this lawsuit?
 8 MR. LONDEN: I'd object to -- about the content of
 9 attorney/client communication and instruct you not to
 10 answer.
 11 BY MS. KOURY:
 12 Q Are you going to follow your attorney's advice?
 13 A Yes.
 14 MS. KOURY: Would you like to stipulate that
 15 whenever you instruct your witness --
 16 MR. LONDEN: Yes, that would be fine.
 17 MS. KOURY: Okay.
 18 Q Do you know if you're a plaintiff in this case?
 19 A Yes.
 20 Q When did you first decide that you wanted to be
 21 a plaintiff in this case?
 22 A Last week.
 23 Q When did you first hear about filing a lawsuit
 24 about the conditions at your school?
 25 A Last week.

1 Q Okay. What made you decide that you wanted to
2 file a lawsuit about the conditions at your school?

3 A My school. Like because nobody else is going
4 to say anything about my school, so I want to make a
5 difference in my school. That's why I choose to do
6 this.

7 Q When did you decide to do that, to make a
8 difference about your school and file this type of a
9 lawsuit?

10 A I've been wanting to -- like to do that, but
11 you know, it was like -- it was like last week.

12 Q Who did you speak to about making a difference
13 about the conditions at your school?

14 MR. LONDEN. Again, the discussions you've had with
15 your lawyers are confidential so you don't talk about
16 what you've said to your lawyers and what they've said
17 to you, but you can talk about what you've said to other
18 people who were not there with your lawyers, okay?

19 THE WITNESS: Okay.

20 BY MS. KOURY:

21 Q Do you want me to repeat the question?

22 A Yes, please.

23 Q Other than your attorneys, who have you spoken
24 to about making a difference at your school in terms of
25 bringing this type of a lawsuit?

1 Q So the reason that we're here at this
2 deposition, the first time that you thought about this
3 was last week, bringing it --

4 MR. LONDEN: Go ahead.

5 MS. KOURY: I'm going to rephrase that question.

6 Q The first time you decided to bring an action
7 or do something about the conditions at your school
8 through attorneys was last week?

9 A Yes.

10 MR. LONDEN: The question's ambiguous. Go ahead.

11 THE WITNESS: Yes.

12 BY MS. KOURY:

13 Q A year ago when you spoke to Amy Kott, did you
14 think about bringing an action, a lawsuit?

15 A Yes.

16 Q Why?

17 A 'Cause I don't like the way my school is.

18 Q Did you do anything about it? Let me rephrase
19 that. Did you do anything to bring an action to bring a
20 demand about the conditions at your school?

21 MR. LONDEN: And again you are instructed not to
22 talk about what you've said to lawyers and what they've
23 said to you. But other than that, you can answer the
24 question.

25 THE WITNESS: Can you repeat the question, please?

1 A My friends.

2 Q Have you ever spoken to any law students from
3 U.C.L.A.?

4 A No.

5 Q Have you spoken to anyone -- do you know what
6 the American Civil Liberties Union is?

7 A No.

8 Q Do you know what the A.C.L.U. is?

9 A No.

10 Q Last year you said you spoke to Amy Kott and
11 she called you?

12 A Yes.

13 Q Had you ever spoken to anyone else regarding --
14 had you ever spoken to anyone else from her offices
15 before that?

16 A No.

17 Q Do you know how she got your phone number?

18 A No. Well -- no, I don't.

19 Q Did you talk to anyone about your conversation?

20 A No.

21 Q Do you know who you're suing?

22 A Suing?

23 Q Do you know what a lawsuit is?

24 A A lawsuit, like -- let me see. Isn't it like
25 some kind of, I don't know, like a demand or something?

1 BY MS. KOURY:

2 Q Yeah. You said that you wanted to make a
3 demand about the conditions -- I'm sorry. Let me
4 rephrase that.

5 Did you do anything to make a demand to change
6 the conditions at your school?

7 A No.

8 Q Okay. Are you aware that this is -- that this
9 lawsuit may be a class action?

10 A Yes.

11 Q Do you know what a class action is?

12 A Not really.

13 Q What's your understanding of what a class
14 action is?

15 A Like something very important or --

16 Q Okay.

17 THE INTERPRETER: Counsel, the guardian has asked
18 what a class action is.

19 MR. LONDEN: Okay, that's not a question that you
20 need to answer at this point. We'll have a chance to
21 talk during the break with the guardian.

22 BY MS. KOURY:

23 Do you know what the class definitions are in this
24 case?

25 A No.

1 Q Do you know what the subclass definitions are
 2 in this case?
 3 A No.
 4 Q Do you know if you're a representative for the
 5 class in this case?
 6 A Yes.
 7 Q Are you a representative for the class in this
 8 case?
 9 A Yes.
 10 Q Are you a representative for the subclass?
 11 A Well, what's a subclass?
 12 Q Well, actually, I'm going to have to ask the
 13 questions and not answer them, but you don't know what a
 14 subclass is?
 15 A No.
 16 Q And do you know if you're a representative for
 17 the subclass?
 18 A I don't know.
 19 Q Okay. That's okay.
 20 Do you know what your duties are as a named
 21 plaintiff in this case?
 22 A My duties are to complain about my school.
 23 Q What do you mean you have to complain about
 24 your school?
 25 A Things that I don't like about my school.

1 Q To whom do you have to complain?
 2 A To you.
 3 Q And what other -- other than complaining about
 4 the conditions at your school, what other things do you
 5 have to do as a plaintiff?
 6 A I don't know.
 7 Q That's it? Okay.
 8 Do you know if you're getting any benefits for
 9 being a plaintiff?
 10 A I don't know.
 11 Q Has anyone told you you would get something for
 12 being a plaintiff in this?
 13 A No.
 14 Q Have you been made any promises for being a
 15 plaintiff in this case?
 16 A No.
 17 Q Are you being paid any money for being a
 18 plaintiff in this case?
 19 A No.
 20 Q Do you know who's paying your attorneys?
 21 A No.
 22 MR. LONDEN: Assumes facts.
 23 BY MS. KOURY:
 24 Q Do you know if your attorneys are being paid?
 25 A No. I don't know.

1 Q Are you willing to pay for your attorney's
 2 costs?
 3 A Yes.
 4 Q Okay. Do you understand who's responsible for
 5 paying your attorney and paying the costs in this case?
 6 A My parents.
 7 Q Have you seen any papers in this case, any
 8 pleadings?
 9 A No.
 10 Q Do you know what a pleading looks like?
 11 A No.
 12 Q Okay. I'm marking and identifying as Exhibit 1
 13 the First Amended Complaint filed on August 14th, 2000.
 14 MR. LONDEN: Counsel, for the sake of copying
 15 bills, it would be fine with me to refer to this based
 16 on its name and date and the fact that it's on file in
 17 the case without requiring us to be reproduce it as an
 18 exhibit in the case, if you're willing. Otherwise we
 19 can mark it as --
 20 MS. KOURY: I'm willing.
 21 MR. LONDEN: Okay. It's been identified by you and
 22 I agree that we can forgo marking this as an exhibit in
 23 the deposition transcript and all of the copying that
 24 would go with that.
 25 MS. KOURY: Sounds good.

1 MR. LONDEN: Okay.
 2 BY MS. KOURY:
 3 Q Okay. Moises, what's in front of you, as I said
 4 before, is the First Amended Complaint. Could you
 5 review that for me, just look through it a bit.
 6 A Okay.
 7 Q Have you ever seen it before?
 8 A No.
 9 Q Have you seen any other papers that have this
 10 caption on it on the first page of this document?
 11 A No.
 12 Q I'm going to ask you some other questions now
 13 if you're done reviewing that, unless you have anything
 14 else to tell me about that document.
 15 MR. LONDEN: Well, you can ask a question and he
 16 can try to answer it, but that's not -- well, I object
 17 to that question as vague.
 18 MS. KOURY: I have no further questions about the
 19 complaint.
 20 MR. LONDEN: Okay.
 21 BY MS. KOURY:
 22 Q What type of home do you live in? Do you live
 23 in a house or an apartment?
 24 A I live in a house.
 25 Q And who lives with you?

- 1 MR. LONDEN: Asked and answered.
 2 BY MS. KOURY:
 3 Q I know who lives with you this year. Who lived
 4 with you last year?
 5 A My parents and my family.
 6 Q And your family consists of your mother, your
 7 father, your brother, and your sister?
 8 A Yes.
 9 Q And they all lived with you last year as well?
 10 A Yes.
 11 Q And how about the year before that?
 12 A My family.
 13 Q No other family members lived with you?
 14 A No.
 15 Q And the year before that?
 16 A Nobody.
 17 Q Just your immediate family?
 18 A Yes.
 19 Q Okay. What classes are you taking this
 20 semester?
 21 A I'm taking math, science, English, P.E., U.S.
 22 history and French.
 23 Q Okay. What classes did you take last semester?
 24 A This year at school?
 25 Q Right. So that would have been fall 2000?

- 1 A Yes.
 2 Q P.E.?
 3 A Yes.
 4 Q U.S. history?
 5 A World history.
 6 Q Art?
 7 A Yes.
 8 Q How about the fall of 1999, so it would have
 9 been the fall of your seventh grade?
 10 A The same classes.
 11 Q Math?
 12 A Yes.
 13 Q Science?
 14 A Yes.
 15 Q English?
 16 A Yes.
 17 Q P.E.
 18 A Yes.
 19 Q World history?
 20 A Yes.
 21 Q Art?
 22 A Yes.
 23 Q Okay. What are your core subjects this year?
 24 A This year?
 25 Q Yes.

- 1 A I took the same classes, but my seventh period
 2 class was art.
 3 Q So last semester you had seven periods and this
 4 semester you only have six?
 5 A No. My last semester's seventh period was
 6 another class, that class was art.
 7 Q Instead of French?
 8 A Yes.
 9 Q Okay. So last semester you took math, science,
 10 English, P.E., U.S. history and art?
 11 A Yes.
 12 Q How about the year before that, the spring of
 13 19- -- I'm sorry, the spring of 2000, what classes did
 14 you take?
 15 A The same ones.
 16 Q What --
 17 A Spring of 2000, last year?
 18 Q Right, you would have been in the seventh
 19 grade.
 20 A Oh. Yeah, I took the same ones.
 21 Q So you took math?
 22 A Yes.
 23 Q Science?
 24 A Yes.
 25 Q English?

- 1 A All my classes, or what do you mean by that?
 2 Q Do you know what a core subject is?
 3 A My elective or what?
 4 Q What do you think a core subject is?
 5 A I don't know what it is.
 6 Q Okay. What are your best subjects this year?
 7 A My best, U.S. history and P.E.
 8 Q Why is U.S. history your best subject?
 9 A Because it's an easy class, the tests, they're
 10 easy and the teacher's nice too.
 11 Q What makes the class easy?
 12 A The teacher.
 13 Q How does the teacher make it easy?
 14 A She gives you a lot of chances.
 15 Q What types of chances does she give you?
 16 A Like she would like -- if the test was taken on
 17 Thursday or Friday -- I mean on Thursday, and if you
 18 didn't finish it, she would like let you finish it the
 19 next day, and she -- she let's you go to the bathroom
 20 too. Other teachers don't let you. And she has a nice
 21 attitude.
 22 Q And how do you study for this class?
 23 A With notes from the U.S. history book.
 24 Q From the U.S. history book. How else does she
 25 make this class easy for you?

- 1 A That's it.
 2 Q How does she teach the class?
 3 MR. LONDEN: Vague. Go ahead.
 4 BY MS. KOURY:
 5 Q Do you understand the question?
 6 A Yeah, I understand it, but I don't know how to
 7 say specifically how, you know, she teaches the class.
 8 She teaches the class like --
 9 Q Maybe I can ask another question.
 10 What are you learning right now in that class?
 11 A We're learning about World War I.
 12 Q How did you learn about World War I?
 13 A How? From the book.
 14 Q Does she help you -- does she explain the book?
 15 A Yes.
 16 Q Have you ever not finished a test in her class?
 17 A Yes.
 18 Q And what happened?
 19 A She would let us take the test like -- she
 20 would like sometimes if she can, she would -- she would
 21 try her best for us to take the test again and I would,
 22 and I would finish it.
 23 Q And how would you study for the test?
 24 A Get notes from the book.
 25 Q Other than the notes from the book, how do you

- 1 A Yes.
 2 Q What type of worksheets?
 3 A Questions -- questions like -- that refer to
 4 the test and you know, if we get that right, it's most
 5 likely that we get -- do good on the test.
 6 Q Why?
 7 A Because the handouts are questions that are
 8 like the test.
 9 Q Okay. All right. And you said your other best
 10 class is P.E. Why is that another best class?
 11 A Because I like physical education.
 12 Q What do you like about it?
 13 A I just like it. It's a fun class.
 14 Q Is the teacher good?
 15 A Yeah, she's good.
 16 Q Why is she good? What makes her good?
 17 A She cares -- she cares for like students. She
 18 cares for most of the students in class you know. If
 19 you get tired, you know, she'll let you rest. Not like
 20 the other P.E. teachers.
 21 Q And what were your best subjects last year?
 22 A World history. Just world history.
 23 Q I'm sorry, I'm going to ask you what was the
 24 name of your U.S. history teacher?
 25 A Miss Coll.

- 1 study for the test?
 2 A That's it.
 3 Q What does she do to help you study for the
 4 test?
 5 A She gives us the page numbers on the books so
 6 we could have like -- you know, she tells us where the
 7 answers are and, you know, like she'll tell us like our
 8 notes and for that, you just study the notes and
 9 hopefully you can get your test right.
 10 Q How does she explain the book to you?
 11 A What do you mean by that?
 12 Q Does she talk about in class about what's in
 13 the book?
 14 A Yes.
 15 Q How often does she talk about what's in the
 16 book during class?
 17 MR. LONDEN: Vague.
 18 BY MS. KOURY:
 19 Q Do you understand the question?
 20 A No.
 21 Q Other than reading the book, does she provide
 22 you with any other type of information to teach the
 23 class?
 24 A No.
 25 Q Does she have any handouts, worksheets?

- 1 Q Can you spell that?
 2 A Her first name is Colleen Coll. Her first name
 3 is spelled C-o-l-l-e-e-n, and her last name is spelled
 4 C-o-l-l.
 5 Q And what is your P.E. teacher's name?
 6 A Miss Casimiro.
 7 Q And your world history teacher this year, what
 8 is her name?
 9 A This year?
 10 Q That you said it's your best subject --
 11 A Miss Coll.
 12 Q Same teacher as last year?
 13 A No. Last year's was a different one.
 14 Q I'm sorry. Let me back up. You said last year
 15 your best subjects were U.S. history and P.E. Can you
 16 tell me the name of the teacher for your U.S. history
 17 this year?
 18 MR. LONDEN: Not -- in detail, that's not the way I
 19 heard the testimony about which way was which.
 20 MS. KOURY: I'm sorry --
 21 MR. LONDEN: U.S. history is this year, world
 22 history was last year.
 23 MS. KOURY: Right, and he said U.S. history is your
 24 favorite class this year.
 25 THE WITNESS: Yes.

1 MS. KOURY: Did I misspeak?
 2 MR. LONDEN: Right. I think you said U.S. history
 3 this year and world history this year. I think that's
 4 the source of the confusion.
 5 BY MS. KOURY:
 6 Q Let me go back. This year you said your best
 7 subjects are U.S. history and P.E.
 8 A Yes.
 9 Q Your U.S. history teacher's name is?
 10 A Miss Coll.
 11 Q Okay. And your P.E. teacher's name is?
 12 A Ms. Casimiro.
 13 Q Last year your best subject was world history.
 14 Who was your teacher?
 15 A Mr. Caldera.
 16 Q What made your world history class the best?
 17 A The teacher most.
 18 Q What about him made him the best teacher?
 19 A The way he explained most of the like the
 20 things. He would like make something that seems hard in
 21 an easy what and that way it would help me a lot.
 22 Q Can you give me an example of how he would do
 23 that?
 24 A We had to do like an essay, five-page essay.
 25 He would -- for me, I thought I would like, you know,

1 never get it and never do it. He helped me, and when I
 2 stayed after school he just told me that -- he helped me
 3 a lot in it by giving me books and stuff. He would help
 4 me how to start it off and end it. And that's pretty
 5 much --
 6 Q So he would help you by helping you after
 7 school?
 8 A Yeah, and during the class too.
 9 Q And during class. What kind of books did he
 10 give you?
 11 A What kinds. World history books.
 12 Q He gave you books in addition to the textbook
 13 in the class to help you with the essay?
 14 A Yes.
 15 Q What grade did you get on that essay?
 16 A [REDACTED]
 17 Q What else about him did you like or what else
 18 about him made him the best teacher?
 19 A He was nice to most of the kids and, you know,
 20 he would -- he would like always count on you like when
 21 you're doing bad and stuff, he would just motivate you
 22 to do better.
 23 Q How did he do that?
 24 A He would like kinds of tell you like you could
 25 do it and stuff, you know, just try your hardest, yeah.

1 Q Okay. What was your worse class last year?
 2 A Math.
 3 Q What was your worse class this year?
 4 A None.
 5 Q None?
 6 A No.
 7 Q Why was your math class your worse last year?
 8 A Because the teacher -- it was because of the
 9 teacher. He would act bad.
 10 MR. LONDEN: Let me just take a minute, and we
 11 have, just for the record, objected to testimony that's
 12 individualized being available outside the scope of a
 13 protective order, and I understand that we've at least
 14 agreed in principle. That may or may not be so. I'm
 15 not asking any commitment from you personally,
 16 Ms. Koury, but I would designate the individual
 17 testimony as subject -- or the individualized testimony
 18 about Moises' performance in class as subject to a
 19 protective order. I'm just giving notice for the record
 20 that this testimony would be included in that. I'm not
 21 asking any commitment from you, but that's our
 22 intention.
 23 MS. KOURY: Sounds good. In other words, if at a
 24 later date a protective order is put in place, this
 25 would be subject to that protective order.

1 MR. LONDEN: Yeah. I haven't been involved in the
 2 discussions about where that is, and I believe you may
 3 not have been either, but I wanted to include that in
 4 the record.
 5 MS. KOURY: That you would want to have it?
 6 MR. LONDEN: A reference to this subject matter as
 7 something that's subject to that. And that's our
 8 position. Again, we don't need to delay this now about
 9 reaching any agreement about that, but I'm putting it
 10 into the record at this point.
 11 MS. KOURY: I understand.
 12 Q We were discussing the worse class, math.
 13 Can you tell me the name of the teacher?
 14 A [REDACTED]
 15 Q And why is it that this was the worse class?
 16 A Because when you did your homework, he would
 17 not collect it. You know, he wouldn't check it and he
 18 wouldn't like -- he wouldn't grade it or anything. And
 19 that's how I got like bad grades in that class.
 20 Q Would he assign homework?
 21 A No, he would just tell us to do 15 minutes of
 22 homework on what I was working on.
 23 Q Would you do your 15 minutes of homework?
 24 A Yeah, every day.
 25 Q Did you ever ask him to correct the homework?

1 A Yes, I did.
 2 Q When?
 3 A When I had like a hard homework, I didn't
 4 really understand it I'd ask him if he could check it.
 5 He did, and he said that most of it was wrong and I had
 6 -- you know, I had to do it over.
 7 Q When was this, do you remember? Was it in the
 8 fall semester or spring semester?
 9 A Kind of like in between those two, yeah.
 10 Q And what did you do after he told you that?
 11 A I told my mom and she went to go talk to him.
 12 Q And what happened?
 13 A Like he changed -- there was a big difference
 14 in him. He would check the homework.
 15 Q So after your mom spoke to him, he started to
 16 correct the homework?
 17 A Yeah.
 18 Q And you don't remember around when that was?
 19 A No.
 20 Q Did you have him for math entire year?
 21 A Yes.
 22 Q Was it before Christmas break that your mom
 23 spoke to him?
 24 A It was after.
 25 Q Was it before spring break?

1 A I don't know, or I forgot.
 2 Q It was after Christmas break, though?
 3 A Yes.
 4 Q Do you remember him correcting your homework
 5 around February?
 6 A No. I remember him correcting our homework
 7 like in March.
 8 Q So he started correcting your homework around
 9 March?
 10 A Yes.
 11 Q And did he continue to assign the same type of
 12 homework?
 13 A Yes, yeah.
 14 Q And what kind of homework was this after March?
 15 A After March, like -- it was work from the book
 16 and like he would give us dittos, like handouts of like
 17 -- a copy of a page in the book and we would take it
 18 home and then we'd work on it 15 minutes every day.
 19 Q Was this the type of homework he gave to you
 20 all year?
 21 A Yes.
 22 Q And how often did you have this type of
 23 homework?
 24 A Every day.
 25 Q What grade did you get in this class?

1 A [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 Q And then the second quarter?
 5 A [REDACTED]
 6 Q And the third quarter?
 7 A [REDACTED]
 8 Q And the fourth quarter?
 9 A [REDACTED]
 10 Q Other than that one conversation that your mom
 11 had with him, did your mother ever speak to him again?
 12 MR. LONDEN: Lacks foundation. Go ahead.
 13 THE WITNESS: No.
 14 BY MS. KOURY:
 15 Did you ever speak to him about correcting your
 16 homework?
 17 MR. LONDEN: Asked and answered.
 18 THE WITNESS: No.
 19 BY MS. KOURY:
 20 Q Is he still a teacher at your school?
 21 A Yes.
 22 Q Did you ever get extra help in this class from
 23 anyone?
 24 A After my mom talked to him, he started helping
 25 me. He started asking me if I wanted to come after

1 school so he could help me.
 2 Q What did you do?
 3 A I went after school so he could help me more.
 4 Q How long would you spend with him?
 5 A Like seven minutes. Like seven minutes, yeah.
 6 Q Seven minutes. About seven minutes every time
 7 that you saw him?
 8 A Yes.
 9 Q And how often would you stay with him after
 10 school?
 11 A At times I didn't get like the handout he gave
 12 me, I would just ask him how to do it and he would teach
 13 me.
 14 Q And about how many times would this happen?
 15 Did this happen every week?
 16 A No, not every week.
 17 Q How often?
 18 A Like -- probably like two weeks a month.
 19 Q Two weeks a month?
 20 A Yes.
 21 Q Every day for two weeks a month?
 22 A Not every day. Once a day, like -- like one
 23 day, yes and then one day no. Kind of like a pattern.
 24 Q About three times a week then?
 25 A Yes. Yeah, I'd say three times a week.

- 1 Q Do you remember when that started, that he
2 started helping you after school, around which month
3 that started?
4 A No.
5 Q Did it start after Christmas break?
6 A After Christmas break.
7 Q Did it starts before spring break?
8 A Yeah, it started before spring break, yes.
9 Q So did it start around February?
10 A I think -- I forgot.
11 Q Do you remember if it happened third quarter?
12 A Yes it happened third quarter.
13 Q Do you remember if it happened second quarter?
14 A No, it didn't happen second quarter.
15 Q So it started in third quarter?
16 A Uh-huh.
17 Q Did it happen about three times a week twice a
18 week or three times a week -- I'm sorry. Did it happen
19 three times a week every week third quarter?
20 A Yes, three times a week every quarter I think.
21 Q Three times a week every week during that
22 quarter, is that what you said?
23 A Yes.
24 Q And how about fourth quarter, did he help you
25 after school fourth quarter as well?

- 1 when they give it to you. You know, you don't know when
2 it's gonna happen so you can't study for it.
3 Q Who gives you the assessment test?
4 A Like -- the school does, the principal, I
5 think.
6 Q Does the assessment test only include math or
7 are there other subjects?
8 A Math.
9 Q Just math. What is your grade based on in your
10 math class? What was your grade based on?
11 A Based on -- I don't really understand what
12 you're saying.
13 Q You don't. What did your math teacher -- how
14 did your math teacher grade you? Was it on your
15 homework, on the assessment testing, anything else?
16 A On the homework.
17 Q Did the assessment test also -- was that part
18 of your grade?
19 A Yes -- yeah, I think it was.
20 Q How do you know?
21 A Because at times I would get -- I don't know.
22 I think it was.
23 Q When did you have an assessment test in your
24 math class?
25 A When?

- 1 A Yes.
2 Q About how many times a week?
3 A Same thing as third quarter.
4 Q So about three times a week?
5 A Yes, three times a week.
6 Q Okay. Did he ever help you before school?
7 A No.
8 Q Did he ever help any of your other friends
9 after school?
10 A Yes.
11 Q About how many of your friends?
12 A Not my friends but other kids like in other
13 class periods, like 15 are in a class trying to get help
14 from him.
15 Q Do you know if they got help?
16 A Ycs, they did.
17 Q How do you know?
18 A Like at times when I was like -- when I had to
19 leave, I would see them get the homework.
20 Q How did you study for tests in this class other
21 than the extra help that you would get from your
22 teacher?
23 A There was never tests, only like -- only the
24 tests that you don't know it's gonna happen. It's
25 called an assessment test. You have to take it like

- 1 Q Last year?
2 A Last year.
3 Q When last year did you have the assessment
4 class in your math class?
5 A It wasn't like really -- let me see. I don't
6 remember, but it was like on a Friday.
7 Q Okay. Did you have -- how many times did you
8 have the assessment test last year in your math class?
9 A Like five times, I think.
10 Q Five times. How long is the test each time,
11 about?
12 A About like 45 minutes.
13 Q About how many questions are there on the test?
14 A Thirty.
15 Q How did you do on this test the first time?
16 A They mostly like never show you your grade, but
17 there was one time where they did.
18 Q Who's -- who showed you the grade?
19 A The teacher. He passed out like our grade,
20 what we had right there on the test.
21 Q When did he do this? Last year?
22 A Last year.
23 Q And what did you get on the test?
24 A It was like thirty -- it was like thirty out of
25 -- it was like -- did good [REDACTED]

1 B-plus.
 2 Q Okay. When the teacher passed out the results
 3 of the test, what did he do with them?
 4 A I think we gave it back.
 5 Q Did he review the test with you?
 6 A No.
 7 Q Do you remember when about this was that you
 8 got t on this assessment test?
 9 A No.
 10 Q Was it beginning of the school year?
 11 A It was before spring break.
 12 Q Was it before Christmas break?
 13 A After.
 14 Q After Christmas break, okay.
 15 MR. LONDEN: When you come to a breaking point --
 16 MS. KOURY: I'm almost there.
 17 Q What makes one teacher better than another?
 18 A A good teacher -- you could tell a good teacher
 19 cares for you, and a good teacher could stay after
 20 school and help you in what you need and be -- a good
 21 teacher makes hard things easier for you by explaining
 22 in an easier way. That's pretty much it.
 23 Q How does a good teacher show you that they
 24 care?
 25 A By motivating you, by -- you know, to do

1 getting the honor roll most of -- all the time.
 2 Q I'm sorry, I didn't understand that.
 3 A Getting the honor roll.
 4 Q Oh, honor roll. Okay. And do you have
 5 computers at school?
 6 A Yes.
 7 Q Do you use the computers at school?
 8 A Yes.
 9 Q Do you have Internet access at the school?
 10 A Yes.
 11 Q Do you use the Internet?
 12 A Only when they tell us we can.
 13 Q And how often do you use the computers? Every
 14 week?
 15 A No. Like -- kind of like every week, but it's
 16 only like once a week.
 17 Q Once a week. Do you use it for any of your
 18 classes?
 19 A Yes.
 20 Q With your teachers?
 21 A Yes.
 22 Q How?
 23 A In writing like stories and stuff like that, in
 24 English.
 25 Q Other than English class, do you use it for any

1 better, and you know, they tell you that -- things that
 2 you think you don't like, you can't do, the teacher just
 3 tells you not to give up. They try their hardest for
 4 you to come after school so they can help you.
 5 Q And other than telling you that you can do it
 6 what other ways do they show you or motivate you?
 7 A That's it.
 8 Q Do you consider yourself to be a good student?
 9 A To be?
 10 Q Uh-huh.
 11 A Yeah. I could be a better student than I am
 12 right now.
 13 Q So you do consider yourself to be a good
 14 student now?
 15 A I consider myself a good student right now, but
 16 I could be a better student.
 17 Q How could you be a better student?
 18 A I don't know. I could try harder, just do more
 19 extra credit, I guess.
 20 Q Why do you consider yourself to be a good
 21 student now?
 22 A (No audible response.)
 23 Q What do you think is a good student?
 24 A A good student. A good student is a student
 25 who like does their work and -- a good student is like

1 other classes?
 2 A No.
 3 Q You don't use it for history class?
 4 A No.
 5 Q Do you use the Internet for your English class?
 6 A No.
 7 MS. KOURY: This is a good breaking point for me.
 8 MR. LONDEN: Okay.
 9 MS. KOURY: Do you want to take a break?
 10 MR. LONDEN: Yeah.
 11 (Recess.)
 12 MR. LONDEN: During the break we've conferred about
 13 whether it is necessary to keep our translator here. We
 14 had arranged for a translator to attend this deposition
 15 hoping that it would assist Moises' guardian ad litem,
 16 his mother, who is here. I understand that the
 17 translator's role is to provide complete translation,
 18 and in order to do simultaneous translation, it would be
 19 necessary to have equipment that isn't present. Sara is
 20 able to understand enough of this that we'd prefer to go
 21 forward without delaying to get equipment or asking the
 22 translator to do something that is not his customary
 23 role, so that we have agreed that our translator can be
 24 released from further attendance today and that the
 25 afternoon translator will not be necessary.

1 MS. KOURY: Sounds good.
 2 (Mr. Stoddard exits proceeding.)
 3 BY MS. KOURY:
 4 Q Moises, we just took our break and we're back on
 5 the record. Did you speak to your attorney during the
 6 break?
 7 A No.
 8 Q Did you review any documents during the break?
 9 A No.
 10 Q Is there anything that you thought of during
 11 the break that you want to tell me now to -- with
 12 respect to any of the questions that you answered before
 13 the break?
 14 MR. LONDEN: Well -- go ahead.
 15 BY MS. KOURY:
 16 Q Is there anything you would like to add to any
 17 of the answers you gave to me before the break?
 18 A No.
 19 Q We were talking about the computers at your
 20 school before we took the break. I'm going to ask you a
 21 little bit more about that. You said that your English
 22 teacher sometimes uses the computers.
 23 A Yes.
 24 Q Are there any other classes in which you use
 25 the computers?

1 A No.
 2 Q You said that you went -- you go to the
 3 computer lab about once a week?
 4 MR. LONDEN: That misstates the prior testimony,
 5 assumes facts. Go ahead.
 6 BY MS. KOURY:
 7 Q Is there a computer lab at your school?
 8 A Yes.
 9 Q How many computer labs are there, do you know?
 10 A Like the only ones I know are three.
 11 Q Have you been in all three of the labs?
 12 A Yes.
 13 Q About how often do you go into the computer
 14 labs?
 15 A I mostly only go to one.
 16 Q Which one do you go to?
 17 A The one that my English teacher always goes to.
 18 Q Where is that computer lab?
 19 A Second floor in the main building.
 20 Q How many computers are in that lab?
 21 A Thirty. Thirty or 20.
 22 Q About how often does your English teacher take
 23 you to this lab?
 24 A Once a week.
 25 Q Once a week, okay. Is this your English

1 teacher now?
 2 A Yes.
 3 Q How about last year, did your English teacher
 4 last year take you to a computer lab?
 5 A No.
 6 Q What do you do when you're in the computer lab
 7 with your English class?
 8 A He tells us to make up a story, any kind of
 9 story, and that's what we mostly do, and then we
 10 practice on typing.
 11 Q So how do you make up the story with the
 12 computer?
 13 A We go to a program and he tells us to -- she
 14 gives like a special title what we have to do a story
 15 on.
 16 Q What's the name -- is there a computer program
 17 that you use?
 18 A Yes.
 19 Q What's the name of the computer program?
 20 A Microsoft Word.
 21 Q How did you learn how to use Microsoft Word?
 22 A How? My brother taught me how to use.
 23 Q And you said he also teaches you -- or you also
 24 -- I'm sorry. You use the computer to write the stories
 25 in your English class?

1 A Yes.
 2 Q What else do you do with the computers?
 3 A That's it. Well, wait. I forgot. I made a
 4 mistake. In my math class we sometimes use computers
 5 too.
 6 Q I'm going to ask you a little bit more about
 7 the English first and then we'll talk about the math
 8 class. With the English class, you said that you
 9 practice how to type. How do you practice how to type?
 10 A There's this program called Touch Typing and
 11 then we go into it and it shows you the way you're
 12 supposed to sit and where your hands are supposed to be
 13 on the keyboard. They put -- like they put some
 14 sentences on the screen and you have to like write and
 15 try not to make any mistakes.
 16 Q Right. Is this a computer program?
 17 A Yes.
 18 Q And who taught you how to use this computer
 19 program?
 20 A My teacher.
 21 Q What's your teacher's name?
 22 A Sullivan.
 23 Q And what class does this teacher teach?
 24 A English.
 25 Q And this was this year?

- 1 A Yes.
 2 Q When was the first time that you used this
 3 program?
 4 A Last year in October.
 5 Q Last -- October 2000?
 6 A 2000.
 7 Q Okay. So this school year?
 8 A Yes, this school year.
 9 Q And in what class was that?
 10 A English.
 11 Q So how often do you use this program for
 12 typing?
 13 A Every time we go to computers we go ten minutes
 14 on that program and then we get ready to do the story
 15 that we're working on.
 16 Q And how long do you work on the story for?
 17 A For the rest of the class time.
 18 Q And how long is the class time?
 19 A I think an hour. Yeah, 45 minutes or an hour.
 20 Q So other than the typing program and making a
 21 story, is there anything else that you use -- or do on
 22 the computer?
 23 A No.
 24 Q And you said in math class you also use the
 25 computer?

- 1 A Yes.
 2 Q What year did you use the computer for math
 3 class, was it this year or last year or both?
 4 A This school year and -- when do we use it or
 5 like when did I first use it?
 6 Q When did you first use the computers for math
 7 class?
 8 A In November, I think.
 9 Q November of this school year?
 10 A Of this school year.
 11 Q In math class?
 12 A Yes.
 13 Q What did you do?
 14 A We go to math games, like -- that help us like
 15 to improve our math skills.
 16 Q Explain to me this math game.
 17 A There's a whole bunch of math games that she
 18 sometimes -- she has you go in on the math game you
 19 want, or sometimes she tells you to stay in only one.
 20 Q Is this your teacher, your math teacher?
 21 A Yes, my math teacher.
 22 Q What is her name?
 23 A [REDACTED]
 24 Q And do you know any of the names of the math
 25 games that you play?

- 1 A Some.
 2 Q Does she help you -- how does she -- how did
 3 you learn how to play the math games?
 4 A How did we learn? She told us how to -- my
 5 teacher.
 6 Q How does she teach you about the math games?
 7 A She told us to click on this program and like
 8 she told us, you know, what to do like by telling us to
 9 click somewhere, you know. That's pretty much it.
 10 Q Does she explain -- let me rephrase that.
 11 What's your favorite math game?
 12 A Math World something -- yeah, Math in the Real
 13 World.
 14 Q Can you explain to me a little bit about this
 15 game. What's it like?
 16 A You go -- like you make -- there's like --
 17 there's places where you can choose that you click on a
 18 place and there's like this guy who comes out and tells
 19 you like to help him solve some kind of problem and then
 20 you do and then you get money for it and if you get
 21 enough money you can go to the game section and you can
 22 play games.
 23 Q What kind of problem does he usually have?
 24 A Like on a math problem, he has like -- what
 25 kind of problem, what do you mean by that?

- 1 Q It's a math problem, is that --
 2 A Yes, a math problem.
 3 Q Okay. How often do you go into the computer
 4 lab with your math class?
 5 A Once a month.
 6 Q And did you go into the math lab last year at
 7 all?
 8 A Last year, of this school year.
 9 Q I'm sorry. Did you go into the computer lab
 10 with your math class last school year?
 11 A Yes.
 12 Q And the teacher's name again for that class
 13 was?
 14 A [REDACTED]
 15 Q And when did he take you to the computer lab?
 16 A Every two weeks.
 17 Q Okay. He took [REDACTED] took you to the
 18 computer lab for math class every two weeks. When did
 19 this begin?
 20 A When? After -- it was after Christmas, after
 21 the winter break.
 22 Q So you never went to the computer lab with
 23 [REDACTED] class before Christmas break?
 24 A No, we never went to the computer.
 25 Q But after Christmas break you went to the

- 1 computer lab with [REDACTED] class?
 2 A Yes.
 3 Q And how many times -- once every two weeks?
 4 A Twice.
 5 Q Are you sure?
 6 A Yeah, I'm sure.
 7 Q Okay. How long did you stay in the computer
 8 lab each time?
 9 A The rest -- the whole class time.
 10 Q And how long is the class time?
 11 A Like an hour.
 12 Q And what did you do in the computer lab with
 13 [REDACTED] class?
 14 A We worked like -- we played games, math games.
 15 Q What type of math games?
 16 A Kind of like the same games that we play now,
 17 but they were easier because I was in seventh grade.
 18 Q So the math games with [REDACTED] class are
 19 a little harder?
 20 A Yes.
 21 Q When you would have -- with [REDACTED]
 22 class, when you went to the computer lab, did you ever
 23 have questions when you were playing the games?
 24 A No.
 25 Q You never had questions about the program?

- 1 A No.
 2 Q Did [REDACTED] -- what did [REDACTED] do
 3 while you were in the computer lab? Was he there with
 4 you?
 5 A Yes. He was -- we would be looking at papers,
 6 I think.
 7 Q Did he ever explain the programs to you?
 8 A No.
 9 Q Did you ever see other kids have questions
 10 about the programs?
 11 A Yes.
 12 Q Did they ask [REDACTED] questions about the
 13 computer programs?
 14 A Yes.
 15 Q Did you see him -- what did he do when they
 16 asked questions?
 17 A He would like -- like where to go, where to
 18 click. I really wasn't paying attention to that because
 19 I was playing games.
 20 Q Right. With [REDACTED] class, when you go
 21 to computer labs, did you ever have questions about the
 22 games?
 23 A No.
 24 Q Does she ever explain any of the math problems
 25 to the class?

- 1 A Sometimes.
 2 Q About how often?
 3 A Like whenever we're working on something new in
 4 the class, she takes us to the computer lab and then,
 5 you know -- it's mostly like whenever she teaches us
 6 something new.
 7 Q What does she do when she teaches you something
 8 new?
 9 A We go to the computer lab. Only sometimes
 10 though. Like when there's something we don't know, she
 11 just teaches us.
 12 Q I need you to be a little more specific. When
 13 she teaches you something new in math class, then what
 14 does she do?
 15 A Like we will sometimes go to the computer labs
 16 and she would take us to some kind of program and tell
 17 us -- you know, in that program there was problems that
 18 we're working on the same thing in the class, and she
 19 would help us, like on the board, she would just tell us
 20 how to do problems and then we would understand it.
 21 Q She would explain it on the board in the class
 22 or in the computer lab?
 23 A In the computer lab.
 24 Q So while she's explaining it on the chalkboard,
 25 what do you do?

- 1 A We just listen. I just listen.
 2 Q And are you also using the computer?
 3 A After she's done -- like after she's done
 4 talking and saying what she has to say to us, we just
 5 keep on playing the game.
 6 Q Does it help when she explains it on the board?
 7 A Yes.
 8 Q How?
 9 A How. It helps us understand the game better,
 10 you know, the questions, they're understandable.
 11 Q What questions? The questions in the computer
 12 game?
 13 A In the computer game.
 14 Q And what kind of questions are these? These
 15 are math questions?
 16 A Math questions.
 17 Q Okay. So other than your math class and
 18 English class, do you use the computer labs for any
 19 other classes?
 20 A No.
 21 Q Not for your science class?
 22 A Only once, but we're never gonna go to it again
 23 though.
 24 Q What did you do when you went to the computer
 25 lab for science class?

- 1 A We just answered some questions.
 2 Q When was this?
 3 A In was last year, but in this school year, like
 4 in --
 5 Q So last semester?
 6 A Last semester, like in November.
 7 Q So November of 2000?
 8 A Yes.
 9 Q And what did you do at the computer lab?
 10 A I answered questions.
 11 Q What kind of questions?
 12 A Science -- like questions on what we were
 13 learning in science.
 14 Q Was it on a computer program?
 15 A I think -- yeah, I think it was.
 16 Q Do you remember the name of it?
 17 A No.
 18 Q Could you describe to me a little bit more
 19 about what it looked like or what kind of questions it
 20 had?
 21 A The questions -- you would see the questions
 22 and there would be like a space where you had to click
 23 on it, you know, to see if it was the right answer.
 24 Yeah, like that.
 25 Q And then what would happen?

- 1 A No.
 2 Q Do you know when the computer lab is open, what
 3 hours it's open?
 4 A No.
 5 Q Do you know whether you can go to the computer
 6 lab to use the computers?
 7 A After school.
 8 Q Have you ever gone after school?
 9 A No, because there's only like times where you
 10 could go, and whenever I want to go, it's always closed
 11 and you can't go inside.
 12 Q What times is it open?
 13 A I don't know. Like -- I think Wednesdays.
 14 Q You think it's only open on Wednesdays after
 15 school?
 16 A I think, yeah. Sometimes it's not even open.
 17 Q How do you know when it's gonna be open or when
 18 it's going to be closed?
 19 A My friends would either tell me like it was
 20 closed or something, you can't use it after school.
 21 Q Are the hours for the computer labs, are they
 22 written anywhere? Does anyone tell you what the hours
 23 are?
 24 A No.
 25 Q Have you ever asked anyone?

- 1 A You would go to the next question. After
 2 you're done with -- after you finish all the questions,
 3 it would tell you how much you got right and wrong.
 4 Q What else would it tell you?
 5 A That's it.
 6 Q Did it give you an explanation for the right
 7 answer?
 8 A No.
 9 Q Did it give you an explanation to any of the
 10 answers?
 11 A No.
 12 Q What did your teacher do during this session?
 13 A He would help us if like a question we didn't
 14 understand he would like -- yeah, he would help us.
 15 Q How did he help you?
 16 A He wouldn't tell us the answer but he would
 17 tell us how to do -- like how to do that problem by, you
 18 know -- yeah, by telling you how to do that problem.
 19 Q Okay. Other than your math class and your
 20 English class and this one time that you went to the
 21 computer lab for science class, have you gone to the
 22 computer lab for any other classes?
 23 A No.
 24 Q No? How about -- have you ever gone to the
 25 computer lab on your own without a class?

- 1 A No, just my friends.
 2 Q You've never asked a teacher?
 3 A No.
 4 Q When was the last time that you tried to go to
 5 a computer lab and it was closed?
 6 A Two months ago.
 7 Q What happened?
 8 A I wanted to use the, you know, the Internet,
 9 and I went after school to the computer lab and it was
 10 closed. It wasn't open so I couldn't go.
 11 Q How did you know it was closed ever?
 12 A Because it said right there. I tried to open
 13 the door, and it was closed and then I asked my friends
 14 if it was open and he said no.
 15 Q When you say it was closed, was the door
 16 locked?
 17 A It was locked.
 18 Q Do you remember which day this was of the week?
 19 A No.
 20 Q Was it a Monday?
 21 A No.
 22 Q Was it a Wednesday?
 23 A It was a Friday.
 24 Q What did you do when it was closed?
 25 A I just went to wait for my parents to pick me

- 1 up.
- 2 Q Did you tell anyone?
- 3 A No.
- 4 Q Have you ever asked anyone why it was closed or
- 5 why it's closed?
- 6 A No.
- 7 Q Why did you want to go into the computer lab?
- 8 A I just wanted to check something out on the
- 9 Internet.
- 10 Q What did you want to check out on the Internet?
- 11 A Some sports stuff.
- 12 Q Other than this time two months ago, when else
- 13 have you gone to the computer lab that it was closed?
- 14 A That's it.
- 15 Q Excuse me?
- 16 A That's it. That was it.
- 17 Q You've never gone again to the computer lab
- 18 when it's closed?
- 19 A No.
- 20 Q Do you know if your friends go to the computer
- 21 lab after school?
- 22 A Yes. Sometimes yes. That's where I heard of
- 23 going to the computer lab after school.
- 24 Q From your friends?
- 25 A My friends.

- 1 Q Do you know what they do there?
- 2 A That's it, you can use the Internet.
- 3 Q Have you ever been on the Internet before?
- 4 A Yes.
- 5 Q Where?
- 6 A In school I think, yeah.
- 7 Q When?
- 8 A Like we had free time at class -- yeah, we had
- 9 free time -- when we had free time we would go to the
- 10 Internet, but then there was only like five minutes left
- 11 so --
- 12 Q For what class?
- 13 A English.
- 14 Q How often does this happen or did this happen?
- 15 A That was the only time.
- 16 Q So one time in English class?
- 17 A Yes.
- 18 Q And what school year was this?
- 19 A School year? It was this school year.
- 20 Q This school year. So you've only used the
- 21 Internet once?
- 22 A (Nods affirmatively.)
- 23 Q Okay. Let me go back to your school courses
- 24 that you told me for this semester, spring of 2001, and
- 25 if we can just talk about your classes. We'll start

- 1 with your math class. And I think you told me your
- 2 teacher for this year is?
- 3 A [REDACTED]
- 4 Q Is [REDACTED] a good teacher?
- 5 A Yes.
- 6 Q Why do you think she's a good teacher?
- 7 A She's not really like a real good teacher, but
- 8 she's okay.
- 9 Q What about her makes her okay?
- 10 A She sometimes has a nice attitude, sometimes
- 11 she's really mean. And you know, the thing that makes
- 12 her not okay, when the class is talking, she blames the
- 13 whole class and then she gives extra homework to the
- 14 whole class, even to those kids that weren't talking.
- 15 Q What kind of extra homework does she give you?
- 16 A Math.
- 17 Q How often does this happen?
- 18 A Like whenever the kids talk, you know, they get
- 19 too loud and she just gets mad.
- 20 Q What does she do when she gets mad?
- 21 A She gives you extra homework and she starts
- 22 yelling, she gets mad.
- 23 Q How does she yell?
- 24 A She yell.
- 25 Q I mean, does she yell at any specific person?

- 1 Does she yell at the entire class?
- 2 A The entire class.
- 3 Q And about how often do you get extra homework?
- 4 About every week?
- 5 A (No audible response.)
- 6 Q How many times this semester have you gotten
- 7 extra homework?
- 8 A Two times.
- 9 Q How does she teach the class?
- 10 A How? By -- what do you mean by that?
- 11 Q Well, do you have a book in this class?
- 12 A Yes.
- 13 Q What's the book? What book is it?
- 14 A What book? It's a math book.
- 15 Q What does it look like?
- 16 A It looks -- the cover looks green.
- 17 Q Do you know the name of the book?
- 18 A No. It just says mathematics on it.
- 19 Q What are you learning right now?
- 20 A I don't know because we just finished doing the
- 21 SAT test.
- 22 Q You just finished --
- 23 A The SAT test, the ones that they hand out to
- 24 every school.
- 25 Q Is it the Stanford 9?

- 1 A Yeah, the Stanford 9.
 2 Q When did you finish taking that?
 3 A Friday.
 4 Q How long did the Stanford 9 test take, how many
 5 days?
 6 A Ten days.
 7 Q Before you took the Stanford 9, what were you
 8 studying in math? Is it long division? Multiplication?
 9 A It was on finding patterns in a problem.
 10 Q What kind of problems?
 11 A Like patterns like -- it's kind of hard for me
 12 to explain.
 13 Q Is it word problems?
 14 A Yeah, it's words problems.
 15 Q Okay. What kind of math are you doing right
 16 now, though?
 17 A What kind of math?
 18 MR. LONDEN: Vague. Go ahead.
 19 BY MS. KOURY:
 20 Q What was the last homework assignment that you
 21 had in math class that you can remember?
 22 A It was -- like we had to do some kind of
 23 pyramid on the numbers, some numbers.
 24 Q Describe to me the pyramid or what the
 25 assignment was about.

- 1 A The assignment, like you had to start -- like
 2 it was a pyramid, you had to do it on the graph paper.
 3 You had to start from one -- you had to put one on each
 4 side and from one -- it's kind of hard to explain. But
 5 it's easier if I -- you could only do it on a piece of
 6 paper.
 7 Q Were you measuring lines?
 8 A No. It was -- you had to keep on adding the
 9 numbers until the graph paper finished, until you run
 10 out of room.
 11 Q So you were adding numbers throughout the
 12 pyramid?
 13 A Yes.
 14 Q Okay. Going back to your book, you said it has
 15 a green cover and it's a mathematics book?
 16 A Yes.
 17 Q Do you know what year it was published? Does
 18 it have a year on it anywhere?
 19 A Yeah, it does, but I don't know when it was
 20 published.
 21 Q Can you just describe to me what the book looks
 22 like, what kind of condition it's in?
 23 A The condition is okay, but it looks pretty old.
 24 Q Describe to me the condition of it. Are there
 25 any pages missing?

- 1 A No, there's --
 2 Q What makes you think that it's old?
 3 A It looks kind of like -- it looks messed up
 4 from the cover, like -- it looks --
 5 Q How does the cover look messed up?
 6 A Like -- I don't know. It just looks old, the
 7 way -- you can tell the way something -- a book looks
 8 like when it's old.
 9 Q Is it just the cover that looks old?
 10 A The pictures that they show inside the book
 11 look old too.
 12 Q Let's talk about the cover. Is the cover --
 13 you said that it looked old. How does it look old?
 14 A It doesn't look really, really old, but it
 15 doesn't look new either. It just --
 16 Q Did you put book covers on your books?
 17 A Yes.
 18 Q Is there a book cover on your math book?
 19 A Yes.
 20 Q And is the cover still on -- not the book
 21 cover, but is the cover of the book itself still on the
 22 book?
 23 A Yes.
 24 Q And are any of the pages ripped in your book?
 25 A No.

- 1 Q Can you still read your book?
 2 A Yes.
 3 Q Okay. You said that the pictures in the book
 4 look old?
 5 A Yeah.
 6 Q What do you mean by that?
 7 A It doesn't look like this year's kind of
 8 pictures.
 9 Q What year do you think it looks like?
 10 A 1980s -- 1989 or something like that.
 11 Q What makes you think that?
 12 A Because new pictures look new, you know.
 13 Q Is it the picture itself that looks new, or is
 14 it someone in the picture that makes you think it looks
 15 old, or something else?
 16 A The pictures itself. Like some -- kind of like
 17 the picture itself and the person in it too.
 18 Q There are a lot of pictures in your math book?
 19 A Yes.
 20 Q Do you have your own math book?
 21 A Yes.
 22 Q Do you get to take this math book home?
 23 A Yes.
 24 Q How often do you take it home?
 25 A It's yours for the rest of the year.

- 1 Q Okay. But how often do you take it home?
 2 A How often?
 3 Q Uh-huh?
 4 A I'm supposed to leave it in my backpack until
 5 the next day we use it.
 6 Q Okay. So do you take your math book home with
 7 you at night?
 8 A Yes.
 9 Q Every night?
 10 A Yes.
 11 Q Every single night you take your math book home
 12 with you?
 13 A It's always in my backpack.
 14 Q Do you use your book at home?
 15 A Yes.
 16 Q Every night, do you use your book at home?
 17 A No.
 18 Q About how often do you use your book at home?
 19 A Whenever she assigns us a page number, like a
 20 homework page number out of the book.
 21 Q So you use your book to do the homework
 22 assignment?
 23 A Yes.
 24 Q And the assignment is in the book?
 25 A Yes.

- 1 Q How often does she assign you homework,
 2 Miss Jenkins?
 3 A Three times -- three days every week.
 4 Q Three days every week. What kinds of homework
 5 does she assign you?
 6 A Math homework.
 7 Q About how -- describe to me the types of math
 8 homework. Does she assign you problems?
 9 A Problems.
 10 Q And about how many problems does she assign you
 11 every night?
 12 A Like 30 problems.
 13 Q How long does it take you to do them?
 14 A 45 minutes.
 15 Q Okay. Other than to do homework, what do you
 16 use your math book at home for?
 17 A That's the only time I use it, to do my
 18 homework.
 19 Q The only time you use your math book is to do
 20 your homework?
 21 A Yes.
 22 Q Have you ever seen kids in class sharing a math
 23 book in this class?
 24 A No.
 25 Q So do all the other kids take home their -- I'm

- 1 sorry. Do the other kids take home their math as well?
 2 A Yes.
 3 MR. LONDEN: Lacks foundation. Go ahead.
 4 BY MS. KOURY:
 5 Q How do you know this?
 6 A Because she handed them out books to all the
 7 kids in the class in the rest of the period too.
 8 Q When you get homework from [REDACTED] when
 9 you're assigned homework from [REDACTED] do you
 10 always do it?
 11 A Yes, I always do it.
 12 Q Does she correct your homework?
 13 A Yes.
 14 Q Does she give it back to you?
 15 A Yes.
 16 Q What do you do with it?
 17 A Keep it.
 18 Q What else do you do with it?
 19 A She reviews it -- she reviews like the homework
 20 that we did.
 21 Q How does she review it?
 22 A She asks the kids like what they didn't
 23 understand in the homework, any problem they got wrong
 24 to tell her, and she would like do it on the board.
 25 Q And other than the textbook, are there any

- 1 other types of materials that [REDACTED] uses in
 2 class?
 3 A No.
 4 Q Does she use other reading materials, photocopy
 5 materials, worksheets?
 6 A Oh, yeah, she uses worksheets.
 7 Q What kind of worksheets?
 8 A Worksheets that are in the teacher's guidebook,
 9 and she gives out worksheets to the kids to finish it at
 10 home.
 11 Q How do you study for your tests in this class?
 12 A She gives us a study guide and she tell us to
 13 like study it and go over it.
 14 Q Do you study it and go over it?
 15 A Yes.
 16 Q How do you do that?
 17 A She tell us like to do those problems, to do
 18 some of those problems ourself.
 19 Q What do you do with the worksheet that she
 20 gives you? What do you do to study? You just told me
 21 what she tells you to do, but what do you do to study?
 22 A I try to do that -- yeah, I do it.
 23 Q You do what, I'm sorry?
 24 A I do the thing that she tell us to do.
 25 Q Which includes the worksheets?

- 1 A Yeah, the worksheets.
 2 Q So you do the problems on the worksheets?
 3 A Yes.
 4 Q Where do you do these?
 5 A Where? She gives us time to do it in class and
 6 then if we don't finish, we can take it home and finish.
 7 Q And if you don't finish, do you take it home
 8 and finish it?
 9 A Yeah, I take it home and finish it.
 10 Q How often do you have to take it home to finish
 11 it?
 12 A How often?
 13 Q How many tests do you have in a semester in
 14 math class?
 15 A Two.
 16 Q And before each test, does she give you these
 17 worksheets?
 18 A No. On assessment tests, like the ones that
 19 you don't know, some tests that like you don't know
 20 you're going have, you can't study. But on the tests
 21 that she makes herself to give to us, we can study.
 22 Q And there are about two tests that she makes
 23 herself?
 24 A Yes.
 25 Q And does she give you a worksheet for each of

- 1 A Yeah, I asked my brother.
 2 Q Anyone else besides your brother?
 3 A No, just him.
 4 Q Are you familiar a math lab at your school?
 5 A No.
 6 Q What grade did you get on these two math tests
 7 that you had?
 8 A Let me see, last time I got like a [REDACTED] and
 9 then the last one that we had, like most the people
 10 didn't finish it so then she told us -- she said that we
 11 could -- like we finished -- we could finish it.
 12 Q Where?
 13 A In class.
 14 Q So how did -- you didn't finish during that
 15 class period?
 16 A No, we had to do it another -- like the next
 17 day.
 18 Q Did you finish it the first day?
 19 A No.
 20 Q Did you finish it the second day?
 21 A Yes.
 22 Q What grade did you get on it?
 23 A Let's see, I forgot.
 24 Q Okay. Do you remember why you can't finish the
 25 test on the first day?

- 1 these tests before the test?
 2 A Yes.
 3 Q And this past semester or during this semester
 4 how many tests have you already had?
 5 A This semester?
 6 Q Uh-huh, since Christmas break I guess is when
 7 it started. Have you had any tests in math yet?
 8 A Yes, I had a lot of tests.
 9 Q How about tests that she made?
 10 A That she made, two.
 11 Q You've already had two tests?
 12 A Yes, so far.
 13 Q And did she give you worksheets before these
 14 two tests?
 15 A Yes.
 16 Q Did you finish them in class?
 17 A No, but I would finish them at home though.
 18 Q Did you finish both of them at home?
 19 A Yes.
 20 Q Do you ever take notes in class in math?
 21 A No.
 22 Q Have you ever asked anyone for extra help in
 23 math this year?
 24 A In the school?
 25 Q Anyone at all for math help this semester.

- 1 A Because there was too many problems and short
 2 period of time you had to finish all of them.
 3 Q Right.
 4 A It wasn't only me that didn't finish. It
 5 was --
 6 Q Most of the class?
 7 A Most the class.
 8 Q And do you think that the -- the one test that
 9 you got [REDACTED] on, do you think that that shows your
 10 ability in this class? Do you think that that's a right
 11 grade for how you perform in this class?
 12 MR. LONDEN: Vague and ambiguous.
 13 BY MS. KOURY:
 14 Q Do you understand the question?
 15 A Sort of.
 16 Q Do you think you deserved [REDACTED] in this class for
 17 that test?
 18 A Yes.
 19 Q Do you think you know what [REDACTED] student should
 20 know in math class?
 21 A Yes.
 22 Q Have you missed any math classes this semester?
 23 A Math classes?
 24 Q Yes, have you missed any of [REDACTED] math
 25 classes this semester?

- 1 A Only -- yeah, when I was absent.
 2 Q How many times were you absent this semester?
 3 A Once.
 4 Q Why were you absent?
 5 A Because I had to do some stuff.
 6 Q What did you have to do?
 7 A I had to go to a funeral.
 8 Q I'm sorry. Were you ever late for class, for
 9 [REDACTED] math class?
 10 A No.
 11 Q Okay. Is there any information in your
 12 textbook, in your math textbook that you think is
 13 missing?
 14 A No.
 15 MR. LONDEN: Lacks foundation.
 16 BY MS. KOURY:
 17 Q Do you think that because the book is old, it's
 18 not as good as a newer book?
 19 A Yes.
 20 Q Why?
 21 A Because newer books -- new books have more
 22 information.
 23 Q What kind of information do you think a newer
 24 book would have?
 25 MR. LONDEN: Lacks foundation. Go ahead.

- 1 BY MS. KOURY:
 2 Q Go ahead if you understand the question.
 3 A Can you repeat the question again, please?
 4 Q Yeah. You said a newer book would have more
 5 information. What kind of information do you think a
 6 newer book would have?
 7 A It would -- like it would explain more easier
 8 than a older book and --
 9 Q Why do you think this?
 10 A Because newer books have more -- because
 11 they're better than older books.
 12 Q Have you ever heard anyone complain about your
 13 math book?
 14 A No.
 15 Q Have you ever heard your teacher complain about
 16 the math book?
 17 A No.
 18 Q Have you ever complained to anyone about the
 19 math book being too old?
 20 A No.
 21 Q Okay. We're gonna talk about science now,
 22 Your science class this semester, who's your science
 23 teacher this semester?
 24 A [REDACTED]
 25 Q [REDACTED]

- 1 A Yeah, [REDACTED]
 2 Q Is [REDACTED] his last name?
 3 A Yeah, his last name.
 4 Q And is he a good teacher?
 5 A Yeah.
 6 Q Why do you think he's a good teacher?
 7 A He's not a really good teacher, but the thing
 8 that makes him not a really good teacher is that he has
 9 an accent and it's hard to understand what he says
 10 sometimes.
 11 Q Do you know what kind of accent he has, what
 12 language he speaks?
 13 A He speaks five different languages he says, and
 14 it's hard for him to understand when he speaks English.
 15 Q Do you ever -- what do you do when you can't
 16 understand him?
 17 A I ask him like to say it again.
 18 Q And what happens?
 19 A I understand a little -- I understand more
 20 better.
 21 Q So he repeats himself when you don't understand
 22 him?
 23 A Yes.
 24 Q What else about him makes him a good teacher?
 25 A (No audible response.)

- 1 Q How does he teach the class? Why don't we ask
 2 that.
 3 A How does teach it? He -- what do you mean by
 4 that, how does teach it?
 5 Q Okay, I'm going to go back to my first
 6 question. What makes him a good teacher? You said he
 7 was a good teacher.
 8 A I guess 'cause like he tries to help other kids
 9 and you know he -- like he tries a lot to like make kids
 10 understands what he's trying to mean by -- telling us
 11 hard things to understand.
 12 Q How does he do that? How does help you
 13 understand things that are hard?
 14 A He will just tell us what we need to know. I
 15 mean --
 16 Q What does he use to help you, or what does he
 17 use to explain things, if anything?
 18 A Nothing.
 19 Q So how does explain things to you?
 20 A He just tells us you know -- he tells us like
 21 this is how you do -- he teaches you how to do things
 22 that you didn't understand.
 23 Q What kinds of things? Are they -- are these
 24 things that come from the book?
 25 A Yes.

- 1 Q So he explains to you what's inside the book?
 2 A Yes.
 3 Q How else does he explain things?
 4 A He -- that's pretty much it. That's the way he
 5 explains.
 6 Q Does he use the chalkboard?
 7 A Yes.
 8 Q What does he do with the chalkboard?
 9 A He puts up questions and we have to answer it.
 10 Q How do you answer it?
 11 A From using the book.
 12 Q And do you volunteer -- do people volunteer or
 13 does he call on you?
 14 A No, you have to write the questions down on a
 15 separate piece of paper and then answer them.
 16 Q And how do you know if your answer is right or
 17 wrong?
 18 A I don't know. We just -- he just tell us to
 19 give it to him.
 20 Q And then what happens?
 21 A I don't know. We just give it to him.
 22 Q And then what -- do you see the question again?
 23 A No.
 24 Q Does he correct them?
 25 A I think so because he's a new teacher, that's

- 1 why.
 2 Q Do you ever learn whether you got the answers
 3 right or wrong?
 4 A No.
 5 Q Do you ever ask?
 6 A No.
 7 Q So he writes questions on the board, you write
 8 an answer; is that correct?
 9 A Yes.
 10 Q You write it on a piece of paper; is that
 11 correct?
 12 A Yes.
 13 Q And you give it to him; is that correct?
 14 A Yes.
 15 Q And you never find out whether that's the right
 16 or wrong answer?
 17 A No.
 18 Q Okay. How else does he teach you in this
 19 class? Do you have tests?
 20 A No.
 21 Q Do you have quizzes?
 22 A No, only on the -- the rest of the teachers
 23 that I had for that class, he gave us quizzes, but he's
 24 new.
 25 Q When did he start?

- 1 A Two weeks ago.
 2 Q Who did you have before that?
 3 A A teacher who was substituting like our class.
 4 He was really a history teacher.
 5 Q What's his name?
 6 A Mr. Chillcott.
 7 Q When did he start teaching you science?
 8 A When?
 9 Q Uh-huh. Did he start at the beginning of the
 10 semester?
 11 A No, like in January.
 12 Q When does your semester start?
 13 A When?
 14 Q Yeah. Like do you have first semester that
 15 starts in September and then ends in Christmas time, and
 16 then do you have second semester that starts after that
 17 and ends in summer vacation, is that how it works?
 18 A No.
 19 Q How does it work?
 20 A I don't know how it really works. I just know
 21 about the quarters.
 22 Q Oh, okay. When did your third quarter start?
 23 A Third quarter, like February.
 24 Q So Mr. Chillcott started in January at the end
 25 second quarter?

- 1 A There was a whole bunch of substitutes because
 2 our real teacher like -- he left the class.
 3 Q Okay. When did -- let's start with September.
 4 Who taught you science in September?
 5 A Mr. Bryant.
 6 Q How long was he there?
 7 A He was there until -- to like the last day of
 8 winter vacation.
 9 Q When was that? December?
 10 A December.
 11 Q Why did he leave, do you know?
 12 A He went to another job.
 13 Q Do you know, is he still a teacher?
 14 A No.
 15 Q Do you know why he went to another job?
 16 A I don't know.
 17 Q Okay. When Mr. Bryant was your teacher last
 18 semester -- or first and second quarter, was he a good
 19 teacher?
 20 A Yeah, he was -- he was okay.
 21 Q What made him okay?
 22 A He would explain things, you know, to us in an
 23 easy way, and you know, he would -- he would give us
 24 tests. I mean, he would like -- he was -- let me see.
 25 He would help us study for the tests.

- 1 Q How did he help you study for the tests?
 2 A (No audible response.)
 3 Q Did he help you in class?
 4 A In class.
 5 Q How did he help you in class?
 6 A He would give us like something to find, like
 7 some problems and questions in the book that would refer
 8 to the test he was going to give us and we had to answer
 9 those problems.
 10 Q What did you learn with him? What were you
 11 studying?
 12 A We were studying --
 13 Q You can't remember?
 14 A I can't remember.
 15 Q That's okay.
 16 A Our other teachers, the substitutes, they
 17 didn't teach us anything about science though.
 18 Q But Mr. Bryant did?
 19 A Yes, he did.
 20 Q Do you have a book in this class?
 21 A Yes.
 22 Q Actually, when Mr. Bryant left in December, was
 23 Mr. Chillcott the next teacher?
 24 A No. There was -- they kept on switching
 25 substitutes. There was a lot of substitutes and then a

- 1 lady named Miss Ray. She stayed there for a while, and
 2 then after her --
 3 Q How long -- do you know how long she was there?
 4 A Like three weeks.
 5 Q Okay. And then after Miss Ray?
 6 A Was Mr. Chillcott.
 7 Q And how long did Mr. Chillcott stay?
 8 A Until -- I think from January to April.
 9 Q And then who came after Mr. Chillcott?
 10 A Our real teacher, the other one who's gonna
 11 stay with us permanently.
 12 Q Who's that?
 13 A [REDACTED]
 14 Q [REDACTED] When you had this substitute, this
 15 Miss Ray, what did you do in class?
 16 A What did we do. We just -- she would give us
 17 like worksheets, like crossword puzzles or stuff like
 18 that.
 19 Q Did she give you -- were they science related?
 20 A No. She would make us read and --
 21 Q What would you read?
 22 A We would just read the books that we had.
 23 Q What books?
 24 A The science books.
 25 Q And did you read them?

- 1 A Yeah.
 2 Q What else would she do?
 3 A She would -- we would watch science movies.
 4 Q Science movies?
 5 A Yeah, National Geographic, I guess.
 6 Q Okay. What else would she do?
 7 A We would do like -- that was pretty much it.
 8 Q Okay. How about Mr. Chillcott, what did you do
 9 when he was teaching the class?
 10 A He would try his best to teach us what we were
 11 supposed to be learning.
 12 Q How would he do that?
 13 A How? He would use the books that we had and we
 14 had to answer questions that were in the book and he
 15 would teach us how to do those problems.
 16 Q Did you like Mr. -- did you think he was a good
 17 teacher, Mr. Chillcott?
 18 A He was okay.
 19 Q Did you do the problems?
 20 A Yes.
 21 Q Other than going through the book with you --
 22 did he go through the book with you? Would he review
 23 the book with you? How would he review the book?
 24 A He would just like read it -- we would all read
 25 like together, the whole class would read together like

- 1 in some part on the book, and then we would answer the
 2 questions on what we read.
 3 Q Did you ever have questions about it?
 4 A No.
 5 Q Did any of the other students ever have
 6 questions?
 7 A No.
 8 Q No one ever had questions in class?
 9 A Some did.
 10 Q Did he answer the questions?
 11 A Yeah, he would answer 'em.
 12 Q Okay. What kind of book do you have in this
 13 class?
 14 A Science book, but -- yeah, science book.
 15 Q What does it look like? What's the name of it?
 16 A Life Science.
 17 Q Is it just one book that you have in this
 18 class? Do you have more than one book?
 19 A It's two books, yeah, two books.
 20 Q So one of the books is Life Science. What's
 21 the other book?
 22 A Physical Science.
 23 Q Can you describe to me the Life Science book
 24 that you have, what does it look like?
 25 A It's messed up. The books -- some books don't

- 1 even have covers.
 2 Q What else is wrong with it?
 3 A The pages are torn out.
 4 Q What else?
 5 A There's a lot of writing on the pages.
 6 Q What else?
 7 A That's it. Some with covers, the covers are
 8 bent.
 9 Q Anything else?
 10 A That's it.
 11 Q For the Life Science book, do you have your
 12 only book?
 13 A No. The Life Science -- the Physical Science
 14 or --
 15 Q I'm sorry, we were talking about the Life
 16 Science book, weren't we?
 17 A Yes.
 18 Q. The Life Science book, do you have your own
 19 book?
 20 A No.
 21 Q Is it -- describe to me, how is it assigned,
 22 how are the books given to you or assigned to you?
 23 A You have to -- there's a pack of the Life
 24 Science books like a whole bunch and then you have to --
 25 sometimes there's not a enough for the whole class.

- 1 Q Where -- where are the books?
 2 A On top of a shelf.
 3 Q So when do you get the book?
 4 A When the teacher asks us to find definitions on
 5 some words.
 6 Q So you don't use the book every day?
 7 A No.
 8 Q So at the beginning of the year did -- were you
 9 assigned a Life Science book?
 10 A Yeah, the Life Science book we had and then
 11 Mr. Bryant bought us -- he bought some new books, but
 12 then when he left, they took those new books away. Some
 13 other teacher took 'em away.
 14 Q Okay, let's back up a little. When you started
 15 the school year, you had Life Science books?
 16 A Yes.
 17 Q And someone -- who assigned you the books?
 18 A Who assigned us the books.
 19 Q Who gave 'em to you?
 20 A Mr. Bryant.
 21 Q How did he give them to you?
 22 A How? He would just --.
 23 Q Think of the first day of school when you first
 24 got your Life Science book. What happened?
 25 A Nothing. It's like we can't take it home or

- 1 anything. It's always in the shelf. You always have to
 2 go up there and get it yourself.
 3 Q Did you use the Life Science book the first day
 4 of school, do you remember?
 5 A No.
 6 Q How often do you use the Life Science book?
 7 MR. LONDEN: First semester still?
 8 BY MS. KOURY:
 9 Q Let's talk about first semester, how often did
 10 you use it?
 11 A Mostly every day.
 12 Q Okay. During class you used it every day?
 13 A During class.
 14 Q And when you use it, how do you get the book?
 15 A How do I get it?
 16 Q How do you get it?
 17 A You have to --
 18 Q What do you do?
 19 A The teacher tells us to get the books from the
 20 shelf, and that's what I do. I get the books from the
 21 shelf so I could use the book.
 22 Q Okay. Think of the last time you used the Life
 23 Science book in class, when was it?
 24 A Last week.
 25 Q The teach- -- what happened?

- 1 A We were supposed to look for definitions on the
 2 word -- on words.
 3 Q And then what happened?
 4 A Some words weren't on the Life Science book
 5 because they were too old and the new ones, like most of
 6 the words were on the new book, but then the new book,
 7 there's not enough for everybody.
 8 Q Okay. Well, what happened -- I'm going to back
 9 you up a little bit and ask you to describe to me what
 10 happened. Your teacher asked you to look up a
 11 definition, so then how did you get the book? How did
 12 you and all the students in your class get the book?
 13 A It was there already in the class.
 14 Q Where?
 15 A It was behind some shelves.
 16 Q And what did you do to get the book?
 17 A The teacher took 'em out and he put 'em out on
 18 the table and then we had to get it ourselves.
 19 Q Did everybody have a book to use in class?
 20 A Yes.
 21 Q Did anyone have to share a book?
 22 A Yeah, sometimes.
 23 Q No, this specific time that you're telling me
 24 about, did anyone have to share? The last time that you
 25 used the Life Science book did anyone have to share the

1 book that you remember?

2 A No.

3 Q Did you have your own book?

4 A Yes, not my own book.

5 Q Did you have your own book to use in class?

6 A Yes.

7 Q Okay. And then what happened? He asked you to
8 look up a definition of a word?

9 A That was last week. He told us to look up for
10 a word like, you know, words we were, but they were like
11 -- I was using the old book because I couldn't find any
12 other new books, and then the old books didn't have the
13 new words in this because like -- I mean, some words in
14 it because it's too old, and only the new ones did. And
15 other kids had the new ones, so there was only five new
16 books in the classroom.

17 Q Are the new books that you're talking about,
18 are those Life Science books?

19 A Physical.

20 Q So he asked you to look up a word and you
21 looked -- either you have a choice of looking 'em up
22 either in the Life Science book or the Physical Science
23 book?

24 A Yeah, but it's like you have to get -- you have
25 to like get the Physical Science -- you have to like

1 good condition?

2 A Yeah, really good condition.

3 Q Do you know how old the Life Science books are?

4 A 19- -- 1950 or 1949.

5 Q How do you know that?

6 A Because I was looking it up last time.

7 Q When?

8 A Sometime like three weeks ago I was looking in
9 the -- like what year it was made, and I saw 1949.

10 Q So when Mr. Bryant was teaching your class
11 last semester, how often did you use the books, whether
12 it be the Life Science book or the Physical Science
13 books? Did you use the books every day?

14 A Yes, we used the Life Science, but then he
15 bought us new books, but then we don't have those books
16 anymore because some other teacher took 'em.

17 Q When did he buy you new books?

18 A Like a month before he left.

19 Q And he left in December, so he bought you new
20 books in November?

21 A Yes.

22 Q Okay. Before November, you only had the Life
23 Science and the Physical Science books. Did you use
24 these books every day in class?

25 A Yes.

1 race to get it, and if you don't get it, then you end up
2 with the old book.

3 Q Which is the Life Science book?

4 A Yes.

5 Q Okay. And there's only five -- how many
6 books? How many Physical Science books are there in
7 your class?

8 A Like five.

9 Q And how many Life Science books are there?

10 A 20, yeah.

11 Q Our than the Life Science books and the
12 Physical Science books, are there any other books in
13 your science class?

14 A No.

15 Q So you were describing to me the Life Science
16 book and you said that the covers were messed up, the
17 pages are torn out, there's writing, and the covers when
18 they are on the book are sometimes bent?

19 A Yes.

20 Q What about the Physical Science books, what do
21 they look like?

22 A They're new. They're brand new.

23 Q Do you know how old they are?

24 A No, but they're new though.

25 Q Are they -- would you say they're in really

1 Q How did you use them?

2 A By answering questions.

3 (Discussion held off the record.)

4 (Lunch Recess.)

5 BY MS. KOURY:

6 Q We're just coming back from our lunch break.
7 Is there anything that -- did you review any documents
8 during the lunch break?

9 A No.

10 Q Did you talk to anyone during your lunch break?

11 A Yes.

12 Q Did you talk to your lawyer during your lunch
13 break?

14 A Yes.

15 Q Is there anything that you'd like to add to
16 some of your former answers that you thought about
17 during the lunch break?

18 A No.

19 Q Did you consume any medicine during the lunch
20 break?

21 A No.

22 Q Any alcohol?

23 MR. LONDEN: French fries.

24 BY MS. KOURY:

25 Q Anything?

1 A No.

2 Q We were talking before the break about your
3 science class. I'm just going to ask you a couple more
4 questions about that.

5 You were telling me that the last time you went
6 to use the Life Science book, the teacher asked you to
7 look -- you had to look up a definition and you couldn't
8 find it in the Life Science book. Could you explain to
9 me again that situation that happened?

10 A Yes. He told us to find some words and then --
11 out of the old book, and I was looking for the
12 definitions in there in the book and it didn't have
13 the -- like most the words there, so I had to use the
14 other -- the new book, the Physical Science one, and you
15 know, I had to borrow it from my friends so I could get
16 the answer down from the new book.

17 Q And did you borrow it from your friends?

18 A Yes.

19 Q And what happened?

20 A I answered my questions -- I answered my
21 questions.

22 Q Okay. And what -- when Mr. Bryant was teaching
23 your class last semester, first and second quarter, did
24 he use -- you were beginning to tell me, how often did
25 he use the book?

1 A It was on top of the table.

2 Q So you would walk into the class, pick up a
3 book and sit down, is that what would happen?

4 A No, we would sit down and then he would tell us
5 get our books and then we would sit down.

6 Q Was there a book for each student in the class?

7 A Yes.

8 Q Did you have a book in class to use?

9 A Yes.

10 Q Did you ever have to share this book with
11 someone else?

12 A No.

13 Q Did you ever see other students sharing this
14 book with other people?

15 A No.

16 Q And you said the Life Science book -- did you
17 also have a Physical Science book in September and in
18 October?

19 MR. LONDEN: The question's ambiguous.

20 Go ahead.

21 BY MS. KOURY:

22 Q Were there Physical Science books in the
23 classroom in September and October?

24 A No.

25 Q When did you get the Physical Science book?

1 A Mostly every day.

2 Q So would you use a book every day?

3 A Would I, yes.

4 Q Did you use the book every day, I should ask?

5 A Yes.

6 Q Yes.

7 And how did that work? When did you get the
8 book, when the class started?

9 A The Life Science one?

10 Q The books in your science class, when
11 Mr. Bryant was teaching you, it was the Life Science
12 book and the Physical Science book?

13 A There was the Life Science book and another
14 kind of science book, but then we don't have it anymore.

15 Q That other kind of science book, is that the
16 science book that Mr. Bryant bought in November?

17 A Yes.

18 Q Before November, in September and October, what
19 books would you use in science class?

20 A The Life Science one.

21 Q Did you use it every day?

22 A Yes.

23 Q How did you get the book every day?

24 A How?

25 Q Where was the book?

1 A Physical Science book, the one that I have
2 right now?

3 Q Yes.

4 A When my new teacher came in the last two weeks.

5 Q So M [REDACTED]

6 A [REDACTED]

7 Q Mr. [REDACTED] brought the new Physical Science
8 books?

9 A Yes.

10 Q And how many copies of the Physical Science
11 books are there?

12 A Like five.

13 Q So going back to September and October with

14 Mr. Bryant, you had the Life Science book. You
15 described to me earlier the conditions of this book, and
16 you said that they're generally --

17 MR. LONDEN: Messed up.

18 MS. KOURY: Right.

19 Q Sorry. That's what you said.

20 Do you use the same book every day or do you
21 use a different book every day? Is it the same copy of
22 the book? Are you specifically assigned one copy to use
23 every day of the Life Science book?

24 A Yes.

25 Q When were you assigned a specific book of the

- 1 Life Science book?
- 2 A We were -- what do you mean by that?
- 3 Q When you go in the class and then you sit down
- 4 and the teacher tells you to go get a book, do you go
- 5 and get any one of the books or do you have one specific
- 6 copy that is assigned to you?
- 7 A Oh, he tells us to -- like to get our books and
- 8 we have to -- like whoever -- you have to race to get
- 9 the best book which is the new one. So you have to
- 10 either, like -- could either use both of them.
- 11 Q Both of what?
- 12 A Both the Physical Science book and the other
- 13 one.
- 14 Q I'm talking about September and October. You
- 15 didn't have the Physical Science book back then, right?
- 16 A No.
- 17 Q You just had the Life Science book, right?
- 18 A Yes.
- 19 Q And when the teacher tells you to get the book,
- 20 you just choose any one of the books that's there; is
- 21 that correct?
- 22 A Yes.
- 23 Q Okay. Have you ever had a Life Science book
- 24 that you were not able to read?
- 25 A Read? Like -- no.

- 1 Q So you're able to read the book?
- 2 A Yes.
- 3 Q Have you ever had a Life Science book with
- 4 pages torn out?
- 5 A Yes.
- 6 Q When?
- 7 A When?
- 8 Q When?
- 9 A Mostly every time I get a Life Science book
- 10 it's always in bad condition, most the pages are ripped
- 11 out.
- 12 Q Okay. I'm going to ask you, have you had --
- 13 about how many times have you seen a Life Science book
- 14 in class with pages torn out?
- 15 A Every time I go in class I see it.
- 16 Q That you use, the books that you specifically
- 17 use? Not that the other students are using, the books
- 18 that you use in Life Science, how many times have you
- 19 used a Life Science book with pages torn out?
- 20 A Like ten times.
- 21 Q Ten times this school year?
- 22 A Yes, this school year.
- 23 Q Okay. About how many times have you used a
- 24 Life Science book that has writing inside of it?
- 25 A Seventeen.

- 1 Q About 17 times this school year?
- 2 A Yes.
- 3 Q When the pages are torn out and you're using
- 4 the book, what do you do?
- 5 A I look for a better one.
- 6 Q Do you usually find a better one?
- 7 A No.
- 8 Q So then what do you do?
- 9 A I just stay with that book.
- 10 Q Has there ever -- what happens while you're
- 11 studying in class when a page is torn out?
- 12 A I have to share a better book with somebody
- 13 else.
- 14 Q How many times have you shared a better book
- 15 with somebody else?
- 16 A Seven times.
- 17 Q Seven times?
- 18 A Yes.
- 19 Q When?
- 20 A When?
- 21 Q This school year? Seven times this school
- 22 year?
- 23 A This school year.
- 24 Q When there's writing in the book, you said
- 25 there's about 17 times that you've seen writing in the

- 1 Life Science book, can you specifically remember the
- 2 last time that you had a Life Science book with writing
- 3 inside of it?
- 4 A Thursday.
- 5 Q Where was the writing in the book?
- 6 A It was on the pages and on the cover.
- 7 Q Do you know what was written?
- 8 A What was written?
- 9 Q Yeah, what was written on the book?
- 10 A Cursing words and all -- bad things and
- 11 gangster signs and all these kind of -- all these kinds
- 12 of stuff.
- 13 Q Where is the writing on the book?
- 14 A It's more on the cover and inside the pages.
- 15 Q Where inside the pages is the writing?
- 16 A Where?
- 17 Q Where on the page is the writing?
- 18 A Mostly -- mostly on the ends, like on the end
- 19 of the book.
- 20 Q What do you mean by "end of the book"?
- 21 A Let me see. Like -- kind of like at the end of
- 22 the page, or at the first page there's always writing on
- 23 it.
- 24 Q How about in the middle of the book, on the
- 25 pages throughout the middle of the book, is there

- 1 writing?
- 2 A Yes, there's writing.
- 3 Q Where on the page is the writing? Is it on top
- 4 of the text written on the book or is it in the margins?
- 5 A It's on the margins.
- 6 Q Do you know why after Mr. Bryant left, your
- 7 school couldn't find another teacher until [REDACTED]
- 8 came?
- 9 A Because -- I don't know. Most teachers, they
- 10 don't want to work there I guess.
- 11 Q Are you guessing or do you have reason to
- 12 believe that?
- 13 A I have reason to believe it.
- 14 Q Why do you believe that most teachers didn't
- 15 want to teach there?
- 16 A Because Mr. Chillcott told us.
- 17 Q What did Mr. Chillcott tell you?
- 18 A He said that right now it's hard to find a real
- 19 teacher, because most teachers don't want to work in
- 20 that school.
- 21 Q Did he say anything else?
- 22 A No, that's it.
- 23 Q Do you know why -- do you have any reasons why
- 24 you think teachers don't want to work there?
- 25 A No.

- 1 MR. LONDEN: Lack of foundation.
- 2 BY MS. KOURY.
- 3 Q Other than the Life Science book, Mr. Bryant
- 4 also bought you five copies of a Physical Science book
- 5 in November?
- 6 A Five copies, no.
- 7 Q Did you say -- how many? I'm sorry, I
- 8 misspoke.
- 9 What books did Mr. Bryant buy for you in
- 10 November?
- 11 A He bought some Earth Science books.
- 12 Q Do you know how many copies he bought?
- 13 A I don't know, but most of the students had a
- 14 copy of a book.
- 15 Q Do you know about how many students are in your
- 16 class?
- 17 A Like 30 or 28.
- 18 Q Did Mr. Bryant -- how did Mr. Bryant teach his
- 19 class? What did he use to teach his class?
- 20 A He mostly used the new books.
- 21 Q How did he use them?
- 22 A He would tell us to read, like, a separate --
- 23 like three pages, and then out of those three pages that
- 24 we read, we had to go to the questions in back of --
- 25 like after we read, we had to answer some questions.

- 1 Q Did you ever take the -- did you ever -- okay.
- 2 What else did he do besides that to teach the
- 3 class? Did he give you tests?
- 4 A No.
- 5 Q You never had a test with Mr. Bryant?
- 6 A Yes, I think -- yes, we did.
- 7 Q How many tests?
- 8 A The last one I remember was only one.
- 9 Q And when was that?
- 10 A November, I think, yeah.
- 11 Q Do you remember what grade you got?
- 12 A No.
- 13 Q Did he assign homework?
- 14 A Yes, at times he would assign homework.
- 15 Q What kind of homework did he assign?
- 16 A Science homework. He would give us handouts
- 17 for us to finish at home.
- 18 Q Did you do your homework when he'd give it to
- 19 you?
- 20 A Yes.
- 21 Q About how many times did he give you homework?
- 22 A Once a week.
- 23 Q How long did it take you to finish your
- 24 homework?
- 25 A Not that long. Probably, like, in 35 minutes.

- 1 Q What would happen after you turned in your
- 2 homework?
- 3 A Nothing.
- 4 Q I'm going to take a step back.
- 5 Did you turn in your homework?
- 6 A Yes.
- 7 Q Nothing would happen after you turned it in?
- 8 A He would just see if you did your homework, and
- 9 then he would check it off, and give you points for it.
- 10 Q Did he correct your homework for you?
- 11 A I think we would -- we would go over it.
- 12 Q When would you go over it?
- 13 A After he would check if we did our homework.
- 14 Q During class?
- 15 A During class, yes.
- 16 Q How would you go over it?
- 17 A How? The whole class -- he would just, like,
- 18 ask a person who did their homework, like, what was the
- 19 answer for No. 1 or something, and if they got it right,
- 20 you know, he tells the whole class. You know, that's
- 21 pretty much it.
- 22 Q Other than the worksheets that he would give
- 23 you, did he give you any other types of homework?
- 24 A No.
- 25 Q Did he give you any other types of materials

- 1 other than the Earth Science book?
 2 A No.
 3 Q You never had any handouts, photocopies?
 4 A For homework?
 5 Q No, in class or to take home?
 6 A Yeah, in class we had handouts.
 7 Q What kind of handouts?
 8 A Handouts that were --
 9 Q What were in the handouts?
 10 A Questions.
 11 Q Questions -- what were the questions about?
 12 A They were about science, what we were learning
 13 on.
 14 Q And what did you do with these handouts?
 15 A We had to finish 'em in class.
 16 Q What would happen if you didn't finish 'em in
 17 class?
 18 A Take 'em home and finish them.
 19 Q How often did you not finish them in class and
 20 have to take 'em home?
 21 A I would mostly finish it in class.
 22 Q Did you ever have to take a worksheet home?
 23 A No.
 24 Q Other than the handouts with the problems on
 25 them, were there any other types of handouts that

- 1 Mr. Bryant gave in class?
 2 A No.
 3 Q Any other photocopies?
 4 A No.
 5 Q Any other materials whatsoever?
 6 A We would sometimes do experiments.
 7 Q What kind of experiments?
 8 A Experiments like -- like on pressure.
 9 Pressure, yeah, and --
 10 Q How did you do the experiment for pressure?
 11 A I forgot. There was this other one with ion
 12 explosives and -- yeah, we did that one.
 13 Q So there were two experiments, pressure and
 14 explosives. Were there any other experiments that you
 15 did with Mr. Bryant?
 16 A Well, yes. We had to go outside and make paper
 17 airplanes and fly 'em and see, like -- we had to make
 18 'em into some kind of shape so they could go straight,
 19 and you had to do another kind of shape that would go in
 20 circles.
 21 Q Was he teaching you something about science
 22 with those paper planes, something you were learning in
 23 class?
 24 A Yeah, something about -- I forgot. Like on --
 25 Q But it was something that you were learning in

- 1 class from your book?
 2 A Yes, it was something we were learning in
 3 class.
 4 Q When you were working on the experiment dealing
 5 with explosives, did he use materials other than the
 6 textbook and worksheets? Did he use certain materials
 7 to do this experiment?
 8 A Yes, he used a balloon and a lighter and a
 9 metal strip.
 10 Q What did the students do while he was using
 11 this?
 12 A We were just sitting down and watching him do
 13 the experiment.
 14 Q Did you make an experiment yourself with all
 15 these materials?
 16 A He just showed us, like, how something works.
 17 Q What about the experiment to teach you about
 18 pressure, did he use any materials for that?
 19 A Yeah, I think he -- yeah, he used some
 20 materials. I forgot what they were though.
 21 Q What did you students do while he was doing
 22 this experiment?
 23 A We had to, like, watch and, like -- to see what
 24 he was, like, trying to teach us and stuff.
 25 Q Did you use any of the materials and make an

- 1 experiment yourself --
 2 A No.
 3 Q -- or did you just watch?
 4 A We just watched.
 5 Q How about the paper planes, what materials did
 6 he use for that?
 7 A Paper.
 8 Q Is that it?
 9 A Yes, just paper.
 10 Q Did you make a paper plane as well?
 11 A Yes.
 12 Q Did every student make a paper plane?
 13 A Yes.
 14 Q Were there any other experiments that he did?
 15 A No.
 16 Q So how did you study for this class?
 17 A Study? We didn't really study. He just mostly
 18 did work during class.
 19 Q And you also had homework, right?
 20 A Yes.
 21 Q Did you ever take any books home to do
 22 homework?
 23 A No.
 24 Q Did you ever want to take a book home?
 25 A No.

- 1 Q Do you know if any of the other students in
2 your class ever took a science book home?
3 A No.
4 Q Do you know if anyone ever asked to take a book
5 home?
6 A No.
7 Q Did you ever hear anyone complain about the
8 science books?
9 A Yes.
10 Q Who?
11 A Mr. Chillcott and a lot of kids -- a lot of my
12 friends were complaining about the book, the Life
13 Science book. How we should have new books for the
14 whole class.
15 Q What did Mr. Chillcott say about the books?
16 A He said that these books were like -- were
17 seventh grade books and, you know, we weren't supposed
18 to use those books.
19 Q Who did he say this -- did he say -- who did he
20 say this to?
21 A To the whole class.
22 Q And what did the kids -- you said the kids
23 complained about the book, too?
24 A Yes.
25 Q Who did they complain to?

- 1 Q When, the same day that you took the test or
2 before?
3 A Before.
4 Q When before?
5 A When?
6 Q How much -- or let me rephrase that.
7 You studied for the test by looking at your
8 notes about questions that you answered before the test;
9 is that correct?
10 A Repeat it again, please.
11 Q Actually, why don't you just explain to me what
12 these notes are. I'm not sure I understand what the
13 notes are.
14 MR. LONDEN: I'm not sure he used the word "notes."
15 I think he said he studied his work.
16 MS. KOURY: Work, I'm sorry.
17 Q Can you explain to me what work you're
18 referring to?
19 A Work that we had to do in class, and after we
20 did it, we took it home to study it for the test.
21 Q Describe for me this work. How much was it?
22 How many pages was it?
23 A It was handouts of, like, questions referring
24 to the test.
25 Q How many handouts?

- 1 A They complained to [REDACTED], saying that we
2 need like new books for the whole class.
3 Q When was this?
4 A About two weeks ago.
5 Q What did [REDACTED] do or say?
6 A He said -- he just didn't -- he said -- he
7 like -- he doesn't know why we don't have enough new
8 books for the class.
9 Q How many tests did you say you had in science
10 with Mr. Bryant?
11 A One.
12 Q Did you study for this test?
13 A Yes.
14 Q How did you study?
15 A We were, like -- the notes -- they were notes,
16 but the work that we did, we had to -- like the answers
17 for the test were mostly on there, so we had to study.
18 Q What notes? Did you say that you studied your
19 notes?
20 A No, they weren't notes, but they were like work
21 that he did, work -- like questions that we answered.
22 Q What questions, or when did you answer these
23 questions?
24 A I answered 'em like before we took the test.
25 We had to answer these questions from the book.

- 1 A Two.
2 Q When did you receive these handouts?
3 A When? Before we took the test.
4 Q How much -- a week before? A month before?
5 A Like a week before.
6 Q Did you receive both handouts together?
7 A No. We had to finish one handout first, and
8 then after we finish that one, we had to go to the other
9 one.
10 Q When did you receive the first handout?
11 A When? A week before the test.
12 Q And then when did you receive the second
13 handout?
14 A Three days later.
15 Q So other than these two handouts that you used
16 to study, what else did you use to study for the test?
17 A That's it.
18 Q What was on the test?
19 A The test?
20 Q What did it cover?
21 A It covered, like, what we were learning, what
22 we did for the past couple of weeks.
23 Q How did you do on the test?
24 A I forgot, 'cause -- I think I got like a [REDACTED]
25 or something.

- 1 Q Did you like Mr. Bryant? Did you think he was
2 a good teacher?
3 A Yeah, he was an okay teacher.
4 Q Why do you think he was an okay teacher?
5 A He had a good attitude and he treated most
6 kids -- all the kids, you know, with respect, and he
7 would -- he would help a lot of kids and make time for
8 kids and stuff for us right after school sometimes.
9 Q How do you think he could have been a better
10 teacher?
11 A He was good the way he is -- he was.
12 Q So there's nothing that you would have wanted
13 him to do differently?
14 A No.
15 Q How many times have you missed your science
16 class this year, this entire school year?
17 A This entire school year? Two times, I think.
18 Q Two times?
19 A Yes.
20 Q Why did you miss them?
21 A Mr. Bryant quit --
22 Q No, the entire year. The entire school year,
23 how many times have you missed science?
24 A Well, because I was sick and then because I had
25 to do -- I had to go to a funeral.

- 1 Q Okay. And how many times have you been late,
2 if any, for science class this year?
3 A I haven't been late.
4 Q Okay. All right. I'm going to ask you some
5 questions now about English class this school year.
6 Who's your English teacher this year?
7 A [REDACTED]
8 Q Do you like her? Is she a good teacher?
9 A Yeah, she's okay.
10 Q Why do you think -- I'm sorry, did you say
11 she's a good teacher or she's okay?
12 A She's okay.
13 Q Why do you think she's okay?
14 A She's very nice. She starts -- she's very
15 nice, but then the kids in class get too wild and she
16 really doesn't do anything about it. She just let's 'em
17 act the way they act.
18 Q What do you mean the kids get wild?
19 A They get all loud and stuff, and she tells 'em
20 to be quiet and they just don't listen. She doesn't
21 even try.
22 Q What do you want her to do?
23 A I want her to act more strict like -- not too
24 strict, but more strict to the other kids. To care.
25 Q Have you ever told her?

- 1 A No.
2 Q Have you ever said anything to her?
3 A (Nods negatively.)
4 Q Have you told anyone that you want her to act
5 more strict?
6 A No.
7 Q Have any of the other students said anything to
8 her about acting more strict?
9 A No.
10 Q What are you learning in this class right now,
11 in English?
12 A English right now?
13 Q Uh-huh. Are you reading anything?
14 A Right now we're just learning about --
15 Q What's the last book that you read in English?
16 A It was on a book -- it was on a magazine. Like
17 it wasn't really a book. It was called "My Wife and
18 Kids," and we read it off a magazine.
19 Q What was it about?
20 A About a kid learning -- saying that he got an A
21 and he really got an F.
22 Q What books do you use in English class?
23 A English? We use two books.
24 Q What are they?
25 A What are they?

- 1 Q Uh-huh.
2 A They're English books.
3 Q Do you know the names of the English books?
4 A No.
5 Q What kind of books are they? Is one of them a
6 grammar book?
7 A No. I think one -- one is reading literature
8 and the other one -- I forgot what the other one was.
9 Q You have no idea -- okay.
10 What about the reading literature book, what's
11 in it? What kind of materials are in it?
12 A There's stories in it, and then after the story
13 there are, like, questions that you have to answer on
14 the story.
15 Q And the other book you can't remember at all
16 what's in it?
17 A (Nods negatively.)
18 Q Did you use the same books this semester or
19 this quarter, third quarter, and last quarter, the first
20 and second quarters?
21 A Yes.
22 Q And is it the same teacher that taught you
23 English the entire school year?
24 A Yes.
25 Q With the reading literature book, can you

1 describe to me the condition of the book? What does it
2 look like, the outside, what color is it?

3 A The color of the cover is green and it has a
4 big picture in front of it.

5 Q Generally could you describe to me the
6 condition of the book?

7 A There's writing on the side of the book, some
8 writing.

9 Q What do you mean on the side of the book? Do
10 you mean when a book is closed --

11 A Yeah, when a book is closed, and then they
12 write on the side of the pages, like that. And the
13 cover is -- the cover's not really in bad condition.

14 Q Is not really in bad condition?

15 A No. It's just sort of dirty.

16 Q Can you read it?

17 A Yes.

18 Q Are the pages -- are any of the pages torn?

19 A No.

20 Q Do you have your own reading and literature
21 book to use in class?

22 A No.

23 Q Do you have to share the reading and literature
24 book with other kids?

25 A No.

1 Q How old is this book, do you know?

2 A No.

3 Q So are you assigned a specific reading and
4 literature book that you always use, or it can be a
5 different book every time you use it?

6 A It can be a different book every time I use it.

7 Q This year using the reading and literature
8 books, have you ever had a book that has pages torn out
9 of it?

10 A No -- oh, yes.

11 Q When?

12 A Just like two months or something -- yeah, two
13 months ago.

14 Q What happened?

15 A There's like four or five pages altogether torn
16 out.

17 Q Torn out?

18 A Yes.

19 Q Was it the pages that you were using in class
20 that day?

21 A Yes. They were torn out, but then they were in
22 the book.

23 Q I'm sorry, the pages were in the book?

24 A Yeah, but they were torn out so you could just
25 take them out.

1 Q So you do have your own reading and literature
2 book to use in class?

3 A Yeah, but we can't take it home.

4 Q I'm just going to ask you a little bit about
5 using it in class. Does it work kind of like the
6 science book where you come in class and the teacher
7 tells you if she wants you to use the book? How does it
8 work?

9 A When you come in class, the book's already on
10 your desk -- like if the book's already on your desk,
11 then that means that you're going to read something out
12 of the book. And if it's not, that means that we're
13 going to do some other kind of work.

14 Q How often do you use this reading literature
15 book?

16 A Like three times a week or so.

17 Q About three times a week?

18 A Yes.

19 Q When's the last time you used it?

20 A I think it was Wednesday.

21 Q Is that the only day this week that you used it
22 this past week, Wednesday?

23 A Yes.

24 Q So you only used it once this past week?

25 A Yes.

1 Q What did you do?

2 A I just left them there.

3 Q Did you use the pages to read?

4 A Yes, I used the pages to read.

5 Q Did you tell anyone about that?

6 A Yeah, I told the teacher, but she said she
7 already knew about it.

8 Q Other than this one that you just told me
9 about, is there any other time that you've used the
10 reading and literature book and there were pages torn
11 out?

12 A No.

13 Q Have you ever seen -- have you ever used a
14 reading or literature book that has writing inside of
15 the book?

16 A No.

17 Q Have you ever -- has anyone told you, any other
18 student in your class told you that they've used a
19 reading or literature book that has pages torn out?

20 A No.

21 Q Has any other students in your class told you
22 that they've used a reading and literature book that has
23 writing inside of it?

24 A No.

25 Q Have you ever taken the reading or literature

- 1 book home?
 2 A No.
 3 Q Have you ever wanted to take that home?
 4 A Yes.
 5 Q Why would you want to take it home?
 6 A Because she would sometimes give us homework or
 7 summaries on what the story that we read on one day, and
 8 then we can't take the books home, so we just have to
 9 remember what it was about, but sometimes we forget what
 10 was the story about, and that's when you wish you had
 11 the book with you.
 12 Q Okay. How many times has she given you
 13 homework summaries of the stories that you're read this
 14 school year?
 15 A About 18 times or something.
 16 Q About 18 times?
 17 A Yes.
 18 Q Okay. Have you asked to take the reading and
 19 literature book home?
 20 A Yes. It wasn't me, but kids in the class asked
 21 if they could take a book home.
 22 Q How do you know that they asked?
 23 A Because I heard them ask the teacher.
 24 Q When was this?
 25 A When?

- 1 home to do their homework.
 2 Q Do you know their names?
 3 A No.
 4 Q What did the -- I'm sorry.
 5 Do you know why the student wanted to take the
 6 book home?
 7 A Because they wanted to finish their homework by
 8 reading -- by, you know, reading the story while --
 9 Q What -- I'm sorry.
 10 What did the teacher do other than responding?
 11 Did she do anything else?
 12 A No. She just said if you read the story, you
 13 know, you would know what to say tonight, write tonight.
 14 Q But you've never asked to take home a book?
 15 A No.
 16 Q Do you know whether you can checkout a book, a
 17 reading and literature book?
 18 A No.
 19 Q Out of the 18 times that she's assigned a
 20 summary of a story that you've had read, have you always
 21 finished your homework? Have you always been able to
 22 finish the assignment?
 23 A No, I would sometimes forget what we read.
 24 Q How many times have you forgotten what you
 25 read?

- 1 Q Uh-huh.
 2 A A couple of month ago like -- I don't know.
 3 Q Was it last month in April? Was it before
 4 spring break?
 5 A Yes, it was before spring break.
 6 Q And your spring break was in March, was it?
 7 A No, my spring break was in April.
 8 Q So did this happen in April?
 9 A I think this happened like in March.
 10 Q And what happened when the kids asked to take
 11 the book home?
 12 A She said that we couldn't take it.
 13 Q Who said that?
 14 A The teacher.
 15 Q Did she say why?
 16 A Yes.
 17 Q What did she say?
 18 A Because the books were -- we had to leave 'em
 19 there so that other kid from the next class could use
 20 those books.
 21 Q Did the students say -- do you know who was --
 22 the student that was asking? Was it more than one
 23 student?
 24 A Yeah, it was more than one student. Like four
 25 students were complaining, why can't we take the book

- 1 A Like five times.
 2 Q Did you read the story in class?
 3 A Yes.
 4 Q What did you do during these five times? How
 5 did you finish your homework?
 6 A There was nothing else I could do, just wait
 7 until the next day and tell her I couldn't do it because
 8 I forgot.
 9 Q What happened?
 10 A She would just -- she just wouldn't say
 11 anything. She would just say okay.
 12 Q What happened with your homework assignment?
 13 What did you do with it?
 14 A Nothing. I just told her that I couldn't
 15 finish it because I forgot what was the story about.
 16 She said it was okay.
 17 Q Did you ever end up finishing the homework
 18 assignments these five times?
 19 A No.
 20 Q Did you review the story the next day at
 21 school?
 22 A No.
 23 Q So you just never finished these homework
 24 assignments?
 25 A No.

- 1 Q Other than the reading and literature, you said
2 there was another book that you can't remember what's in
3 it. Can you describe the book, what it looks like from
4 the outside?
5 A It looks dirty and there's writing on the side
6 of the pages, like the same thing with the other one.
7 Q What color is it?
8 A It was blue.
9 Q And do you know how old these books -- this
10 book is?
11 A No.
12 Q Do you know how old your reading and literature
13 book is?
14 A No.
15 Q Does it seem really old to you, or does it seem
16 brand new?
17 A It doesn't seem brand new. It looks kind of
18 old.
19 Q How can you tell?
20 A By the cover. It looks too dirty and -- yeah,
21 because the cover looks too dirty, I guess, and it just
22 doesn't seem to be new.
23 Q What about the information in it -- in the
24 book? Does the information in the reading and
25 literature book seem old to you?

- 1 A No.
2 Q Can you tell about how old the book is from the
3 information in the book?
4 A No.
5 Q Okay. Going back to the second book that you
6 don't remember what's in it. How often do you use the
7 second book?
8 A How often, like --
9 Q How many times have you used this second book
10 this entire school year?
11 A There was a lot of times I used it. I don't
12 know how many times, though, but there was a lot of
13 times I used --
14 Q You used it a lot of times, but you can't
15 remember at all what's in it?
16 A I used it a lot of times, but I can't remember
17 how many times I used it.
18 Q Can you remember at all what's in it? We're
19 talking about the second book now, right?
20 A Yes. We haven't used that book for a pretty
21 long time already, so --
22 Q When's the last time you used it?
23 A Like a month ago.
24 Q And from the time of September to April, how
25 many times each month did you use it?

- 1 A Maybe twice a week.
2 Q Do you have your own copy of the book to use in
3 class?
4 A Yes.
5 Q Can you take it home?
6 A No.
7 Q When you use it in class, is it like the other
8 two books -- is it like the science book and the reading
9 and literature book in that it's not specifically
10 assigned to you, you can use any one of the copies that
11 are in class?
12 A Yes.
13 Q How does that work with this book? Is it on
14 your desk when you get into class?
15 A Yes.
16 Q What do you use this book for?
17 A For -- well, like we read. They have like --
18 there's spelling and grammar in the book.
19 Q So it's a spelling and grammar book?
20 A I guess, yes.
21 Q Does your teacher assign homework from that
22 book?
23 A No.
24 Q Do you use it to study in class? How do you
25 use it?

- 1 A How? Like --
2 Q The last time you used it was a month ago.
3 What did you do with it?
4 A We were, like, answering some questions, I
5 think, from the book.
6 Q How were you answering them?
7 A We had to correct sentences that were from the
8 book. That's pretty much it.
9 Q What's the -- we'll call this book your
10 spelling and grammar book, is that okay?
11 A Okay.
12 Q The spelling and grammar book, have you ever
13 used one with pages torn out?
14 MR. LONDEN: This year?
15 BY MS. KOURY:
16 Q This year, meaning this entire school year from
17 September until now?
18 A No.
19 Q Have you ever used a spelling or grammar book
20 that has writing inside of it, inside the pages?
21 A No.
22 Q Are you able to read the pages of the spelling
23 and grammar book?
24 A Yes.
25 Q Have you heard of anyone else in your class

- 1 using a spelling or grammar book with pages torn out?
 2 A No.
 3 Q Have you heard of any other students in your
 4 class using a spelling or grammar book with writing
 5 inside the pages?
 6 A No.
 7 Q Have you ever wanted to take home this book?
 8 A No.
 9 Q Have you heard of any other student wanting to
 10 take home this book?
 11 A No.
 12 Q How come your teacher stopped using this book
 13 this past month? How come you haven't used this book
 14 this past month?
 15 A I don't know.
 16 Q Other than the spelling and grammar book and
 17 the reading and literature book, what other materials
 18 does your -- does your teacher use any other books
 19 besides these two books?
 20 A No, just magazines.
 21 Q What kind of magazines?
 22 A School magazines. I don't know. Some kind of
 23 school magazines. We do work from that magazine. Like
 24 there's some stories in there and there's work for us to
 25 do.

- 1 debate thing, some kind of debate and you have to write
 2 your own opinion about what do you think of, like,
 3 master's closing down program or something. You have to
 4 write your own opinion if it's okay. Like what did you
 5 think they should do.
 6 Q And you like that?
 7 A It's okay.
 8 Q When you get these magazines in class, does
 9 each student have his or her own copy of the magazine?
 10 A Yes.
 11 Q Can you take these magazines home?
 12 A No.
 13 Q Can you write in these magazines?
 14 A No.
 15 Q Have you ever wanted to take one of these
 16 magazines home?
 17 A No.
 18 Q Other than the magazines and the two books that
 19 we discussed in English, does your teacher use any other
 20 types of materials?
 21 A No.
 22 Q That's it?
 23 A That's it.
 24 Q Do you have tests in this class?
 25 A No.

- 1 Q Do you like the magazines?
 2 A It's better than the book.
 3 Q Why?
 4 A It's easier. I don't know, it's -- the work
 5 is -- it's not that hard.
 6 Q What do you mean "it's not that hard"?
 7 A It's easy. Like there's work with it.
 8 There's, like, work there that you don't even have to
 9 think that hard just to do the work. It's easy.
 10 Q What kind of work is in the magazine that's
 11 easy?
 12 A What kind of work? Like --
 13 Q What are you reading? Are you reading these
 14 magazines?
 15 A Yes, we're reading the magazines.
 16 Q And then what kind of work do you have to do in
 17 this?
 18 A After you read the story, you have to answer
 19 the questions, and then after you're done with that, you
 20 have time to go -- to do some other kind of work in the
 21 magazine.
 22 Q To do what kind of work in the magazine?
 23 A Other kind of work in the magazine.
 24 Q What other kind?
 25 A Like you could write your own opinion on this

- 1 Q You never had a test in English?
 2 A No. We never have tests.
 3 Q Okay. But you have homework assignments?
 4 A Yes.
 5 Q The homework assignments we discussed already,
 6 that you write summaries of the stories that you read in
 7 your reading and literature book. What other times of
 8 homework assignments do you get?
 9 A That's mostly it. She only, like, gives us
 10 homework assignments of what we read.
 11 Q Do you ever get homework assignments from the
 12 magazine?
 13 A No.
 14 Q What happens if you don't finish one of the
 15 assignments in class from the magazine?
 16 A You just put it like -- because in that class,
 17 in English, we have our own folder and then you can
 18 put -- you put all your work in there.
 19 Q Where is the folder?
 20 A She passes it out every day.
 21 Q So she keeps all of your folders?
 22 A Yes.
 23 Q What grade did you get in English last quarter,
 24 third quarter?
 25 A [REDACTED]

- 1 Q What did you get second quarter?
 2 A [REDACTED]
 3 [REDACTED]
 4 Q Do you think that the work that you do in this
 5 class is that of a C student?
 6 A No.
 7 Q No? Why not?
 8 A Because I, like -- I could do better, like what
 9 I'm doing now.
 10 Q How do you think you could do better?
 11 A I could --
 12 Q It's a tough question.
 13 Well, what do you think you could do that would
 14 make you a better student in this class?
 15 A I could do like extra credit and more work, I
 16 guess, like, after.
 17 Q Does your teacher offer extra credit?
 18 A Sometimes.
 19 Q What kind of extra credit?
 20 A Like extra credit -- like sometimes we watch a
 21 movie, we have to -- I mean, she asks us if we could do
 22 extra credit on the movie, like just write a summary on
 23 the movie.
 24 Q What kind of movies do you watch in class?
 25 A Old movies, like the Jews.

- 1 Q Like who?
 2 A Like on Hitler. We watched a movie on Hitler,
 3 on the black history.
 4 Q And you can write -- and you write summary --
 5 you can write summaries of those movies for extra
 6 credit?
 7 A Yes.
 8 Q But you haven't?
 9 A Just once.
 10 Q What did you do your extra credit on?
 11 A On the movie.
 12 Q Which movie?
 13 A Some black history.
 14 Q When was that?
 15 A Like two months ago.
 16 Q Are you familiar with -- I think -- correct me
 17 if I'm wrong. Are you familiar with Project Climb?
 18 Have I already asked you that?
 19 MR. LONDEN: What's that?
 20 MS. KOURY: I have not asked you that.
 21 Q Are you familiar with Project Climb? Have you
 22 ever heard of it before?
 23 A No.
 24 Q Have you ever used the reading lab at school?
 25 A Reading lab? No.

- 1 Q Did you know there was a reading lab at your
 2 school? Do you know if there is a reading lab at your
 3 school?
 4 A I don't think there is a reading lab.
 5 Q Do you know what your grade is based on -- do
 6 you know how your teacher comes up with your grade, what
 7 she looks at to come up with your grade?
 8 MR. LONDEN: In English?
 9 MS. KOURY: I'm sorry, yes, in English.
 10 Q And this particular teacher.
 11 A She looks at the work that we leave in the
 12 folder.
 13 Q So is that work that you do during class?
 14 A Yes.
 15 Q What else does she look at? Are your homework
 16 assignments in that folder?
 17 A Sometimes she tells us to put in the folder.
 18 Q So does she look at your homework assignment in
 19 determining your grade, do you know?
 20 A Yes.
 21 Q Yes. Okay.
 22 How many English classes have you missed this
 23 school year?
 24 A Like two.
 25 Q And why did you miss these classes?

- 1 A For the same reasons that I missed the science
 2 ones.
 3 Q Okay. And were you ever late for English
 4 class?
 5 A No.
 6 MS. KOURY: We've graduated to the next subject.
 7 MR. LONDEN: Short break?
 8 MS. KOURY: Sure.
 9 (Recess.)
 10 BY MS. KOURY:
 11 Q I think we just finished discussing English, so
 12 I was going to ask you some questions now about U.S.
 13 history. Who's your teacher in U.S. history?
 14 A Miss Coll.
 15 Q We talked about her earlier, right?
 16 A Yes.
 17 Q She's one of your best teachers?
 18 A Yes.
 19 Q Okay. And what are you learning in this class
 20 right now?
 21 A Right now we're learning about World War I.
 22 Q How do you like it?
 23 A Yeah, it's good.
 24 Q It's interesting?
 25 A It's interesting.

- 1 Q What book are you using for U.S. history?
 2 A What book, the name of it?
 3 Q Sure.
 4 A It's called American History.
 5 Q Do you know how old the history book is?
 6 A It's like 15 years old.
 7 Q How do you know?
 8 A Because my mom told me.
 9 Q Do you know how your mom knows?
 10 A Yes. She talked to my U.S. history teacher.
 11 Q Do you know when she talked to your U.S.
 12 history teacher?
 13 A No.
 14 Q Why did your mom tell you how old the book was?
 15 A Why? Because -- because -- I don't know. She
 16 just told me they were that old.
 17 Q When did she tell you this?
 18 A Last week.
 19 Q Okay. Do you have your own copy of American
 20 History, the American History book to use in class?
 21 A Just to use in class.
 22 Q Okay. And does it work the same way that it
 23 works with your science book and your reading and
 24 literature book, in that you're not specifically
 25 assigned a book but you can use one of the copies that

- 1 are in class?
 2 A Yes.
 3 Q Are there enough American History books for
 4 each kid to use in class without sharing them?
 5 A Yes, there's enough.
 6 Q And how does it work in your American history
 7 class? You told me how it works in the science class
 8 and your English class that you go into the class and
 9 your teacher either puts the book on your desk or tells
 10 you to go get it. How does it work in American history?
 11 A It's kind of like the same thing as science.
 12 Most of the books are on a shelf and some of the books
 13 are on a table, so if you don't have a book, you have to
 14 go get a book from the shelf.
 15 Q When you say some of the books are on the
 16 table, what do you mean?
 17 A On the desk.
 18 Q So sometimes there's only a few books on the
 19 desk?
 20 A Yes.
 21 Q Why?
 22 A Because -- I don't know. When you come in
 23 class, you see some books on the desk and most of the
 24 books are on top of the shelf.
 25 Q And what does your American history book like

- 1 like?
 2 A The cover is -- it's red and, like, in front
 3 there's a big picture of the American flag.
 4 Q What is the condition of the book?
 5 A There's a lot of writing like in the middle of
 6 the book, the pages. There's writing on the covers.
 7 Q Anything else?
 8 A No.
 9 Q Is there anything else about the condition --
 10 does the writing on the book cover or in the middle of
 11 the pages bother you?
 12 A No, not really.
 13 Q Is there anything about the book condition that
 14 bothers you?
 15 A No.
 16 Q Have you ever seen an American history book
 17 this year, presumably, that -- in your class that has
 18 pages torn out?
 19 A Yes.
 20 Q You have. When?
 21 A Three months ago.
 22 Q Had you did you see it?
 23 A I was like on a page -- I was looking for a
 24 page number that my teacher told me to look for, and
 25 then I went to the page and then I saw the page and next

- 1 to the page were like -- was a number like far away from
 2 the page number that was on the right, so it was like a
 3 whole bunch of pages missing.
 4 Q What did you do?
 5 A I just got another book.
 6 Q Did you tell anyone that there were pages
 7 missing from that book?
 8 A No.
 9 Q Where did you get the other book from?
 10 A From the shelf.
 11 Q How many kids are in your American history
 12 class, about?
 13 A Thirty.
 14 Q How many American history books are there on
 15 the shelves in the classroom?
 16 A Like 33, 34.
 17 Q So there's a few extra books?
 18 A Yes.
 19 Q Okay. Other than that one time three months
 20 ago when you had an American history book with pages
 21 torn out, have you ever seen an American history book
 22 with pages torn out?
 23 A No.
 24 Q Have you ever seen an American history book
 25 that has -- you said you have seen American history

- 1 books that have writing inside the pages?
 2 A Yes.
 3 Q Where is the writing -- or I should say, how
 4 many times have you seen American history books with
 5 writing inside of them?
 6 A Like seven times.
 7 Q Seven times.
 8 Is that a guess or an estimate?
 9 A Like -- it's like an estimate.
 10 Q So about seven times?
 11 A Yeah, about seven times.
 12 Q When was the last time that you had an American
 13 history book with writing inside the pages?
 14 A Let me see, last week.
 15 Q Last week. Okay.
 16 Where was the writing?
 17 A Where? In the middle of the book, pages.
 18 Q Where on the page?
 19 A On the paragraphs, on the writing.
 20 Q On the writing of --
 21 A The -- like --
 22 Q -- of the book itself?
 23 A Yes.
 24 Q Could you read the book on that page where
 25 there was writing?

- 1 American history book with writing on the pages?
 2 A Yes.
 3 Q What did you see?
 4 A The writing.
 5 Q You saw the writing on the pages?
 6 A Yeah, I saw the writing.
 7 Q Where was the writing?
 8 A The writing was on the pages, like, on the
 9 side -- on the side of the book where like -- where you
 10 could see it.
 11 Q So it was on the margins? Was it on the text
 12 of the book itself?
 13 A No, it was on the sides, like apart from the
 14 margins.
 15 Q Do you know whether the student that was using
 16 that book could read the book?
 17 A Yes.
 18 Q You do know?
 19 A He could read -- he could have, yeah.
 20 Q How do you know that he could?
 21 A Because the writing was aside from the
 22 important things that he had to read.
 23 Q Other than that one instance that you're
 24 describing right now, have you ever seen any other
 25 student use a book with writing in it?

- 1 A No, not really.
 2 Q What did you do?
 3 A I just got another book.
 4 Q So there was an extra book that you could use?
 5 A Yes.
 6 Q Okay. How about the time before this that
 7 you -- you said this last time, when was this? Did you
 8 say a week ago?
 9 A Yes.
 10 Q Has there ever been a time when you got an
 11 American history book and there was writing in the pages
 12 that you couldn't get another book?
 13 A No.
 14 Q So every time you got an American history book
 15 and there's writing in the pages you got another book?
 16 A Yes.
 17 Q Have you ever heard from the other students or
 18 have you ever seen other students use American history
 19 books with pages torn out?
 20 A No.
 21 Q Have you ever heard other students complain
 22 about the pages being torn out of the American history
 23 book?
 24 A No.
 25 Q Have you ever seen other students use an

- 1 A No.
 2 Q Have you ever been in American history class
 3 when someone complained that they can't read their book
 4 for any reason?
 5 A No.
 6 Q Have you ever been in American history class
 7 when someone wants to get another book and they go to
 8 get a book and there's no extra copies?
 9 A No.
 10 (check last two or three)
 11 Q Okay. How does Miss Coll teach this class? I
 12 think we discussed this a little bit before, but does
 13 she use the textbook in class?
 14 A Yes.
 15 Q Does she assign homework?
 16 A No.
 17 Q You never have homework in history class?
 18 A Rarely. Just to study for the test that's
 19 coming.
 20 Q How many tests do you have in American
 21 history? How many have you had so far?
 22 A In the school year?
 23 Q Uh-huh, in your U.S. history class?
 24 A Probably like 15 tests.
 25 Q Fifteen tests?

- 1 A Yes.
 2 Q Wow. When's the last test you had?
 3 A When? Thursday, this Thursday.
 4 Q This past Thursday?
 5 A Yes.
 6 Q How did you study for the test?
 7 A We got notes from the book, like notes from the
 8 book and notes from the -- that was on the board.
 9 Q Okay. The notes from the book, who took the
 10 notes?
 11 A Who took the notes? The class did.
 12 Q So did you take notes from the book?
 13 A Yes.
 14 Q What kind of notes?
 15 A Notes that refer to the test that we were gonna
 16 have on Thursday.
 17 Q Give me an example of one of the notes you
 18 wrote.
 19 A Well, for example, like -- let me see.
 20 Like I wrote some guys -- like I wrote a
 21 person's name who was in charge of the -- who was in
 22 charge, like an Ally. What was the definition for an
 23 Ally, and I had the definition for an Ally right there
 24 on my notes. So then I studied for it, and then on the
 25 test I would know what Ally meant.


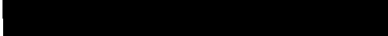
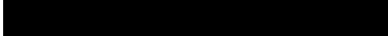
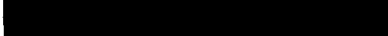


- 1 Q So that's why you wrote it down?
 2 A Yes.
 3 Q And what about the notes on the board, what
 4 kind of -- who put the notes on the board?
 5 A Miss Coll.
 6 Q What kind of notes did she put on the board?
 7 A Notes that are -- notes like definitions of
 8 words, and like most of the answers on the test.
 9 Q Why did she put them on the board?
 10 A So we could write 'em in our notes and study
 11 for it.
 12 Q And how did you study for the test? You
 13 studied from these notes?
 14 A Yes, from the notes.
 15 Q Is there anything else that you used to study?
 16 A No.
 17 Q Did you get Your grade back yet on this test?
 18 A No, not yet.
 19 Q Other than the test on Thursday, what was the
 20 last test you had in this class, when was it?
 21 A The last test?
 22 Q Uh-huh. The test before this past one on
 23 Thursday?
 24 A I think it was last month.
 25 Q Okay. Last month.

- 1 And how did you study for that test?
 2 A The same way. We did like -- you know, just
 3 the same thing we just did. Just get the notes from the
 4 book, and then there's answers on the board that she
 5 writes down for us to copy on a piece of paper and study
 6 it.
 7 Q What piece of paper?
 8 A Paper that we write our notes on.
 9 Q Oh, okay.
 10 So other than the notes that -- there's a piece
 11 of paper that you write your notes from the board and
 12 notes from the book; is that correct?
 13 A No.
 14 Q No?
 15 A The notes on the boards and the notes from the
 16 book, they're all on one paper.
 17 Q Is there any other paper that you study from?
 18 A No.
 19 Q Just this one paper that has the notes from the
 20 board and the notes from the book?
 21 A Yes.
 22 Q And for every test, all 15 tests, this is how
 23 you study?
 24 A Yes.
 25 Q You've never used anything else to study for

- 1 the test?
 2 A No.
 3 Q How did you do on the test that you took last
 4 month?
 5 A I got -- 100 percent was like A plus. I got,
 6 like, 98.
 7 Q And how about the test before that? Do you
 8 know your grades for the past tests?
 9 A For the test --
 10 Q How about the first test in September?
 11 A That was like in October or something.
 12 Q Do you remember what you got?
 13 A No.
 14 Q Do you remember any of the other tests, what
 15 your grades were?
 16 A I just remember I must have got good grades on
 17 that, on most of the tests she gave us.
 18 Q Do you like this class?
 19 A Yes.
 20 Q You do.
 21 Why do you like it?
 22 A Because the teacher acts nice, and I'm
 23 interested in U.S. history.
 24 Q Why are you interested in U.S. history?
 25 A Because it's interesting knowing about history,

1 to me.
 2 Q Have you ever wanted to take an American
 3 history book home?
 4 A No.
 5 Q Have you heard of any other student wanting to
 6 take an American history book home?
 7 A No.
 8 Q Have you ever asked to take an American history
 9 book home?
 10 A No.
 11 Q Do you know whether you could checkout an
 12 American history book if you wanted to?
 13 A No.
 14 Q You don't know?
 15 A No, you can't check.
 16 Q How do you know that?
 17 A Because the kids can't take those books home.
 18 Q Have you ever heard of anyone trying to take a
 19 book home?
 20 A No.
 21 Q Have you ever heard of anyone asking someone to
 22 take a book home?
 23 A No.
 24 Q Do you ever have any -- does your teacher ever
 25 use any materials in class other than the American

1 THE WITNESS: Yeah, pretty much.
 2 BY MS. KOURY:
 3 Q Do you think you could do better?
 4 A Yeah.
 5 Q How?
 6 A I don't know. I could probably like -- like do
 7 better on any tests, probably. I'll just get, like, all
 8 of 'em right.
 9 Q What do you think would help you do better on
 10 your tests?
 11 A Study more.
 12 Q Study how?
 13 A Study more or just study more for the test for
 14 the next incoming day and make sure like -- make sure
 15 you know all the questions.
 16 Q How do you study more?
 17 A Study more.
 18 Q I'm sorry, what would you study?
 19 A What would I study? I would study the notes
 20 that I wrote down.
 21 Q Have you ever -- have you missed any U.S.
 22 history classes this year, just --
 23 A Yes.
 24 Q And why did you miss these classes?
 25 A For the same reason as the other ones.

1 history book?
 2 A No.
 3 Q Does she ever assign any type of -- any type of
 4 homework other than what we've discussed?
 5 A No.
 6 Q What grade did you get in this class last
 7 quarter?
 8 A 
 9 Q 
 10 A 
 11 Q 
 12 A 
 13 Q Why do you think your grade went up?
 14 A Went up?
 15 Q It went up from second quarter to third
 16 quarter. Why do you think it got better?
 17 A I don't know. Because -- I don't know.
 18 Q Did you get any extra help?
 19 A No.
 20 Q Have you ever asked for any help in this class?
 21 A No.
 22 Q And do you think your  in this class
 23 fairly shows how much you know in this class?
 24 MR. LONDEN: Lacks foundation.
 25 Go ahead.

1 Q Were you ever late for a U.S. history class?
 2 A No.
 3 Q Okay. Let's discuss your French class which
 4 you're taking right now.
 5 A Yes.
 6 Q Who teaches you French?
 7 A Miss Tash.
 8 Q Is she a good teacher?
 9 A Yeah, she's nice.
 10 Q Why is she a good teacher?
 11 A She teaches --
 12 Q I'm sorry, let me ask that again.
 13 Is she nice, or is she a good teacher?
 14 A She's both.
 15 Q Why is she a good teacher?
 16 A Because she'll -- she tries all her hardest
 17 to -- to make us, like, pay attention. She wants us to
 18 learn French so much. She acts nice to other kids, too.
 19 She's nice.
 20 Q How does she show you that she really wants you
 21 to learn French? What does she do?
 22 A She tries to give homework every night, because
 23 she wants us to learn French really good.
 24 Q What do you mean she tries?
 25 A If she can't give homework, like some kind

- 1 of -- some kind of work to do from the work, she says to
 2 review what we went through in a day.
 3 Q Why is it sometimes she can't give homework
 4 from the book?
 5 A Sometimes she didn't have time and the bell's
 6 about to ring, and -- like in one more minute, she just
 7 says to review what we went through in the day.
 8 Q About how many times a week does she assign
 9 homework from the book?
 10 A Like four times.
 11 Q Do you always do your homework in this class?
 12 A Yeah.
 13 Q Did you review when she tells you to review?
 14 A Sometimes.
 15 Q How do you review when you review?
 16 A Just look what we went through -- just look
 17 what we went through that day.
 18 Q What do you look at?
 19 A What we went through that day, just --
 20 Q What materials are you looking at though?
 21 A Materials?
 22 Q Are you looking at a textbook, notes? What are
 23 you looking at?
 24 A Textbook.
 25 Q What book do you use in this class?

- 1 A A French book called -- it's a French book.
 2 Q You don't know the name of it?
 3 A It's a French name though.
 4 Q Oh, okay.
 5 How many books are there that you use in this
 6 class?
 7 A Just one.
 8 Q Do you have your own copy?
 9 A Yes.
 10 Q Do you have your own copy to use in class?
 11 A Yes.
 12 Q Do you have your own copy to take home at
 13 night?
 14 A Yes.
 15 Q Can you describe to me this book, the condition
 16 of it?
 17 A The cover -- the cover is red. It has a big
 18 picture in front of Paris, and it's like -- the cover is
 19 like some plastic page came out of it. It kind of looks
 20 like in bad condition.
 21 Q Is the cover still on it?
 22 A Yes.
 23 Q Do you have a book cover on it?
 24 A Yes.
 25 Q And are there pages -- tell me -- describe more

- 1 the condition of it other than the book cover.
 2 A The pages are okay. They're like good.
 3 Q Is there any writing in the book?
 4 A No.
 5 Q How old is the book, do you know?
 6 A Huh-uh.
 7 Q You don't know?
 8 A I don't know.
 9 Q When you -- when did you first get this book?
 10 A When? When I first -- when I was -- when I
 11 first got into the class, it was, like, in October.
 12 Q October?
 13 A Yes.
 14 Q So you started taking this class in October?
 15 A Yes.
 16 Q And when did it -- are you still taking this
 17 class right now?
 18 A Yes.
 19 Q Okay. When you first got it in October, how
 20 did the cover look?
 21 A It looked the same.
 22 Q Does every student in your class have their own
 23 book?
 24 A Yes.
 25 Q So no one shares books?

- 1 A No.
 2 Q Have you ever seen a child in your class share
 3 a book?
 4 A No.
 5 Q Other than the French book, does your teacher
 6 use anything else to teach the class? Are there any
 7 other types of materials that she uses?
 8 A She just uses the board.
 9 Q What does she do on the board?
 10 A She writes. Like when we -- we correct the
 11 homework there on the board.
 12 Q And do you -- what do you do with your homework
 13 after you correct it?
 14 A We put it in a folder that -- our own folder.
 15 Q Where does the folder go?
 16 A She hands out the folder to us, and after we
 17 correct the homework, we put the homework inside the
 18 folder and we hand the folder to her.
 19 Q Does she --
 20 A She doesn't grade it.
 21 Q How do you know?
 22 A Well, she doesn't grade it when we put it
 23 inside the folder. If you have your homework and if you
 24 did it, she has like some kind of book to see if you did
 25 your homework, and then she gives you points for doing

- 1 your homework.
 2 Q How often do you take your book home, your
 3 French book?
 4 A It's in -- I always have it. It's always in my
 5 backpack.
 6 Q Do you use it every night when you take a home?
 7 A Mostly, yes.
 8 Q How many times a week do you use it at home?
 9 A Four times.
 10 Q Why do you use it?
 11 A Why? I do my homework from the book.
 12 Q Other than doing your homework, do you use the
 13 book for any other reason?
 14 A No.
 15 Q Have you had any tests in this class?
 16 A In this class, yes.
 17 Q How many tests have you had?
 18 A Three.
 19 Q When were these tests?
 20 A When?
 21 Q Uh-huh.
 22 A The first one was, like, in November, I think.
 23 Yes, November.
 24 Q How about the second one?
 25 A It was in, I think, February.

- 1 Q And the third one?
 2 A It was, I think, March.
 3 Q On the November one, how did you study for it?
 4 A I had to make sure that I knew how to spell
 5 the words. That's it.
 6 Q Spell what words?
 7 A Spell some French words.
 8 Q How did you know which words to study for?
 9 A Because she told us that these are the words.
 10 She told us that we were going to have a test on French
 11 words and that we had to spell 'em right, and everything
 12 else, like the punctuation and everything else, and I
 13 had to study for them.
 14 Q How did you study for these words?
 15 A I used my French book.
 16 Q And what grade did you get?
 17 A I [REDACTED]
 18 Q And how about the test in February, what was
 19 that test on?
 20 A That was like on sentences, on spelling and --
 21 yeah, that's it.
 22 Q How did you study for it?
 23 A From the book.
 24 Q And how did you know what was going to be on
 25 the test?

- 1 A How? Because she told us just study your book
 2 and, you know, hopefully you can get most the questions
 3 right if you review the book of what we learned.
 4 Q And what did you get on the February test?
 5 A [REDACTED]
 6 Q And how about March, what was on that test?
 7 A Sentences, spelling and grammar.
 8 Q How did you know what was going to be on that
 9 exam?
 10 A She told us.
 11 Q And how did you study for it?
 12 A She told us to read the book, and just, like,
 13 the new things that we learned, and just study on that.
 14 Q Did you get a grade for this class first
 15 quarter?
 16 A Yes.
 17 Q What grade did you get?
 18 A [REDACTED]
 19 Q [REDACTED]
 20 A [REDACTED]
 21 Q [REDACTED]
 22 A [REDACTED]
 23 Q Do you know what -- do you know how she comes
 24 up with your grade, what she looks at to determine your
 25 grade?

- 1 A By doing your homework. Because I always do my
 2 homework, that's why.
 3 Q [REDACTED]
 4 [REDACTED]
 5 A [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 Q Did you get any extra help in this class?
 9 A No.
 10 Q Have you ever asked for extra help in this
 11 class?
 12 A Yes.
 13 Q Who did you ask?
 14 A My teacher.
 15 Q When?
 16 A After school.
 17 Q Okay. But when during the school year did you
 18 ask her for extra help?
 19 A (No audible response.)
 20 Q Was it before spring break?
 21 A It was in January.
 22 Q How many times have you asked her for help?
 23 A That was the only time.
 24 Q And what did she say?
 25 A She said -- she asked me what did I need help

- 1 on.
- 2 Q What did you say?
- 3 A I needed help on like -- on the homework. I
- 4 didn't really quite get it, what we were supposed to do.
- 5 Q And then what happened?
- 6 A She just told me that we had to kind of like --
- 7 just kind of like -- we had to substitute some words
- 8 like -- she showed an example. That example was -- it
- 9 said like an example, right, of, like, a word. You just
- 10 had to recreate the sentence and the main word that you
- 11 used there. You had to write it down from what it said
- 12 in the book. That's all I did.
- 13 Q So she explained that to you?
- 14 A (No audible response.)
- 15 Q How come you didn't ask her for more help after
- 16 that?
- 17 A Because I understand. I just did it.
- 18 Q How many times have you missed this class?
- 19 A Missed class?
- 20 Q French class.
- 21 A Three.
- 22 Q Why did you miss it?
- 23 A The two ones were the same kind with the
- 24 science one, and the third one was because I went home.
- 25 Q Why did you go home?

- 1 A Because I felt sick.
- 2 Q Have you ever been late for this class?
- 3 A No.
- 4 Q Let's talk about art, your art class. When did
- 5 you take art?
- 6 A Of this quarter?
- 7 Q Yes, this quarter.
- 8 A In September.
- 9 Q How long did you take it for?
- 10 A Three weeks, something.
- 11 Q How come you only took it for a few weeks?
- 12 A Because I didn't like it.
- 13 Q Why didn't you like it?
- 14 A I didn't like -- I didn't really like art.
- 15 Q What didn't you like about it?
- 16 A The teacher.
- 17 Q What was the name of your teacher?
- 18 A [REDACTED]
- 19 Q Other than the teacher, was there anything else
- 20 that you didn't like about the class?
- 21 A That's it, just --
- 22 Q What didn't you like about [REDACTED]
- 23 A She would get mad too fast?
- 24 Q What do you mean?
- 25 A She would -- at times she would just be mad for

- 1 no reason and just take the anger out onto us.
- 2 Q How do you know?
- 3 A How do I know?
- 4 Q I'm sorry.
- 5 How did she act?
- 6 A She would act like -- she would yell at, like,
- 7 the whole class. You know, just if you -- she would
- 8 just yell at the whole class.
- 9 Q Can you specifically remember the last time
- 10 that she sort of yelled at the whole class?
- 11 A September.
- 12 Q Tell me about it. Explain to me what happened.
- 13 A We were like -- I came in, right, and then she
- 14 was -- she came in with an attitude.
- 15 Q What do you mean by attitude?
- 16 A She like -- you could tell by her face she was
- 17 disappointed about something, and I started doing my
- 18 work. I showed it to her to see if it was okay, and
- 19 then she said that -- acted like I did something wrong,
- 20 and then she kind of got mad. She just kind of got
- 21 really mad just for me doing that mistake, and I didn't
- 22 like that.
- 23 Q What was the mistake that she said you did?
- 24 A I drew something that I wasn't supposed to
- 25 draw, some line I messed up on.

- 1 Q And how did you know she was upset?
- 2 A Because she started, like, raising her voice.
- 3 Q What did you do?
- 4 A Me? I just went back to my seat and redid it,
- 5 and then I just went to my counselor to change that
- 6 class.
- 7 Q After this specific instance you went to your
- 8 counselor to change the class?
- 9 A Yeah.
- 10 Q What did the counselor say?
- 11 A Nothing. She said that I would get it changed
- 12 tomorrow.
- 13 Q Did you explain to the counselor?
- 14 A No.
- 15 Q Did you tell anyone why were you switching
- 16 classes?
- 17 A Yeah, [REDACTED] wanted to know why I was
- 18 changing. I just said because I didn't feel like being
- 19 in there anymore.
- 20 Q Is that all you told her?
- 21 A Yes.
- 22 Q Did she say anything else?
- 23 A No.
- 24 Q Did your counselor ask why you were changing
- 25 classes?

- 1 A No.
 2 Q Did your parents ask why you were changing
 3 classes?
 4 A No.
 5 Q Did you complain to anyone about [REDACTED]
 6 conduct?
 7 A No.
 8 Q Have you heard other students complain about
 9 [REDACTED]
 10 A No.
 11 Q What materials did you use in art class?
 12 A Paper and rulers and pencils.
 13 Q Did you have your own materials, or did you
 14 have to share materials?
 15 A I had to share the rulers.
 16 Q How about the paper?
 17 A That was mine.
 18 Q How about, did you have any crayons or anything
 19 to draw with? What did you use to draw?
 20 A Pencil.
 21 Q Did you have your own pencils?
 22 A Yes.
 23 Q More than one?
 24 A Just one.
 25 Q So what kind of pencil did you use?

- 1 A The one that -- the kind that I use to write
 2 with in my other classes.
 3 Q Is that all the materials you used were paper,
 4 rulers and pencils?
 5 A Yeah. Later they were going to start doing
 6 some other stuff and painting, but I just wanted to get
 7 out, so --
 8 Q So did you get a grade in art?
 9 A No.
 10 Q Did you miss any of your art classes?
 11 A No.
 12 Q Were you ever late for art class?
 13 A No.
 14 Q So instead of art, what class are you taking?
 15 A French.
 16 Q That's what I thought. Okay.
 17 Can we talk about your math class last year,
 18 1999, 2000?
 19 A Yes.
 20 Q Who was your teacher?
 21 A [REDACTED]
 22 Q How'd you like him?
 23 A How did I like him? Did we --
 24 MR. LONDEN: Asked and answered.
 25 BY MS. KOURY:

- 1 Q Yeah, we talked about him earlier today, right?
 2 A Yes.
 3 Q Okay. Did you have a book in that class?
 4 A Yes.
 5 Q What was the book?
 6 A It was a mathematics book.
 7 Q For seventh graders?
 8 A No.
 9 Q Did you ever own your book?
 10 A No.
 11 Q Did you have your own book to use in class?
 12 A Yes.
 13 Q How did this work? We've discussed how the
 14 other books worked. How did this one work? How would
 15 you get the books in class?
 16 A It was on top of a shelf. So when you're
 17 working on work, when you have to do work, you just get
 18 the book and just show 'em, like, what do. I have to
 19 do.
 20 Q How often did you use the book in class? Did
 21 you use it every day?
 22 A Like four times a week -- four times -- four
 23 days a week.
 24 Q Can you describe to me the physical condition
 25 of the book? What did it look like, the books that you

- 1 used?
 2 A The cover looked dirty. The side of the books
 3 was -- there was writing on it. That's pretty much it.
 4 Q Did you ever use a math book that had pages
 5 torn out?
 6 A No.
 7 Q Did you ever use a math book in that class that
 8 you didn't read?
 9 A No.
 10 Q Did you ever use a math book that had writing
 11 inside of it?
 12 A No.
 13 Q Was there anything about this book that
 14 bothered you?
 15 A No.
 16 Q Did you ever complain about the book?
 17 A No.
 18 Q Were you ever able to take the math book home?
 19 A Just one time.
 20 Q When?
 21 A When I was working on -- something on the book
 22 and I had to take it home to finish it.
 23 Q How did you -- how did that happen?
 24 A How? There's no other way I could do my --
 25 there was no other way I could have done my homework

- 1 without the book, so asked to take it.
 2 Q Who did you ask?
 3 A The teacher.
 4 Q And what did the teacher say?
 5 A He said it was all right for me to take it.
 6 Q So you didn't finish the class assignment and
 7 you were going to finish it -- to do homework that
 8 night -- to do it as homework, excuse me?
 9 A Yes.
 10 Q Do you know whether any other student in that
 11 class has ever asked to take the math book home?
 12 A Yes.
 13 Q Tell me about it.
 14 A He asked if he could take it home, and
 15 Mr. Flaherty said yes, but he had to bring it back the
 16 next day.
 17 Q When was that?
 18 A When? The month or what?
 19 Q Yeah, was it -- do you remember, was it first
 20 quarter, second quarter, third quarter, fourth quarter?
 21 A Third quarter.
 22 Q Do you know what the name of the student is?
 23 A No.
 24 Q Do you know -- other than the one time that you
 25 asked to take home a book and this other student asked

- 1 Did you ever print anything out from the
 2 computer?
 3 A No.
 4 Q Do you have tests in this class?
 5 A Yes.
 6 Q What were -- how did you study for these tests?
 7 A No. Like he didn't -- there were tests, but
 8 they were assessment tests. Like you don't know when
 9 they're going to come up, so you don't know when to
 10 study.
 11 Q Did he make any tests?
 12 A No.
 13 Q And did he assign homework?
 14 A Yes.
 15 Q What kind of homework?
 16 A Like what you do in the night, like refers to
 17 class work. Like if you don't finish it during class,
 18 you take it home to finish it, and then, like, when you
 19 finish it, you have to get another handout to work on
 20 that. So it kind of keeps on going and going.
 21 Q So did you have homework every night?
 22 A Yes.
 23 Q And the homework was always from the handouts?
 24 A Yes. I had to work 15 minutes a day.
 25 Q From the handout?

- 1 to take home a book, do you know anyone else who's ever
 2 asked to take home a book?
 3 A No.
 4 Q Have you ever asked to take home this math
 5 book? I just asked -- other than that one time that you
 6 asked Mr. Flaherty to take home the math book, did you
 7 ever ask to take home the math book?
 8 A No.
 9 Q When you took home the math book that one
 10 time -- I'm sorry, when was that? Do you remember
 11 whether it was first, second, third or fourth quarter?
 12 A It was like third quarter.
 13 Q Did you -- what did you do when you took the
 14 book home?
 15 A I did my homework from the book.
 16 Q Did you ever want to take home the book other
 17 than that one time?
 18 A No.
 19 Q Other than the math book, did Mr. Flaherty use
 20 any other types of materials to teach the class?
 21 A No.
 22 Q He used the computer lab as well, correct?
 23 A Yes.
 24 Q When you used the computer lab, did you ever --
 25 I'm sorry.

- 1 A Yes.
 2 Q Did you ever have a hard time doing your
 3 homework?
 4 A Yes.
 5 Q What did you do when you had a difficult time
 6 doing your homework?
 7 A I asked my brother to help me.
 8 Q Did it help?
 9 A Yes.
 10 Q Other than -- what was difficult about the
 11 homework? What were your questions about?
 12 A About, like, how to -- how to multiply
 13 fractions and things like that. I didn't really quite
 14 get it.
 15 Q Did you ever ask to take home the book to do
 16 your homework other than that one time third quarter?
 17 A No.
 18 Q Did you ever think that taking the book home
 19 with you would help you to do the homework?
 20 A No, because he makes copies of the books and he
 21 hands them out to the kid, like to the class as work.
 22 Q He makes copies of the book, is that what your
 23 homework was -- is that where your homework came from,
 24 the copies from the book?
 25 A No.

- 1 Q So those -- and that happened every night?
 2 A Yes.
 3 Q He would give copies of the book every night?
 4 A Yes. That time I asked him to use a book was
 5 when there wasn't any more copies so I had to use the
 6 book.
 7 Q Why weren't there any more copies?
 8 A Because the rest of the kids took 'em.
 9 Q How about the time that you heard another
 10 student ask to take home the book, do you know why he
 11 asked to take home the book?
 12 A No.
 13 Q Did you always do your homework in this class?
 14 A Yes.
 15 Q How many times did you miss this class?
 16 A I think 20 -- 29 times.
 17 Q Twenty-nine times?
 18 A Yes.
 19 Q Why did you miss it?
 20 A There was -- because I was sick and
 21 sometimes -- I don't know. I forgot.
 22 Q Do you think that that's a lot of times to miss
 23 a class?
 24 A Yes.
 25 Q Did [REDACTED] or anyone else at the school

- 1 say that you were missing a lot of school or missing the
 2 class a lot?
 3 A No.
 4 Q Other than being sick, why else did you miss
 5 the class?
 6 A I probably -- I think I had to do some things
 7 first or I had to do some stuff.
 8 Q What kind of stuff?
 9 A I forgot what they were though.
 10 Q Can you think of any reasons why you missed --
 11 out of the 29 times that you missed this class, how many
 12 times did you miss because you were sick?
 13 A Like -- probably like 20, 23.
 14 Q Twenty to twenty-three times you were sick?
 15 A No, 23 times.
 16 Q Twenty-three times you were sick?
 17 A Yes.
 18 Q Were these three days in a row?
 19 A No. They're like -- like -- like once was --
 20 one day in the month I wouldn't go.
 21 Q I'm sorry, I didn't understand that. Can you
 22 explain that?
 23 A I think, like, I wouldn't go -- I wouldn't go,
 24 like, three days in one month.
 25 Q Three days in a row?

- 1 A Not in a row, but they're then separate.
 2 Q In September last school year, which would have
 3 been September 1999, do you remember about how many
 4 times you missed this class?
 5 A No.
 6 MR. LONDEN: Do you remember how many times you
 7 missed class in October?
 8 THE WITNESS: I don't know.
 9 MS. KOURY: Okay, we can break.
 10 (Recess.)
 11 (Discussion held off the record.)
 12 BY MS. KOURY:
 13 Q Moises, did you have time to think about any of
 14 the answers you gave earlier today?
 15 A Yes. I just wanted to say that I made a
 16 mistake by saying that I was absent 29 times, because I
 17 was looking at a paper in front of me that said I was
 18 absent 29 times, but I don't think I was.
 19 MS. KOURY: Let the record reflect that he's
 20 looking at a record -- student record.
 21 MR. LONDEN: The documents we brought with us that
 22 were sitting in front of Moises have visible -- a column
 23 that references absences. The particular column that
 24 has the number 29 in it is the number of days present
 25 rather than the number of days absent.

- 1 MS. KOURY: Okay.
 2 Q Why did you think that this was the number of
 3 days that you were absent?
 4 A Because it said, "Total Absences," and I
 5 thought that was it.
 6 Q Do you remember from your own memory without
 7 looking at the documents how many days you missed
 8 [REDACTED] math class?
 9 A I don't know.
 10 Q Do you remember if you missed any days at all?
 11 A Yeah, I missed days, but I don't know how much
 12 I missed. Probably like -- out of the whole school
 13 year, probably seven or eight times.
 14 Q Do you know why you missed those days, those
 15 seven days why you weren't in class?
 16 A Most of it was probably because I was sick.
 17 Q How many times do you think you were sick?
 18 A Like five times.
 19 Q Are you sure?
 20 A I'm not really sure, but most of the times I
 21 was absent that I know of is because I was sick.
 22 Q Can you remember any times you missed
 23 [REDACTED] math class for a reason other than being
 24 sick?
 25 A No.

1 Q Why do you think then that you missed his class
2 for some times being sick and other times for other
3 reasons?

4 MR. LONDEN: I'm not sure I heard the question that
5 way, but taking it as a question.

6 MS. KOURY: Let me rephrase.

7 Q What reasons other than being sick did you miss
8 [REDACTED] class?

9 A There was one reason that I missed school was
10 because I had to go to another funeral.

11 Q Aside from the two funerals that we
12 discussed -- that happened this year?

13 A Yes.

14 Q Other than the funeral, was there any other
15 reason why you missed [REDACTED] class?

16 A No.

17 Q Did you ever ditch his class?

18 A No.

19 MR. LONDEN: And this is a nit, but I'm not sure I
20 heard testimony as to two separate funerals. I think I
21 heard him testify twice about a funeral. It may have
22 been the same funeral, this year.

23 MS. KOURY: I'm sorry, I meant the same -- there
24 was one funeral this school year and then there was one
25 funeral last school year.

1 A She would just tell 'em to stop and they would
2 just keep on going.

3 Q What would she do then?

4 A She would -- she would keep on saying stop, and
5 they just won't listen.

6 Q What would you want her to do?

7 A I would have want her to, you know, make -- to
8 do something out of those problems. She should like --
9 she should give them detention or something.

10 Q I'm sorry, I didn't understand that.

11 A Give them detention.

12 Q Do other teachers give students detention?

13 A Yes.

14 Q What other teachers would give detention?

15 A [REDACTED]

16 Q Did you ever see [REDACTED] give students
17 detention? Did she ever give any student detention in
18 science class?

19 A Yes, she did.

20 Q About how many times?

21 A She started giving detentions out of like --
22 like after winter vacation she started giving, like, you
23 know -- she start saying so kids that they have
24 detention for talking.

25 Q This started after winter break?

1 MR. LONDEN: Then we heard it the same way.

2 MS. KOURY: Okay. Thank you.

3 Q Were you ever late for [REDACTED] class?

4 A No.

5 Q Let's talk about your science class last school
6 year. Who was your teacher last year for science?

7 A [REDACTED]

8 Q Did you like her?

9 A She was okay.

10 Q Was she a good teacher?

11 A Not really good, but she was okay.

12 Q Why wasn't she a really good teacher?

13 A Because she wouldn't do something about like
14 the kids messing around, you know, in the class. She
15 would just tell 'em to stop, kind of like the same thing
16 with my English teacher. She just, like, didn't say
17 anything. It was hard to listen to her while she was
18 teaching.

19 Q What do you mean by the kids messing around?

20 A They would throw things, they would be too
21 loud.

22 Q How often did this happen?

23 A Mostly, like, every day.

24 Q What would she do when the kids would get loud
25 or throw things around?

1 A Yes.

2 Q Did it get better? Did the kids start
3 listening to her?

4 A No. They kind -- it stayed the same.

5 Q What did she do?

6 A She would just keep on giving detentions, and
7 just give 'em, like, extra homework by writing down
8 like --- by writing down like a -- she handed out, like,
9 some kind of sheet that they had to write down, and it
10 was long. They had to copy it down and they give it the
11 next day to her.

12 Q How many detentions do you think that she gave
13 after Christmas break? Did she give someone detention
14 almost every day?

15 THE WITNESS: Excuse me, I need to get some water.

16 MS. KOURY: Okay. Let's take a break.

17 (Record read as requested.)

18 THE WITNESS: Almost every day.

19 BY MS. KOURY:

20 Q How long did that last?

21 A Like 20 minutes. Twenty minutes of detention.

22 Q When was detention?

23 A After school.

24 Q When is the last time that you remember her
25 giving detention?

- 1 A A couple -- let me see. Like a week before
2 school ended.
- 3 Q About how many times did she give students
4 detention in February?
- 5 A In February?
- 6 Q Uh-huh.
- 7 A Probably like ten. Ten.
- 8 Q How about in March?
- 9 A I think 14.
- 10 Q How about in April?
- 11 A Fifteen.
- 12 Q Did she give extra homework -- how often did
13 she give extra homework after winter break?
- 14 A How often? Like if you --
- 15 Q I'm sorry, let me ask that again.
16 How often did she give extra homework to kids
17 that were talking in class or disrupting class after
18 winter break?
- 19 A After -- let me see. She would -- she would
20 often give extra homework to the kids that were talking.
- 21 Q How often?
- 22 A Four days a week or something.
- 23 Q Did this last throughout the school year?
- 24 A Yeah, it lasted throughout the school year.
- 25 Q How many kids would she give extra homework to

- 1 usually?
- 2 A Like half of the class.
- 3 Q Did you ever get extra homework?
- 4 A No.
- 5 Q Did you ever get detention?
- 6 A Huh-uh.
- 7 Q Did it get better when she started giving
8 detention and giving extra homework?
- 9 A No.
- 10 Q Other than what we've just discussed, why else
11 do you think [redacted] wasn't a really good teacher?
- 12 A That's pretty much it.
- 13 Q How did she teach the class?
- 14 A How? What do you mean? Like --
- 15 Q What did she use to teach the class?
- 16 A We used books. We used books, and she used the
17 board to teach us science.
- 18 Q What book did you use?
- 19 A Something called Teen Health.
- 20 Q Teen Health?
- 21 A Health.
- 22 Q Was that the only book that you used?
- 23 A Yes.
- 24 Q Did you have your own book?
- 25 A No.

- 1 Q Was it a classroom set?
- 2 A Yes.
- 3 Q How did it work? How did you get the books?
- 4 A They're already on the desk. Already on the
5 desk.
- 6 Q Did you use this -- how often did you use this
7 book?
- 8 A Mostly every day.
- 9 Q Can you describe to me this book?
- 10 A There was writing inside the pages. The cover
11 was blue, and it showed a picture in front of the cover
12 of teen-agers.
- 13 Q Describe the condition of the book. You said
14 there was writing in it. What else was there?
- 15 A There was like -- sometimes there would be
16 writing on the cover.
- 17 Q What else?
- 18 A The covers are like -- are really dirty.
- 19 Q Anything else that bothered you about the
20 books' condition?
- 21 A No.
- 22 Q Did the writing on the cover or the dirty cover
23 bother you?
- 24 A No, it was just -- sort of, because it would
25 get my hands all sticky and stuff.

- 1 Q Did you ever complain about it?
- 2 A No.
- 3 Q Are there book covers on these Teen Health
4 books?
- 5 A Book covers, yes -- there wasn't any book
6 covers.
- 7 Q Were you specifically assigned a book or did
8 you get perhaps a different copy every day of the book?
- 9 A I would get a different copy every day.
- 10 Q Did you ever have a Teen Health book that had
11 pages torn out?
- 12 A No.
- 13 Q Were any of the pages in the Teen Health books
14 torn at all?
- 15 A No.
- 16 Q Did you ever hear from other students or see
17 see other students who had pages that were torn?
- 18 A No.
- 19 Q You said there was writing in the Teen Health
20 books?
- 21 A Yes.
- 22 Q Where was there writing?
- 23 A On the pages.
- 24 Q Where on the pages?
- 25 A On the -- like on the side of the words,

- 1 there's like -- a space where you can see the writing.
 2 Q Was the writing -- could you read the book?
 3 A Yeah, you could read it.
 4 Q Did you ever have a Teen Health book that you
 5 couldn't read the text of the book?
 6 A No.
 7 Q Did you ever have a Teen Health book in class
 8 where you couldn't read it for one reason or another and
 9 you decided to get another book?
 10 A No.
 11 Q Did you ever hear any of the other students
 12 complain about the Teen Health book?
 13 A No.
 14 Q Did anyone else complain about the Teen Health
 15 books that you know of?
 16 A No.
 17 Q Do you know how old they were?
 18 A No.
 19 Q Did you ever take the Teen Health book home?
 20 A No.
 21 Q Did you ever want to take it home?
 22 A No.
 23 Q Do you know if any of the other students took
 24 it home?
 25 A No.

- 1 Q Do you know if any of the other students asked
 2 to take the Teen Health book home?
 3 A No.
 4 Q Do you know if you could checkout a Teen Health
 5 book if you wanted to?
 6 A You can't check it.
 7 Q How do you know?
 8 A Because they don't let you take any kinds of
 9 those science books home.
 10 Q Who told you that?
 11 A The teacher. They said that you can't take the
 12 books home because we need the rest of the books for the
 13 next class.
 14 Q What teachers told you that?
 15 A My science teacher.
 16 Q Was her name [REDACTED]?
 17 A [REDACTED]
 18 Q When did she tell you that?
 19 A She told me -- like what month?
 20 Q Excuse me?
 21 A Do you want to hear the month or what?
 22 Q Yeah, if you remember the month, what month was
 23 it?
 24 A I think March.
 25 Q March of last school year?

- 1 A Yes, of last school year.
 2 Q Do you remember why she said that?
 3 A No. Because I think a kid asked, like, why
 4 can't they take the books home, and she said because we
 5 need the rest of the books for the rest of the classes,
 6 and that's pretty much it.
 7 Q Do you know why the student wanted to take the
 8 textbook home?
 9 A He didn't want to take it. He just asked why
 10 he couldn't take it.
 11 Q Have you ever asked to take home a Teen Health
 12 science book?
 13 A No.
 14 Q Other than the Teen Health book, did Miss Hatch
 15 use any other books to teach this class?
 16 A No.
 17 Q Did she use any other materials? Did she give,
 18 like, handouts or worksheets?
 19 A Yeah, she would give out handouts. Yeah, she
 20 would worksheets. She would give out worksheets.
 21 Q What kind of worksheets?
 22 A Worksheets that were about stuff that we were
 23 learning at that time.
 24 Q Do you know where the worksheets came from?
 25 A No.

- 1 Q What were on the worksheets?
 2 A Questions.
 3 Q What did you do with the worksheets?
 4 A We had to answer all the correct answers.
 5 Q When did you do that? Was it something you did
 6 in class or you did for homework?
 7 A She would sometimes pass out worksheets for us
 8 to finish.
 9 Q I'm sorry, I don't understand that. What do
 10 you mean to finish?
 11 A She would --
 12 Q Was it finish in class or --
 13 A Finish in class.
 14 Q Did you correct the worksheets?
 15 A No.
 16 Q What did you do after you were finished with
 17 them?
 18 A We gave it to her and we never got it back.
 19 Q Where did she put the worksheets?
 20 A I don't know.
 21 Q Did you ever ask her what happened to the
 22 worksheets?
 23 A No.
 24 Q Did you ever use the worksheets to study?
 25 A No.

- 1 Q Did she ever assign homework?
 2 A No.
 3 Q You never had homework in Teen Health?
 4 A We had homework, but I don't remember when was
 5 the last time.
 6 Q Do you remember what kinds of homework she gave
 7 you?
 8 A Handout, I think, yeah, for homework, and then
 9 we bring it the next day.
 10 Q What kind of handouts were they? What was on
 11 them?
 12 A There was some with, like, questions --
 13 questions and matching -- you have to match, like,
 14 something -- what something is, you have to match it to
 15 the other thing that was like the side of it.
 16 Q What other kind of handouts would she give you?
 17 A Sometimes she would give us handouts just all
 18 questions.
 19 Q And what would you do with them?
 20 A We would answer them.
 21 Q As your homework?
 22 A Yes.
 23 Q Then what would you do with them?
 24 A We would -- the homework?
 25 Q Yeah. Would you do your homework?

- 1 A Yes, I would.
 2 Q Did you always do your homework?
 3 A Yes.
 4 Q And then what would you do with your homework
 5 after you were finished with it?
 6 A I would bring it the next day to school, and I
 7 think -- yeah, we would correct it, I think. Yeah.
 8 Q Did you have tests in this class?
 9 A Yes.
 10 Q How did you study for the tests?
 11 A We had -- you couldn't study. You had to know
 12 what the questions were supposed to be.
 13 Q Why couldn't you study?
 14 A 'Cause there was nothing to study off. You
 15 just had to know what the question -- you have to know
 16 the right answer.
 17 Q Did [REDACTED] make her tests, do you know?
 18 A Yes.
 19 Q Would she ever explain -- or did she ever tell
 20 you that you were going to have a test the next day or
 21 when you were going to have a test?
 22 A Yeah, she would say that we were going to have
 23 a test, like, in two more days.
 24 Q Would she tell you what to study for the test,
 25 or what the test was going to be on?

- 1 A No. Yeah, she would tell us that the test was
 2 going to be, like, based on what we learned so far.
 3 Q Would you ever study from your home worksheets,
 4 your handouts for the worksheets?
 5 A No.
 6 Q Did you have the handouts after -- after you
 7 were finished with the handouts that you did for
 8 homework, what would you do with them?
 9 A I would turn 'em in and -- no. We would
 10 correct 'em.
 11 Q Where? Where did you correct them?
 12 A In class.
 13 Q And then what would you do?
 14 A Give it to her.
 15 Q You gave her the handouts?
 16 A Yeah.
 17 Q Did she want them? Did she ask for them?
 18 A She would want them after we corrected them.
 19 Q Do you know what she did with them?
 20 A No.
 21 Q Did you ever ask her whether you could use the
 22 handouts or the worksheets to study for the test?
 23 A No.
 24 Q Do you think it would help to study for the
 25 tests to use the worksheets or the handouts?

- 1 A Yes, because it's like having notes to study
 2 off of the worksheets.
 3 Q Why didn't you ever ask her to have worksheets
 4 or the handouts to study for the tests?
 5 A Because -- I don't know. Because I knew she
 6 would probably say no.
 7 Q Why do you think she would say no?
 8 A 'Cause -- I don't know. Because she says -- I
 9 don't know. She would probably need to grade it.
 10 Q How about the Teen Health book, do you think
 11 that that would help to study for the exam?
 12 A Yes.
 13 Q Why?
 14 A Because the test only comes from information
 15 from the book, and the book has every answer for the
 16 test. And, you know, she could have told us, like, what
 17 page to study on for the test. It would have been
 18 easier.
 19 Q Have you ever asked to take home -- or have you
 20 ever asked to use the Teen Health book to study for the
 21 test?
 22 MR. LONDEN: Asked and answered.
 23 Go ahead.
 24 BY MS. KOURY:
 25 Q Go ahead.

- 1 A No.
 2 Q Have you ever tried to use the Teen Health book
 3 during school time but not during class, maybe some
 4 other time during the school day?
 5 A No.
 6 Q Okay. How often do you get homework in this
 7 class?
 8 A We never really used to get homework, not that
 9 much.
 10 Q You said that she would sometimes give you
 11 handouts for homework?
 12 A Sometimes.
 13 Q How many times can you remember that you got
 14 handouts for homework?
 15 A Probably, like, five times out of the whole
 16 school year.
 17 Q How about the worksheets that you used in
 18 class, if you -- did you ever not finish the worksheet
 19 in class?
 20 A No -- yes, I would sometimes never finish.
 21 Q Then what would happen?
 22 A Then she said to just bring the next day and we
 23 would work on it tomorrow.
 24 Q So you didn't take it home for homework?
 25 A No.

- 1 Q You never took home one of these worksheets for
 2 homework?
 3 A No. Only a special handout that she would tell
 4 us to do for homework.
 5 Q Did you ever have experiments in this class?
 6 A No.
 7 Q Other than the Teen Health book, the handouts
 8 that we discussed and the worksheets, were there any
 9 other materials that [REDACTED] used in teaching this
 10 class?
 11 A No.
 12 Q What grade did you get on her tests? How many
 13 tests were there? Two, did you say?
 14 A Tests that she made?
 15 Q That she made.
 16 A There was like -- probably like -- there was a
 17 lot of tests.
 18 Q About how often would she give you a test?
 19 A Mostly on Fridays.
 20 Q Was it every Friday?
 21 A No, not every Friday.
 22 Q Every other Friday?
 23 A Yeah, something like that.
 24 Q What grade did you get in this class first
 25 quarter?

- 1 A [REDACTED]
 2 Q How about second quarter?
 3 A [REDACTED]
 4 Q Third quarter?
 5 A [REDACTED]
 6 Q Fourth quarter?
 7 A [REDACTED]
 8 Q Did you ever ask for extra help in this class?
 9 A No.
 10 Q How many times did you miss this class?
 11 A Probably eight times, probably, yeah.
 12 Q Why did you miss it?
 13 A The rest -- five was because I was sick.
 14 Q How about the other three times?
 15 A Because I probably -- you know, the other
 16 reason that I told you.
 17 Q Which was the funeral?
 18 A Yes, and let me see.
 19 Q How about the other two times?
 20 A Oh, because I got sent home for feeling sick.
 21 Q And the five other times were because you were
 22 sick?
 23 A Because I was sick during -- I was in the
 24 house.
 25 Q Were you in the house -- why were you in the

- 1 house?
 2 A When I was in the house I was sick, and that's
 3 why I didn't come to school.
 4 Q How about being late, were you ever late for
 5 [REDACTED] class?
 6 A No.
 7 Q Do you think that your grade in this class
 8 fairly showed how much you knew in science?
 9 MR. LONDEN: Lacks foundation.
 10 Go ahead.
 11 THE WITNESS: Yes.
 12 BY MS. KOURY:
 13 Q Okay. Let's talk about your English class last
 14 year. Who was your teacher last year?
 15 A Miss Mc --
 16 Q I'm sorry. Before we discuss that, can I ask
 17 you one last thing about [REDACTED] class.
 18 So other than the worksheets, the handouts and
 19 the Teen Health book, you didn't use any other materials
 20 in this class?
 21 A No.
 22 Q Okay. And you were telling me the name of your
 23 teacher?
 24 A Miss McCartrick.
 25 Q Can you spell that?

- 1 A I don't know how to spell it.
 2 Q Did you like her? Was she a good teacher?
 3 A Yeah, she was a good teacher.
 4 Q Why was she a good teacher?
 5 A She was nice. Mostly she was nice.
 6 Q How was she nice?
 7 A She wouldn't raise her voice at all. She
 8 would -- she was very patient. She wouldn't like -- if
 9 there was, like, something that they didn't understand,
 10 she would go very slowly until you understand.
 11 Q How else was she a good teacher? What else
 12 made her a good teacher?
 13 A That's it.
 14 Q Okay. What book did you use in this class?
 15 A I forgot.
 16 Q Do you know if you used a grammar book in this
 17 class?
 18 A No.
 19 Q You don't know or you didn't use a grammar
 20 book?
 21 A I didn't use a grammar book.
 22 Q How about a reading and literature book, did
 23 you use a reading and literature book in this class?
 24 A Yes.
 25 Q Did you use any other books, or was it just one

- 1 A No.
 2 Q Can you describe to me the condition of the
 3 book?
 4 A It was in okay condition. It just -- the cover
 5 looked kind of dirty, and that's it.
 6 Q Was there a book cover on it?
 7 A No.
 8 Q Is there anything about this book that bothered
 9 you other than the cover being dirty?
 10 A No.
 11 Q Do you know about how old it was?
 12 A No.
 13 Q Did you ever look at the date?
 14 A No.
 15 Q Did you ever hear anyone complain about the
 16 book?
 17 A No.
 18 Q Teachers never complained about it?
 19 A Teachers about the book, no.
 20 Q Other students?
 21 A No.
 22 Q Was there any writing in any of the reading
 23 books that you used in this class?
 24 A No.
 25 Q Were any of the pages torn out?

- 1 book?
 2 A It was just one book.
 3 Q You didn't have a spelling book in this class?
 4 A No.
 5 Q How about any novels, did you have any little
 6 novels in this class?
 7 A No.
 8 Q So it was just the reading and literature book?
 9 A Yes.
 10 Q Did you have your own book to use in class?
 11 A No.
 12 Q No?
 13 A No -- yeah, I had my own book, but it wasn't
 14 really like only for me. I would get a different book
 15 every time I got a book.
 16 Q Okay. And how did that work again? How did it
 17 work for this class?
 18 A The books were on the shelf and you had to go
 19 get it yourself.
 20 Q How often did you use this reading and
 21 literature book?
 22 A About every day.
 23 Q Can you describe it to me, what it looked like?
 24 A (No audible response.)
 25 Q Do you know the name of it?

- 1 A No.
 2 Q Did you ever see any other students using a
 3 reading book that had pages torn out?
 4 A No.
 5 Q Did you ever see any of the other students
 6 using a reading book in that class that had writing in
 7 it?
 8 A No.
 9 Q How did Miss McCartrick use the reading book in
 10 class?
 11 A We would read off, like, some stories, and we
 12 would answer questions of the story.
 13 Q How would you answer -- how would you do this?
 14 A Huh?
 15 Q How did you answer the questions?
 16 A By -- from like -- by reading the story, by
 17 going over what you read.
 18 Q Did you write them, or did you speak -- talk
 19 about them, the answers?
 20 A We would write them.
 21 Q And then what would happen after you wrote the
 22 answers?
 23 A We had our own folders, and then we just put it
 24 in there.
 25 Q Was this during class?

- 1 A Yes.
 2 Q What would happen after you wrote the answers,
 3 what would you do in class?
 4 A We would -- we'd work on something else. We
 5 would -- sometimes the stories would take long to read,
 6 sometimes it could take, like, two days, and then, like,
 7 the next day you have to answer them. After you answer
 8 them, you have to do --
 9 Q Did you discuss the answers to the questions in
 10 class?
 11 A No.
 12 Q Did she correct the questions?
 13 A (No audible response.)
 14 Q Do you know?
 15 A Yeah -- yeah, she did.
 16 Q How do you know?
 17 A We would put it in the folder and she would
 18 check off the work that we did and grade it off of that.
 19 Q What would happen to the folder?
 20 A She would give it back to us.
 21 Q When?
 22 A The next day.
 23 Q What would be in the folder?
 24 A Grade.
 25 Q What else?

- 1 A And the work that you did, and then she tells
 2 you, like, to throw away the work that she already
 3 graded so you could have more room for the other work.
 4 Q What would you do with the folder?
 5 A I would put my work in the folder.
 6 Q Did you ever take the folder home?
 7 A No.
 8 Q Did you review the folder in class by yourself?
 9 A No.
 10 Q But you would see what the homework that she
 11 already corrected, that was in the folder?
 12 A Yes.
 13 Q Okay. Did she assign homework in this class?
 14 A I'm sorry?
 15 Q Did Miss McCartrick assign homework in this
 16 class, did she give you homework?
 17 A Yes.
 18 Q What kind?
 19 A We have to make up our own sentences with words
 20 that we -- with words that she tells us to --
 21 Q To use in a sentence?
 22 A Yeah.
 23 Q How often would she assign homework?
 24 A Like two days a week.
 25 Q Other than making up sentences with the words

- 1 that she gave you, what other kinds of homework did she
 2 give you?
 3 A Making your own paragraph.
 4 Q Any other kind of homework?
 5 A No, that's it.
 6 Q What would happen after you were finished with
 7 your homework?
 8 A I would bring it back the next day and give it
 9 to her.
 10 Q What would happen then?
 11 A She would grade it and I think she would -- it
 12 would take her like two days to grade it.
 13 Q Then what would happen?
 14 A Then she gives us back the worksheet and see
 15 our grades.
 16 Q Did you always do your homework?
 17 A Yes.
 18 Q Did you have tests in this class?
 19 A Yes.
 20 Q How many tests did you have?
 21 A Tests every Friday.
 22 Q What were the tests on?
 23 A Spelling.
 24 Q Other than spelling, what kind of tests did you
 25 have in this class?

- 1 A Only spelling.
 2 Q How'd you study for the spelling tests?
 3 A She would give us the words to study for, and
 4 then next day just remember how to spell the words.
 5 Q With the reading literature book, did you
 6 have -- you didn't have a spelling book, you said, in
 7 this class?
 8 A Spelling book, no.
 9 Q With the reading literature book in this class,
 10 did every student have their own textbook to use in
 11 class?
 12 A Yes.
 13 Q Did you ever see students sharing a textbook?
 14 A No.
 15 Q Did you have a reading literature textbook to
 16 take home at night?
 17 A No.
 18 Q Did you ever want to take the reading
 19 literature textbook home at night?
 20 A No.
 21 Q Did you know of any other students that wanted
 22 to take the book home at night?
 23 A No.
 24 Q Do you think that you could have used the
 25 reading literature book to study at home at night?

- 1 A No.
 2 Q What grade did you get in this class first
 3 quarter?
 4 A [REDACTED]
 5 Q How about second quarter?
 6 A [REDACTED]
 7 Q How about third quarter?
 8 A [REDACTED]
 9 Q Fourth quarter?
 10 A [REDACTED]
 11 Q Did you ever ask for extra help in this class?
 12 A No.
 13 Q Did you think that you needed extra help in
 14 this class?
 15 A No.
 16 Q Do you think you could have done better in this
 17 class?
 18 A Yeah, probably.
 19 Q Why?
 20 A I could have done better in my spelling tests.
 21 Q How could you have done better? What do you
 22 think would have helped you do better?
 23 A I could have studied more on the words that I
 24 was supposed to spell right.
 25 Q Was there anything else that you think you

- 1 A Mr. Caldera.
 2 Q And did you like him? Was he a good teacher?
 3 A Yeah, he was a good teacher.
 4 Q What made him good?
 5 A He would stay after class and help kids, you
 6 know. Help the seventh graders do their essays and
 7 stuff, their essays, their reports on states and
 8 history.
 9 Q We discussed Mr. Caldera earlier this morning,
 10 didn't we?
 11 A Yes.
 12 Q What book did you use in this class?
 13 A World history book.
 14 Q Was that the only book you used?
 15 A Yes.
 16 Q Did you have your own book to use in class?
 17 Was it a classroom set?
 18 A Yes.
 19 Q How did this one work?
 20 A Let's see. You would have to get your book
 21 from the shelf.
 22 Q Did you use a book every day?
 23 A Yes, mostly every day.
 24 Q How often?
 25 A Like four times -- like four days -- yeah, four

- 1 could have done to improve your grade in this class?
 2 A No.
 3 Q How many times did you miss this class?
 4 A Seven times -- yeah, seven.
 5 Q Why did you miss it those seven times?
 6 A Five, because I was sick, and the sixth and
 7 seventh because I got sent home because I was sick and
 8 the other one -- let's see. I think I had some stuff,
 9 but -- yeah, I had to do some stuff --
 10 Q What did you have to do?
 11 A I forgot. I don't know what I had to do.
 12 Q Would you ever -- why would you miss school to
 13 do stuff? What kind of stuff would you miss school for?
 14 A Probably, like, to go somewhere important,
 15 like --- I don't know. I forgot.
 16 Q Do you think your parents knew that you missed
 17 school?
 18 A Yes.
 19 Q Have you ever missed school without your
 20 parents knowing?
 21 A No.
 22 Q Were you ever late for this class?
 23 A No.
 24 Q Let's discuss your world history class that you
 25 took last year. Who was the teacher for that class?

- 1 days a week.
 2 Q How long did you use it in class? Was it
 3 the entire class period?
 4 A Yes.
 5 Q Four times a week you would use it the entire
 6 class period?
 7 A Four days a week, yes.
 8 Q I'm sorry, four days a week. Okay.
 9 Can you describe to me the world history book,
 10 do you remember the name of it?
 11 A The name was World History.
 12 Q Okay. Can you describe the conditions of it?
 13 A The cover wasn't bad or wasn't new. There
 14 wasn't any writing or ripped pages.
 15 Q You never used a world history book that had
 16 any writing in it?
 17 A No.
 18 Q You never used a world history book that had
 19 any pages ripped out?
 20 A No.
 21 Q Did you know of any other students that used a
 22 world history book that had writing in it?
 23 A No.
 24 Q Did you know of any other student that used a
 25 world history book that had pages ripped out?

- 1 A No.
 2 Q How old do you think this book was, or do you
 3 know?
 4 A Probably like -- I don't know. I don't know
 5 how old it was.
 6 Q Did you ever hear anyone complain about it
 7 being really old?
 8 A No.
 9 Q Did you ever hear anybody complain about it at
 10 all?
 11 A No.
 12 Q Did you ever complain about it?
 13 A No.
 14 Q Did Mr. Caldera assign homework in this class?
 15 A Yes.
 16 Q What kind of homework, aside from the essays
 17 that we discussed earlier?
 18 A He would give handouts like a worksheet that
 19 has a story on a person that was famous, and then you
 20 had to read the story and then the questions -- there
 21 was questions farther down on the paper asking you like
 22 where was he from, where was he born and stuff like that
 23 and you had to answer.
 24 Q What would you do with this homework? Would
 25 you do it?

- 1 A Yes.
 2 Q Then what would happen?
 3 A I would give it back to Mr. Caldera the next
 4 day.
 5 Q And what would happen after that?
 6 A We would correct it first, and then we would
 7 correct it altogether, and then we would give it to him.
 8 Q And then what would happen? What did he do
 9 with it, do you know?
 10 A He would keep it, yeah.
 11 Q Where would he keep it?
 12 A I don't know.
 13 Q Did you ever see it again?
 14 A No, but he writes -- since we corrected it
 15 ourselves, he writes the grade down himself of what we
 16 got.
 17 Q Okay. Did you ever get the homework after it
 18 was corrected back?
 19 A No.
 20 Q Other than that kind of homework, did you get
 21 any other types of homework?
 22 A No.
 23 Q How often would you get homework?
 24 A Three days. Probably like three days every
 25 week. No, wait, two days every week.

- 1 Q Two days every week?
 2 A Yes.
 3 Q Okay. Did you have tests in this class?
 4 A Yes.
 5 Q How did you study for the test?
 6 A He would give us -- wait, let me see. Oh, yes.
 7 We would have notes. We would write down notes, notes,
 8 like, about the test. We would study. We would study
 9 the notes and make sure we have everything memorized,
 10 and then the next day just do the test.
 11 Q Where did you get the notes from?
 12 A We would get it off of worksheets, worksheets
 13 that he passed out to us.
 14 Q Were these worksheets separate from the
 15 worksheets that you got for homework?
 16 A Yes.
 17 Q And were these worksheets -- explain these
 18 worksheets to me. Describe 'em. What was on them?
 19 A Questions like -- questions and -- questions on
 20 people, questions on places, and then the answers would
 21 be on the worksheet.
 22 Q Could you take these worksheets home?
 23 A Yes.
 24 Q So you took notes from these worksheets and you
 25 studied for your tests by studying your notes?

- 1 A Yes.
 2 Q Did you use anything else to study for the
 3 tests?
 4 A No.
 5 Q Did you look at the worksheets to study for
 6 your tests?
 7 A Yes.
 8 Q Did you take the world history book home?
 9 A No.
 10 Q Did anyone in your class ever take the world
 11 history book home?
 12 A No.
 13 Q Did you ever want to take the world history
 14 book home?
 15 A No.
 16 Q Did you ever hear of anyone else wanting to
 17 take the world history book home?
 18 A No.
 19 Q Other than the worksheets that you used to
 20 study for the tests, the homework assignments that you
 21 got and the World History book, did your teacher,
 22 Mr. Caldera, use anything else to teach your class, any
 23 other material?
 24 A No.
 25 Q Did you ever use the computer lab for this

- 1 class?
- 2 A No.
- 3 Q Did he ever assign a project that required you
- 4 to do research other than using the materials that you
- 5 had in class?
- 6 A Yes.
- 7 Q Tell me about that assignment.
- 8 A We had to do research on -- the Ancient Mayans
- 9 or something -- yeah, Mayans, and then he told us to get
- 10 information from the Internet, and we had to get a
- 11 picture of a temple from the Internet.
- 12 Q Did you do it?
- 13 A Yes.
- 14 Q How did you do it?
- 15 A Back then we -- I didn't have Internet, so I
- 16 had to go to the library, the public library close to
- 17 our house. I went there and I used the Internet.
- 18 Q What do you mean back then you didn't have
- 19 Internet. What do you mean by that?
- 20 A In my house.
- 21 Q Do you have Internet now?
- 22 A Yes.
- 23 Q So you have a computer at home?
- 24 A Yes.
- 25 Q So you went to the library near your house to

- 1 use the Internet to do this research?
- 2 A Yes.
- 3 Q Was there a computer -- were there computers at
- 4 your school at this time?
- 5 A Yes.
- 6 Q Did the computers have Internet access?
- 7 A Yes.
- 8 Q Why didn't you use the computers at school?
- 9 A Because they wouldn't let us use the Internet.
- 10 Q Why not?
- 11 A Because -- I don't know. Because a person was
- 12 never, like, in charge to be there.
- 13 Q How do you know?
- 14 A Because whenever some kid asked to, like, use
- 15 the Internet from the school, they can't because there's
- 16 mostly -- there has to be a grown up there and there
- 17 never is a grown up there to --
- 18 Q Did you ever try to use the Internet last year?
- 19 A Last year, no.
- 20 Q When you got this research assignment, did you
- 21 try to use the Internet or the computer and access the
- 22 Internet at school to do this research project?
- 23 A No, because I know they wouldn't -- I wouldn't
- 24 be able to use it so I went to the library.
- 25 Q But you didn't ask anyone at school?

- 1 A No.
- 2 Q Who told you that you wouldn't be able to use
- 3 it?
- 4 A I know it because whenever a kid tries to go
- 5 after school to do some research on the Internet, mostly
- 6 they're always closed and they never even -- never open.
- 7 Q I understand that you generally have this
- 8 knowledge, but what specifically happened to make you
- 9 think this? Did someone tell you this? Did a friend
- 10 tell you this?
- 11 A I heard it.
- 12 Q Who'd you hear it from?
- 13 A My friend. He said something like --
- 14 Q When did your friend tell you this?
- 15 A When? Like in third quarter.
- 16 Q Third quarter last year?
- 17 A Yes.
- 18 Q What did he tell you?
- 19 A He told me that he tried, you know -- he tried
- 20 using the Internet, but it's always closed after school.
- 21 Q Other than this one friend, did anyone else
- 22 tell you this?
- 23 A No.
- 24 Q What's your friend's name?
- 25 A He was not really my friend, but like -- he

- 1 wasn't really my friend. I just -- he didn't tell me.
- 2 I just kind of like heard it, him saying that.
- 3 Q You overheard him saying that?
- 4 A Yes.
- 5 Q Other than overhearing him saying that, did you
- 6 hear anyone else saying that?
- 7 A No.
- 8 Q Did you ask him about it?
- 9 A No.
- 10 Q Did you ask anyone else about it?
- 11 A No.
- 12 Q Back to world history class. Other than that
- 13 research project that he gave you that required Internet
- 14 research, were there any other types of projects?
- 15 A There were other projects, but it required,
- 16 like, books.
- 17 Q Which books? What types of books?
- 18 A Books like the Book of Knowledge or the
- 19 Encyclopedia, you could use those to help you do the
- 20 report.
- 21 Q I remember earlier this morning you told me
- 22 about the essay that he helped you with. Was that one
- 23 of the projects that required you to use books?
- 24 A Yes.
- 25 Q Okay. Where did you get the books in order to

1 do this essay?
 2 A He would let us borrow his encyclopedias from
 3 the room.
 4 Q Did you take it home with you at night or did
 5 you use it in class?
 6 A I used it in class and took it home.
 7 Q And other than the encyclopedia that he let you
 8 use, were there any other books that you used for the
 9 essay?
 10 A No. Yeah, my own Book of Knowledge that I have
 11 at home.
 12 Q Where did you get that book from?
 13 A My mom ordered it.
 14 Q Did your mom pay for it?
 15 A Yes.
 16 Q How do you know that she paid for it?
 17 A Because she told me.
 18 Q And other than the essay, what other projects
 19 were there that required you to use other books?
 20 A What other essays?
 21 Q Excuse me.
 22 A Can you repeat the question again, please?
 23 Q Yeah. Other than the essay that we just
 24 discussed and the Internet research project, what other
 25 projects or homework assignments were there that

1 Q Fourth quarter?
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 BY MS. KOURY:
 15 Q How many times did you miss this class?
 16 A Miss, seven times, and -- yeah, seven times.
 17 Q Why?
 18 A For the same reasons as the other ones.
 19 Q Five times you were sick and two times --
 20 A I couldn't go because I had to do some stuff,
 21 and I got sent home because I was sick.
 22 Q And you don't know what stuff you had to do?
 23 A I forgot.
 24 Q How many times were you late?
 25 A I was never late.

1 required you to use books other than the book in class,
 2 the World History book?
 3 A None.
 4 Q There was only that one essay?
 5 A Those two essays.
 6 Q Two essays?
 7 A Yes.
 8 Q When was the first essay?
 9 MR. LONDEN: The Mayans.
 10 MS. KOURY: The Mayans, okay.
 11 Q Which is also what you used the Internet for?
 12 A Yes.
 13 Q Okay. Got it. Did you have tests in World
 14 History?
 15 A Yes.
 16 Q And we discussed that you used these worksheets
 17 to study for the tests, right?
 18 A Yes.
 19 Q And what grade did you get in world history
 20 first quarter?
 21 A [REDACTED]
 22 Q Second quarter?
 23 A [REDACTED]
 24 Q Third quarter?
 25 A [REDACTED]

1 Q I'm sorry, were you ever late is what I meant
 2 to ask. Okay.
 3 How about art class, who taught you art last
 4 year?
 5 A [REDACTED]
 6 Q Was she a good teacher?
 7 A No, not really.
 8 Q What made her not such a good teacher?
 9 A She wouldn't correct what you did and stuff,
 10 like your drawings, she would just see it and just
 11 wouldn't correct 'em.
 12 Q How did she give you a grade?
 13 A By acting -- I guess by -- from what you act.
 14 But I never seen her, like, correct my work. She would
 15 just tell me if I was doing it.
 16 Q What kind of materials did you use in this
 17 class?
 18 A I used paint brush, paint, newspapers, paper,
 19 pencil, crayons and markers.
 20 Q Did you have -- were there enough of these
 21 supplies for us to use without sharing?
 22 A Yes.
 23 Q Did you get homework in that class?
 24 A No.
 25 Q Did you have tests?

1 A No.
 2 Q What grade did you get?
 3 A [REDACTED]
 4 Q How about second quarter? [REDACTED]
 5 [REDACTED]
 6 A Yeah, I got in all the quarters -- yeah, I got
 7 [REDACTED]
 8 Q Do you think there was anything that you could
 9 have done to get a better grade in this class?
 10 A No.
 11 Q Do you think there's anything that Miss Shram
 12 could have done to help you get a better grade?
 13 MR. LONDEN: Lacks foundation.
 14 THE WITNESS: She could have done something with my
 15 work, not own see if I was done.
 16 Can I use the restroom, please?
 17 MS. KOURY: Sure.
 18 (Recess - Discussion held off the record.)
 19 (Whereupon, the deposition adjourned at 4:55 p.m.)
 20 //
 21 //
 22
 23
 24
 25

1
 2
 3
 4 I, the undersigned, a Certified Shorthand
 5 Reporter of the State of California, do hereby
 6 certify:
 7 That the foregoing proceedings were taken
 8 before me at the time and place herein set forth; that
 9 any witnesses in the foregoing proceedings, prior to
 10 testifying, were placed under oath; that a verbatim
 11 record of the proceedings was made by me using machine
 12 shorthand which was thereafter transcribed under my
 13 direction; further, that the foregoing is an accurate
 14 transcription thereof.
 15 I further certify that I am neither
 16 financially interested in the action nor a relative or
 17 employee of any attorney of any of the parties.
 18 IN WITNESS WHEREOF, I have this date
 19 subscribed my name.
 20
 21 Dated: _____
 22
 23 _____
 24 THERESA A. DARNELL
 25 CSR No. 9966

1
 2
 3
 4
 5
 6
 7
 8
 9 I, MOISES CANEL, do hereby declare under
 10 penalty of perjury that I have read the foregoing
 11 transcript of my deposition; that I have made such
 12 corrections as noted herein, in ink, initialed by me, or
 13 attached hereto; that my testimony as contained herein,
 14 as corrected, is true and correct.
 15 EXECUTED this ___ day of _____,
 16 2001, at _____,
 (City) (State)
 17
 18
 19 _____
 20 MOISES CANEL
 21
 22
 23
 24
 25