

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 CITY AND COUNTY OF SAN FRANCISCO

3
4 ELIEZER WILLIAMS, et al.,)

5 Plaintiffs,)

6 vs.) No. 312 236

7 STATE OF CALIFORNIA, DELAINE) Pages 1 to 178

8 EASTIN, State Superintendent) Volume I

9 of Public Instruction, STATE)

10 DEPARTMENT OF EDUCATION,)

11 STATE BOARD OF EDUCATION,)

12 Defendants.)

13)
14 AND RELATED CROSS-ACTION)

15)

16
17
18 DEPOSITION OF MICHAEL ALEXANDER CAPUTO-PEARL

19 TAKEN ON

20 WEDNESDAY, NOVEMBER 21, 2001

21
22
23
24 Reported by: PHILIP D. NORRIS

25 CSR NO. 4980

1 Deposition of Michael Alexander Caputo-Pearl,
 2 taken on behalf of Defendant State of California, at 400
 3 South Hope Street, Los Angeles, California, on
 4 Wednesday, November 21, 2001, at 9:47 a.m., before
 5 Philip D. Norris, CSR No. 4980, pursuant to Notice.
 6
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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, NOVEMBER 21, 2001
 2 9:47 A.M.
 3
 4
 5 MICHAEL ALEXANDER CAPUTO-PEARL,
 6 having been first duly sworn, was
 7 examined and testified as follows:
 8
 9 EXAMINATION
 10
 11 BY MS. VANSE:
 12 Q. Good morning.
 13 A. Good morning.
 14 Q. We just met, but again my name is Jennifer
 15 Vanse, and I'm an attorney here at O'Melveny & Myers,
 16 and we represent the State of California in this action.
 17 Would you just please state your name and spell
 18 it for the record, please.
 19 A. Michael Alexander Caputo-Pearl.
 20 Q. Just spell the last name.
 21 A. C A P U T O dash P E A R L.
 22 Q. Thank you. Have you ever had your deposition
 23 taken before?
 24 A. No.
 25 Q. Okay. Let me just explain a little bit what

1 we'll be doing here today, then.

2 I'm going to ask you a series of questions, and
3 you're going to give me a series of answers to the best
4 of your ability. And our court reporter here will be
5 taking down everything I say, you say, anyone in the
6 room says. So with that in mind, it's important that
7 you allow me to finish my questions before you finish
8 answering, and also that I let you finish your answers
9 before I start in, so he can get a clear record.

10 And you've just been placed under oath, and
11 that means that your testimony will have the same force
12 and effect as if you were testifying in a court of law,
13 even though obviously this is a little bit more
14 informal.

15 Do you understand that?

16 A. Uh-huh, yes, I do.

17 Q. That's, actually, a good point, because we need
18 to both, both of us, say yes, no, instead of shake our
19 heads, saying uh-huh, uh-uh, because that doesn't look
20 great on a record. So if you can try and remember that,
21 or Catherine will, that will be great.

22 It's important that you listen carefully and
23 understand my questions. If you don't, please let me
24 know. I'll try and rephrase it or state it another way
25 so you do understand it. If you don't tell me you don't

1 free to make them at that time.

2 Do you understand that?

3 A. Yes.

4 Q. If you remember something later about an answer
5 or a question, please feel free to interject and
6 supplement that at that time. That's totally fine. And
7 I would appreciate it if you do that.

8 Do you understand that?

9 A. Yes.

10 Q. Do you have any questions?

11 A. No.

12 Q. Okay. Is there any reason why you would be
13 unable to testify today and give your best testimony
14 today?

15 A. No.

16 Q. Any medication or alcohol in the last 24 hours?

17 A. No.

18 Q. Okay. Great. What did you do to prepare for
19 your deposition today?

20 A. I met with Catherine downstairs for about 25
21 minutes before coming up here, and we met last week for
22 between an hour and an hour and a half.

23 Q. Did you speak with anyone else other than your
24 counsel?

25 A. No.

1 understand, though, I'm going to presume that you have
2 understood my question and answered accordingly.

3 Do you understand that?

4 A. Yes.

5 Q. I don't want you to guess. If you don't know
6 an answer, that's fine, just tell me you don't know. If
7 you have an estimate, that would be great. And I'm
8 entitled to that, but I don't want you to guess if you
9 don't know an answer.

10 Do you understand that?

11 A. Yes.

12 Q. If at any time today you need a break, please
13 just let me know, let your attorney know. We'll be
14 happy to take one. I would ask that you please finish
15 answering my question before you take a break. But
16 other than that, I have no problems taking a break
17 anytime you need one.

18 Do you understand that?

19 A. Yes.

20 Q. Great. When we're finished here today, you'll
21 have a chance to look over the transcript. It's going
22 to come in a little booklet. You can read it, make any
23 changes that you feel are necessary that you like. I do
24 want to tell you that any of the attorneys in this
25 action can comment on changes you make. Please feel

1 Q. And let me just be clear to you. You're
2 represented by Catherine Lhamon for this deposition; is
3 that correct?

4 A. Yes.

5 Q. Did you look over any documents to prepare for
6 your deposition today?

7 A. My declaration, a section of the complaint and
8 the notice of depositions.

9 Q. And that would be the notice of deposition that
10 had your name?

11 A. And the date, right.

12 Q. Anything else that you looked at to prepare for
13 this deposition today?

14 A. No.

15 Q. Did you look at anything at your school or
16 speak with any of the teachers at the school to prepare
17 for your deposition today?

18 A. No.

19 Q. And when you reviewed your declaration, what
20 did you do that for?

21 A. I gave my declaration in late July, so I just
22 wanted to refresh my memory as to what I had said, what
23 the main sections of my thoughts had been in response to
24 the questions.

25 Q. And when you reviewed your declaration, did

1 that refresh your recollection?
 2 A. Yes.
 3 Q. When you reviewed your declaration, did
 4 anything you had written in that declaration, did you
 5 find it to be inaccurate?
 6 A. No.
 7 Q. Any other reason that you reviewed your
 8 declaration?
 9 A. No.
 10 Q. And what section of the complaint? And by
 11 that, do you mean -- I guess it's the large document
 12 that's been filed in this action.
 13 A. Right.
 14 Q. Okay.
 15 A. The only part that I looked at was a section on
 16 Crenshaw High School, which is where I teach now. I
 17 taught the last four years at John Muir Middle School
 18 and now teach at Crenshaw High School, as of September
 19 this year.
 20 Q. And what did you review that section of the
 21 complaint regarding Crenshaw for?
 22 A. Just to look at a couple of the details of what
 23 people had said about the conditions at Crenshaw.
 24 Q. And when you reviewed the section of the
 25 complaint dealing with Crenshaw, did you find anything

1 in the complaint to be inaccurate since you've been
 2 teaching then since September?
 3 A. No.
 4 Q. Any other part of the complaint you reviewed
 5 for this deposition?
 6 A. No.
 7 Q. And you said you also reviewed the notice of
 8 deposition; and why did you do that?
 9 A. I think Catherine just gave it to me to show me
 10 what the -- you know, when I was officially on the
 11 timeline to give my deposition, and I just looked at
 12 that.
 13 Q. Any other reason?
 14 A. No.
 15 Q. Other than your attorneys, have you spoken with
 16 anyone about having your deposition taken today?
 17 A. I've spoken to my wife.
 18 Q. Anyone else? I'm sorry.
 19 A. I've spoken to my parents, I've spoken to a
 20 couple of other friends, and a couple of people -- a
 21 couple of people in the organization that I'm a part of,
 22 the Coalition for Educational Justice.
 23 Q. Is your wife involved in public education or
 24 public schools in California?
 25 A. No.

1 Q. I won't ask you anything you said to your wife.
 2 Are either of your parents involved in public
 3 education or public schools in the State of California?
 4 A. No.
 5 Q. And which friends did you speak to about having
 6 your deposition taken today?
 7 A. Shaheer Faltas.
 8 MS. LHAMON: Spell that for the court reporter.
 9 THE WITNESS: S H A H E E R. Faltas is F A L T
 10 A S.
 11 I believe that's the only, I mean, sort of
 12 close personal friend I spoke to about it.
 13 BY MS. VANSE:
 14 Q. Were there other friends you mentioned it to
 15 that you didn't discuss it at maybe great length?
 16 A. Well, my brother. I don't think there are
 17 others.
 18 Q. Okay. And is it Mr. Faltas or Ms?
 19 A. Mister.
 20 Q. When you spoke with Mr. Faltas, was this
 21 telling him you were having this taken, or did you
 22 discuss what you were doing and why you were doing it?
 23 A. We discussed what I was -- what I would be
 24 doing and why I was doing it.
 25 Q. And is Mr. Faltas involved in education or

1 public schools in California?
 2 A. He's a public school teacher in Watsonville,
 3 California.
 4 Q. Is he involved in this lawsuit? Do you know?
 5 A. No. No, he's not involved.
 6 Q. And what did you speak to Mr. Faltas about
 7 regarding having your deposition taken today? Was it
 8 just one conversation?
 9 A. Yes, a very brief conversation. I was telling
 10 him I couldn't talk to him on Wednesday morning when we
 11 had planned on having a phone conversation. He asked me
 12 a little bit about the case, about the Williams case,
 13 and why I had been asked to be a witness in it. And he
 14 asked a couple of things that he thought I might be
 15 talking about in the deposition, and so I told him my
 16 understanding of the Williams case and that I would be
 17 speaking about my experiences at Muir, around textbook
 18 issues, facility issues. That was about the extent of
 19 the conversation.
 20 Q. And you said Mr. Faltas had some ideas of what
 21 he thought you would be talking about; is that correct?
 22 Or did I get that wrong?
 23 A. No. He just was asking what he thought. He
 24 was asking me what I was going to be talking about in
 25 the deposition.

1 Q. Thank you. And you said you also spoke -- I'm
2 sorry. Anything else you spoke to Mr. Faltas about
3 regarding your deposition today?
4 A. No.
5 Q. You said you also spoke to individuals at the
6 Coalition for Educational Justice, and do you remember
7 who you spoke to?
8 A. Kirti Baranwal, K I R T I, B A R A N W A L.
9 And Joshua Pechthalt.
10 Q. Anyone else?
11 A. No.
12 Q. Is it Mr. Baranwal?
13 A. Miss.
14 Q. I apologize.
15 Is she involved in this lawsuit at all? If you
16 know.
17 A. No.
18 Q. And what did you speak to her about regarding
19 your deposition today?
20 A. Some of the same things I talked to Mr. Faltas
21 about: What was likely to be covered in the deposition,
22 what I was likely to be talking about. With her, we
23 also spoke about the importance of us as members of
24 Coalition for Educational Justice supporting the
25 Williams lawsuit because the lawsuit folds into a lot of

1 the concerns that we have about public education in Los
2 Angeles.
3 Q. So when you were speaking with Miss Baranwal
4 about what you were likely to be talking about, was it
5 just the facilities and textbooks issues you mentioned
6 about Muir?
7 A. Right.
8 Q. Anything else?
9 A. No.
10 Q. You said you also spoke with her about how it
11 was important as a member of the Coalition to support
12 the Williams lawsuit; what did you speak with her about
13 that?
14 A. Within this organization we've done reports to
15 our general membership about the Williams lawsuit and
16 how many of the things that are brought up in this
17 lawsuit are relevant to our struggles to improve public
18 education. So we've had those sorts of report-outs and
19 discussions at our general meetings in the past, I'd
20 say, five months or so. So the conversations that I had
21 with Ms. Baranwal regarding this deposition were only to
22 say that it's important that we find a way -- we, as
23 Coalition for Educational Justice -- find a way to build
24 on the work we've been doing to support this lawsuit,
25 and giving a deposition is one form of doing that.

1 Q. And did she say anything in response?
2 A. Just agreeing on that general sentiment of
3 needing to find ways to support the lawsuit.
4 Q. Anything else that was said during that
5 conversation regarding your deposition today?
6 A. No.
7 Q. You said you also spoke with Mr. Pechthalt.
8 He's also given a declaration in this action; correct?
9 A. (Witness nods head.)
10 MS. LHAMON: I just want to remind you to give
11 a verbal response.
12 THE WITNESS: What was your last question?
13 BY MS. VANSE:
14 Q. He's given a declaration?
15 A. Yes.
16 Q. And when did you speak with him about your
17 deposition today?
18 A. I spoke with him last Tuesday.
19 Q. Had he already given a deposition in this
20 matter at that time when you spoke with him?
21 A. No.
22 Q. And what did you discuss with Mr. Pechthalt?
23 A. Only that we're both giving depositions. And
24 he asked me a little bit about what I thought we should
25 expect from this process. I told him that I would

1 expect we would talk about some of the school conditions
2 that we've experienced, but also answer questions about
3 sort of our own involvement in school and public
4 education issues over the last several years and what
5 would bring us to giving a deposition in this.
6 Q. Anything else you discussed with Mr. Pechthalt
7 about your deposition today?
8 A. No.
9 Q. And did you have just one conversation with him
10 about your deposition?
11 A. Yes.
12 Q. Anyone else you spoke with regarding your
13 deposition today?
14 A. No.
15 Q. Do you know if there are any other members of
16 the Education -- I'm sorry, is it Coalitional Justice?
17 A. Coalition for Educational Justice.
18 Q. Can I just call it the Coalition?
19 A. Yeah.
20 Q. We'll know what I mean.
21 Do you know if anyone else in the Coalition is
22 involved with the Williams lawsuit through either
23 declaration or deposition testimony?
24 A. Il Clark, who is a teacher at John Muir Middle
25 School.

1 MS. LHAMON: And II is I L?

2 THE WITNESS: I L. To my knowledge, he and
3 Josh are the only others who have given declarations.

4 BY MS. VANSE:

5 Q. You mentioned that during your conversation
6 with Mrs. Baranwal that you thought it was important for
7 the Coalition to be involved with the Williams lawsuit.
8 Are there any other ways that the Coalition is involved
9 with the lawsuit besides declarations and depositions?

10 MS. LHAMON: Calls for speculation. Are you
11 asking that he knows?

12 BY MS. VANSE:

13 Q. That you know about.

14 A. Well, I guess I would say two ways outside of
15 those declarations. One is in doing sort of general
16 education of our membership and people in the public
17 about this lawsuit and what it entails, what it
18 includes. So that's one way. The second way is that
19 members of CEJ, if that's -- Coalition for Educational
20 Justice -- members of CEJ have attended meetings with
21 other groups, other grass roots organizations, that have
22 included the Williams lawsuit as one of the things that
23 have been talked about with regards to sort of movements
24 on the political landscape that are moving us towards
25 educational improvements.

1 A. We had a -- there was a written handout that we
2 didn't write but had been put out as sort of, you know,
3 what's interesting for the public to know about the
4 Williams lawsuit that we handed out to people and people
5 looked at. Kirti Baranwal also met with me and
6 Catherine several months ago. I believe it was in May
7 or June. So she got some information from that meeting
8 as well.

9 Q. Any other way that you're aware of?

10 A. Just things in the press and in the media.

11 Q. You mentioned there's a written handout put out
12 by someone else; do you recall who that was put out by?

13 A. It was given to us by the ACLU.

14 Q. Was it like a press release, if you can recall,
15 or a report?

16 A. What I remember of it, it was a bilingual
17 questions and answers, sort of commonly asked questions.

18 Q. Do you recall anything that was on that? Was
19 it like a handout or pamphlet? I'm not sure what it
20 was.

21 A. I just remember it being a, maybe, a two-page
22 handout.

23 Q. Do you recall anything that was on the
24 document?

25 A. I remember only the sort of basics of what the

1 So those are the two ways I think we've been
2 involved.

3 Q. You mentioned that you give reports to your
4 general membership about the Williams lawsuit. Are
5 these written reports?

6 A. No.

7 Q. They're oral?

8 A. Oral.

9 Q. Do you give those reports yourself?

10 A. I have contributed to them, and other members I
11 don't remember exactly who has given these reports. I
12 think it's been at two of our monthly membership
13 meetings.

14 Q. So there's been two, I'm sorry, two reports
15 given at the membership meetings?

16 A. In my recollection, yes.

17 Q. At least when you were contributing, how did
18 you gather the information about the lawsuit to
19 contribute to the report at the meeting?

20 A. I gathered that information from conversations
21 with Catherine and other lawyers at the ACLU who I was
22 working with around other issues.

23 Q. Do you know if that was also the way other
24 members got their information or were there other ways?
25 If you know.

1 lawsuit is about: around textbook issues, facilities
2 issues, fees, teacher availability. That those were
3 sort of explained. The legal basis of the case was
4 explained around the relationship to the California
5 constitution and educational adequacy. Those are the
6 things I remember.

7 Q. Do you remember anything specific that it said,
8 or you just remember it talked about those topics?

9 A. I just have that general recollection.

10 Q. Okay. You said another way that the Coalition
11 is involved would be that members have also attended
12 other grass roots meetings. Is this something else you
13 have done or you have heard from other people at the
14 Coalition?

15 A. I have gone to some of those meetings, but not
16 all.

17 Q. And what meetings have you attended?

18 A. I attended a meeting convened by a group called
19 Idea, The Institution for Democracy, Education and
20 Access, at UCLA. I attended two meetings convened by a
21 group called Californians for Justice. Those are the
22 ones I went to.

23 Q. At the Idea meeting did you speak of the
24 Williams lawsuit at that meeting?

25 A. There were two Idea meetings and two

1 Californians for Justice that I went to. I don't
2 remember if I spoke. I think what I said about the
3 Williams lawsuit at the Idea meetings was just that CEJ
4 was doing this education with our membership and had
5 voted to be in support of and to try to, you know, work
6 in support of this lawsuit. I think that was the only
7 thing that I said around the Williams lawsuit at those
8 meetings.

9 Q. And what about the Californians for Justice
10 meetings, did you speak about the Williams lawsuit at
11 all at any of those meetings?

12 A. At one of those meetings I, again, stated what
13 the organizational position of CEJ was on the lawsuit
14 and suggested that for grass roots organizations we
15 needed to work in support of the Williams lawsuit, but
16 also be working on our own grass roots projects, trying
17 to pressure elected officials to bring change to public
18 education in L.A.

19 Q. And do you know any of the other organizations
20 that other members attended trying to get support,
21 speaking of the Williams lawsuit?

22 A. I think it was only two other meetings that
23 Idea had, the other CEJ members went to.

24 Q. And do you have any idea what was said at those
25 meetings?

1 A. No, not -- I don't recall what specifically was
2 said about the Williams lawsuit there.

3 Q. And at the Idea meetings that you attended, was
4 the response favorable to the Williams lawsuit?

5 MS. LHAMON: Vague as to "favorable." Do you
6 mean did anybody else speak or did they vote at the
7 meetings?

8 BY MS. VANSE:

9 Q. Was there any discussion of it after -- after
10 Williams was brought up, was there any discussion at
11 Idea meetings about --

12 A. My recollection is that there was broad --
13 broad, but informal, support from the organizations that
14 were represented for what was being brought up in the
15 Williams lawsuit.

16 Q. Was anything done at either of those Idea
17 meetings to kind of take a formal step in support of the
18 lawsuit similar to what the Coalition had done?

19 A. The only -- not in terms of voting formality or
20 something like that. What I recall is that people were
21 looking at a document, a sort of one-page document, that
22 students and parents and teachers could use to give to
23 people to raise awareness about not just the Williams
24 lawsuit but educational conditions -- poor educational
25 conditions in general in which the Williams lawsuit

1 would be one of the things mentioned.

2 Q. Was this a document also from the ACLU?

3 A. No. This was something that was created by
4 Idea.

5 Q. And can you give me a little bit of an idea
6 what Idea is or does?

7 MS. LHAMON: I assume you mean to the extent he
8 knows.

9 BY MS. VANSE:

10 Q. Yes, to the extent you know.

11 A. My understanding of Idea is that it is a
12 project of the -- a project involving people from the
13 law school and the Department of Education at UCLA,
14 including academics, students and sort of community
15 allies. And my understanding is that the goal -- I
16 don't know everything that Idea does, but my
17 understanding around this particular piece of their
18 work, these meetings that they were convening, is they
19 were attempting to pull together different grass roots
20 organizations to sort of network about the work that
21 they were doing and sort of share ideas about the grass
22 roots work that they were doing. So one of the things
23 that was discussed was the Williams lawsuit.

24 Q. Do they do anything other than discuss? Are
25 there any projects that Idea kind of develops on its own

1 and then takes out into community?

2 MS. LHAMON: Calls for speculation, but you can
3 answer, to the extent you know.

4 THE WITNESS: I believe -- I don't know the
5 Idea structure well, but I believe that they have
6 projects with high school students, working with them on
7 particular projects that involve something about their
8 community where they're doing sort of inquiry-based
9 learning about their community and their surroundings,
10 and then being able to go to UCLA and use a lot of the
11 technological resources there to sort of do sort of
12 social science oriented projects.

13 I think they also contribute to a newsletter,
14 like an Internet newsletter, about different issues of
15 education and access in Los Angeles. That's the extent
16 that I know there.

17 BY MS. VANSE:

18 Q. I take it Idea is not an organization that you
19 regularly attend.

20 A. That I personally?

21 Q. Right.

22 A. Right. I've gone to these two meetings, and
23 then people from my organization have gone to a couple
24 of other meetings. But it's been over the period of
25 maybe sort of four meetings over a period of seven

1 months, so not incredibly intense schedule.

2 Q. Okay. Can you tell me a little bit about what
3 Californians for Justice is?

4 MS. LHAMON: Calls for speculation. You should
5 answer to the extent you know.

6 THE WITNESS: Californians for Justice is a
7 statewide organization that has offices in Oakland, Long
8 Beach, San Diego, couple of other places in California.
9 They have worked -- over the past five years they've
10 worked around a number of proposition issues: opposing
11 Proposition 209, opposing Proposition 227. And they
12 have recently begun organizing work around educational
13 conditions, including facilities issues, textbook
14 issues, teacher issues, discipline issues. They
15 approach things from a specifically anti-racist
16 perspective trying to look at patterns of institutional
17 racism within schools.

18 BY MS. VANSE:

19 Q. And is your only involvement with Californians
20 for Justice the two meetings you attended?

21 A. I have also -- I've met with them -- well, I
22 had a meeting with them in March up in the Bay area --

23 Q. March 2001?

24 A. Yeah.

25 -- up in the Bay area, and I have been a

1 persons are in on the conference call?

2 A. The people who are in on the call represent
3 different grass roots organizations.

4 Q. Are there many? How many? If you know.

5 A. On these calls?

6 Q. Right.

7 A. I would say they've varied from five people to
8 10 people.

9 Q. Do you recall any of the other groups that are
10 on the conference call?

11 A. Youth Force, ACORN, CADRE.

12 Q. Does that stand for something?

13 A. Yes, but I don't know what it stands for. Kids
14 First Coalition, Community Coalition. Those are some of
15 the ones I remember.

16 Q. And what is the purpose of the conference
17 calls?

18 A. The purpose of the conference calls is to
19 develop -- is to work together under the initiation of
20 Californians for Justice to develop a statewide campaign
21 around some educational issue that would give focus to a
22 number of groups working together.

23 Q. And so what happens after the conference call?

24 Do you take the information back to your group?

25 A. Yes. I take information back to CEJ. We have

1 regular attendee of statewide conference calls that
2 they've been having, maybe about five of them over the
3 last seven months. I'm in on those conversations as a
4 representative of CEJ. On those telephone

5 conversations, on those telephone conferences we have
6 not discussed the Williams case specifically, but
7 discussed a lot of the sort of conditions in schools
8 that are represented in the Williams case.

9 Q. What was the March 2001 meeting about?

10 A. Sort of getting to know each other. I was
11 speaking at a conference and we just got together for
12 lunch to sort of get to know each other a little bit
13 better.

14 Q. Do you remember who you met with?

15 A. Abdi Soltani, A B D I, S O L T A N I, and Emily
16 Hobson. I think E M I L Y, H O B S O N.

17 Q. And the statewide conference calls, you
18 mentioned they don't specifically -- haven't
19 specifically mentioned Williams, but they talk about
20 some of the same issues. And is that -- well, first of
21 all, who originates the conference call?

22 A. Californians for Justice.

23 Q. And do you know how people get in on the
24 conference call? You said you were a representative for
25 the Coalition. Do you know what other organizations or

1 discussed it at both steering committee level and
2 general membership level as to how to approach these
3 conference calls and this idea of the statewide
4 campaign.

5 Q. When you say "statewide campaign," can you
6 explain to me what you mean by that?

7 A. What I mean by statewide campaign is that many
8 of these organizations are -- have a local base of
9 support -- for example, in Los Angeles or San Diego or
10 the Bay area -- and may be working on issues of local
11 concern where they can hope to change things by building
12 political pressure on a local official. For example, a
13 local school board official. So the statewide -- so
14 separate from that local work. What I mean by statewide
15 is that it's an attempt to bring these groups together
16 who would continue to do their local work, but also give
17 some focus to a statewide campaign that would take on
18 political officials more at the state level, whether it
19 be the State Board of Education or whatever, and take on
20 some policy that's rooted in state government.

21 Q. When you say "take on," do you mean lobby an
22 official, protest? What do you mean by "take on an
23 official"?

24 A. Right. What I mean by that is build grass
25 roots pressure on that official through delegations to

1 that official: lobbying, demonstrations, media work.

2 Q. And you said the conference calls developed by
3 campaign around an issue. Do you recall any of the
4 issues that have come up during these conference calls?

5 MS. LHAMON: Are you asking which issues came
6 up developing a campaign around or just in general
7 what --

8 MS. VANSE: What issues they've considered
9 developing a campaign around or actually have developed
10 a campaign around.

11 THE WITNESS: Some of the issues I recall are
12 high-stakes testing, diverting prison funding to schools
13 to improve school facilities, distribution of
14 experienced teachers relative to inexperienced teachers
15 at school sites, and also connected to that distribution
16 of or recruiting and training of teachers of color in
17 particular. And the fourth main issue that's been
18 discussed is something about creating, and for lack of a
19 better term, an educational adequacy index so that
20 certain variables at each school would be looked at to
21 decide whether the students there are receiving an
22 adequate education, whether it be textbooks, facility
23 issues, availability of teachers, availability of
24 counselors. Those are the four main issues that I
25 recall being talked about

1 discussion that we've had to sort of weigh out what the
2 pros and cons of taking up each of those issues is.

3 MS. VANSE: I'm going to take a quick break.
4 (Brief recess.)

5 BY MS. VANSE:

6 Q. You mentioned that you had an understanding of
7 what the Williams lawsuit was about. What is it that
8 you understand this case to be about?

9 A. I understand the case to be about attempting to
10 bring the state to a place where they're responsible for
11 some of the conditions, some of the poor conditions at
12 schools, in particular, in low income communities and
13 communities of color. That broadly around sort of four
14 issues that I mentioned before: facilities, textbooks,
15 fees, and teacher availability. And my understanding is
16 that the legal basis of that is within the California
17 constitution around educational adequacy.

18 Q. When did you first learn about the Williams
19 lawsuit?

20 A. I believe it was at the beginning of this year,
21 maybe in January.

22 Q. Of 2001?

23 A. Of 2001.

24 Q. And how did you first hear about it?

25 A. I saw some things in the media about it.

1 BY MS. VANSE:

2 Q. Do you know if a campaign has actually been
3 developed for high-stakes testing?

4 A. What do you mean by "has been developed"?

5 Q. Like gone, I guess, possibly past a discussion
6 phase into actually being something placed in action to
7 take on a political official regarding that particular
8 issue.

9 A. There's no action that's been taken on high-
10 stakes testing that's come out of those calls.

11 Q. Do you know if there's anything that's been
12 planned that will be taking place in the next few
13 months? Only if there's a plan in place. I mean, there
14 may be. We don't know. But if you know one that's
15 already been developed, that's what I'm asking.

16 A. What I know is that there will be a larger
17 conference early next year to sort of make a final
18 decision as to what issue is going to be taken up as a
19 statewide campaign. I don't know that there's a plan in
20 place to have chosen one of those as of now.

21 Q. So for each of these issues, there's nothing,
22 no plan or something in place, to take up that
23 particular issue, that political official, at this time,
24 that you're aware of?

25 A. Right. Other than in sort of the informal

1 Q. Newspaper articles? What did you see?

2 A. Yeah, there was a newspaper article.

3 Q. Do you remember which article that was?

4 A. I don't.

5 Q. Okay. And after you first learned about the
6 Williams lawsuit, did you begin to follow the lawsuit at
7 all?

8 A. Yeah. I would follow reports in the media,
9 yeah.

10 Q. Okay. And so how did you eventually become
11 involved? What was the step in between following it in
12 the media and becoming involved in the lawsuit?

13 A. Well, Catherine called me through a mutual
14 friend that she had from law school and, you know,
15 introduced me a little bit more to the lawsuit. At
16 around the same time that that was happening, I was
17 working with lawyers at the ACLU around another issue,
18 and one of them had mentioned a couple of things about
19 it as well and that it would be good for me to talk to
20 Catherine about.

21 Q. Do you remember who the friend was that -- your
22 mutual friend with Catherine?

23 A. Jerry Hauser. It's H A U S E R.

24 Q. Is Mr. Hauser involved in the lawsuit? Do you
25 know?

1 A. Not that I know of.
 2 Q. And when did you speak with Mr. Hauser about
 3 the lawsuit?
 4 MS. LHAMON: Assumes facts not in evidence.
 5 BY MS. VANSE:
 6 Q. Did you speak with Mr. Hauser about the
 7 lawsuit?
 8 A. No, not other than -- not at all, other than
 9 him saying that I should talk to Catherine sometime.
 10 Q. And when did that conversation take place?
 11 A. Maybe in April or May.
 12 Q. Of 2001?
 13 A. Yes.
 14 Q. And did you, after speaking with Mr. Hauser,
 15 contact Catherine -- I'm assuming Ms. Lhamon.
 16 A. Right, meaning Ms. Lhamon. No, she contacted
 17 me shortly after I had that conversation with
 18 Mr. Hauser.
 19 Q. What did you discuss at that meeting?
 20 A. In the discussion with Catherine?
 21 Q. Right.
 22 A. I think we just -- I think we basically sort of
 23 introduced each other to the work we were doing, where
 24 Catherine laid out some of the things about the Williams
 25 lawsuit, some of the details about these four different

1 sections that they were looking at, some of the, you
 2 know, some of the things that, you know, they were
 3 finding in looking at schools around the state related
 4 to those conditions. And I spent some time introducing
 5 her to what -- the work that I'm involved in with CEJ.
 6 Q. Do you recall if she showed you any documents
 7 at that meeting?
 8 A. She did not.
 9 Q. Do you remember, I think you said she told you
 10 about some of the conditions she had been finding.
 11 MS. LHAMON: Is there a question pending?
 12 MS. VANSE: No.
 13 Q. Was that -- did I hear you correctly, that she
 14 told you about some of the conditions that they had been
 15 finding?
 16 A. Yes. Just sort of generalities that I was
 17 aware of having taught school for eight years, but
 18 just -- she was just framing them in the context of
 19 these four different issue categories that they were
 20 looking at.
 21 Q. And did you meet with Catherine again after
 22 that first meeting?
 23 MS. LHAMON: I just want to make sure the
 24 record is clear. I don't think there's -- that first
 25 meeting was an in-person meeting. I'm not sure if I'm

1 misunderstanding the phrasing of your questions.
 2 MS. VANSE: I'll be happy to clarify.
 3 Q. Was that first meeting in person?
 4 A. No. We spoke on the phone, and my recollection
 5 is that then we did meet in person once. Then we had a
 6 couple of subsequent phone conversations.
 7 Q. You signed a declaration in this matter. Was
 8 it July this past year, 2001?
 9 A. Yes.
 10 Q. About how many times did you meet with either
 11 Ms. Lhamon or someone involved in the Williams lawsuit
 12 prior to signing that declaration?
 13 MS. LHAMON: By "meet with" do you mean in
 14 person or telephone conversation or any other
 15 communication as well?
 16 BY MS. VANSE:
 17 Q. Either meeting. Could be by telephone or in
 18 person.
 19 A. My recollection is the first phone call, the
 20 one in-person meeting and then maybe three or four phone
 21 conversations after that.
 22 Q. The meeting that you had in person, that was
 23 with Catherine?
 24 A. Right.
 25 Q. And what did you discuss at that meeting?

1 A. That's the -- we basically continued to -- the
 2 first phone conversation that we had was relatively
 3 short, in my recollection, and so the in-person
 4 conversation that we had afterwards was sort of going
 5 into a little more detail about the things that I
 6 mentioned about that first interaction, which was sort
 7 of introducing each other to the work we were doing.
 8 Q. When did you decide to give a declaration in
 9 this lawsuit?
 10 A. In July.
 11 Q. In July?
 12 A. Yeah.
 13 Q. So the additional -- I think you mentioned
 14 there's about three phone conversations you had in
 15 addition to the first initial conversation and the one
 16 in-person meeting; were those conversations regarding
 17 your declaration, or did they discuss something else
 18 about the Williams case?
 19 A. My recollection is that definitely one of them
 20 was about the declaration, and the others were -- my
 21 recollection is that the others dealt with how to
 22 effectively bring awareness of the Williams lawsuit into
 23 CEJ.
 24 Q. You mentioned that your understanding of the
 25 Williams case is attempting to bring the state into

1 responsibility for certain issues, and I think you
2 mentioned four in particular. Do you have an
3 understanding of how the lawsuit intends to or is
4 attempting to do that, how it's attempting to bring the
5 state into responsibility for those particular issues?

6 A. My only understanding is that the first step
7 would be to prove that these poor conditions exist in
8 specific schools, in specific areas, and further show
9 that it's the state that is the responsible party to
10 find some way to improve those conditions. But I don't
11 have knowledge beyond that on, you know, a remedy or
12 anything like that.

13 Q. Your understanding of the Williams case, was
14 that something that you came to before meeting with
15 Catherine at the ACLU through your, like, reading
16 articles or different information in the media, or is
17 that something you developed after talking with the
18 ACLU?

19 A. I would say I had a pretty clear understanding
20 of it, at least the broad sense of it, before speaking
21 with Catherine, but then since speaking with Catherine
22 have a better understanding of sort of the details of
23 exactly what conditions are being looked at and so on.

24 Q. Did anything about what you thought the
25 Williams case was about prior to talking to the ACLU,

1 believe Kirti Baranwal, David Goldberg, Ramon Martinez.
2 Those are the ones I remember.

3 Q. Did you ever follow up with any of these people
4 to see if they actually had given declarations in this
5 case?

6 A. No, other than the conversation I spoke of
7 before with Joshua, which was just a quick mention in
8 the course of other stuff that we were talking about.

9 Q. And are you aware that any of these people,
10 besides Mr. Pechthalt, have given declarations?

11 A. I'm aware that Mr. Clark has, but I'm not aware
12 beyond that.

13 Q. So you don't know if these other names that
14 you've mentioned gave declarations or not?

15 A. Right.

16 Q. Do you know if they were contacted by anyone
17 involved in the lawsuit to give a declaration?

18 A. I don't know.

19 MS. VANSE: Could we go off the record for a
20 second?

21 (Discussion held off the record.)

22 MS. VANSE: Back on the record.

23 Ms. Lhamon and I just discussed that in lieu of
24 asking you your home address, we're going to stipulate,
25 and it is on written record, that the ACLU will accept

1 did any of that understanding that you had change after
2 speaking with the ACLU? You found out something you
3 thought was part of the case or wasn't, something of
4 that nature?

5 A. No.

6 Q. Other than what we've already about, about ways
7 you've attempted to bring awareness of the lawsuit to
8 the Coalition, other groups, have you done anything else
9 to try and -- I'll use the word recruit for lack of a
10 better word -- recruit others to get involved with the
11 Williams lawsuit?

12 MS. LHAMON: I just want to object that
13 mischaracterizes the testimony slightly to the extent
14 that he has not said he has tried to recruit other
15 people to be involved in the suit.

16 THE WITNESS: I did give a list, a short list,
17 of names of people that I thought might be interested in
18 giving declarations, but I didn't speak to those people.
19 I personally didn't have a formal meeting with those
20 people to, you know, to tell them to give a declaration
21 or not.

22 BY MS. VANSE:

23 Q. Do you recall who was on that short list?

24 A. Some of them I'm sure I can recall. Fernando
25 Ledezma, L E D E Z M A; Joshua Pechthalt; Il Clark. I

1 service on behalf of Mr. Caputo-Pearl for all purposes.

2 MS. LHAMON: That's correct. So we're clear,
3 ACLU and other counsel for the plaintiffs accept
4 service. It doesn't have to come to me or to my office.

5 MS. VANSE: That's correct. Thank you.

6 Q. Can you just describe your educational
7 background for me post high school? Or you can give me
8 high school, too, if you like.

9 A. I attended Brown University for my
10 undergraduate degree. I attended Cal-state Dominguez
11 Hills for my teaching credential. I attended one year
12 of law school at the City University of New York School
13 of Law, and I attended UCLA School of Urban Planning for
14 a master's degree.

15 Q. And what degree did you receive from Brown?

16 A. A bachelor's in political science.

17 Q. And what year was that?

18 A. '90.

19 Q. And you said you attended Cal-state Dominguez
20 Hills, teaching credential; was that a series of years
21 or was it one year in particular?

22 A. From 1990 to 1993, while I was teaching, going
23 to school at night.

24 Q. And what year did you attend law school at City
25 University?

1 A. The academic year of '94-'95.
 2 Q. And then did you graduate from the UCLA School
 3 of Urban Planning?
 4 A. Yes.
 5 Q. And what year was that?
 6 A. 1997.
 7 Q. So that's a master's?
 8 A. Yes.
 9 Q. What teaching credential did you receive from
 10 Cal-state Dominguez Hills?
 11 A. A multiple subject, clear -- multiple subject,
 12 professional, clear credential.
 13 Q. What was the first teaching position you held?
 14 A. I taught in Compton Unified School District
 15 from 1990 to 1994, at Marian Anderson Elementary,
 16 teaching second and third grade.
 17 Q. And then after that?
 18 A. After that, the year of law school and the
 19 urban planning degree. Then from 1997 through the
 20 spring of 2001 I taught at John Muir Middle School in
 21 the L.A. Unified School District. And over the summer
 22 of 2001 then transferred within L.A. Unified School
 23 District to Crenshaw High School.
 24 Q. And you taught sixth grade at John Muir?
 25 A. Yes.

1 Q. Is sixth grade like a self-contained class, the
 2 students stay in one class all day?
 3 A. No.
 4 Q. They go to different classes?
 5 A. Right. So I taught world history, language
 6 arts, and reading.
 7 Q. And what do you teach at Crenshaw?
 8 A. I teach ninth grade social studies requirement,
 9 which is called "Life Skills for the 21st Century."
 10 Q. That's it?
 11 A. That's it.
 12 Q. What was the reason you decided to leave Marian
 13 Anderson Elementary? That was to go to law school?
 14 A. Right.
 15 Q. And what was the reason you decided to transfer
 16 from John Muir to Crenshaw?
 17 A. I wanted to teach high school, but I wanted to
 18 remain in the same area of L.A.
 19 Q. Was it a good choice?
 20 A. So far.
 21 Q. Have you had any other work experience with
 22 education other than just teaching, like summers,
 23 something of that nature?
 24 MS. LHAMON: Can I ask point of clarification?
 25 Are you asking whether there have been any volunteer

1 activities? Are you including volunteer activities
 2 within work experience? Or are you asking only for paid
 3 employment?
 4 MS. VANSE: I'll just stick with paid
 5 employment for now. I'll get to volunteer in a second.
 6 THE WITNESS: No.
 7 BY MS. VANSE:
 8 Q. And what about volunteer work regarding
 9 education? I'm assuming the Coalition's volunteer.
 10 A. Yes.
 11 MS. LHAMON: And so is the question separate
 12 from --
 13 MS. VANSE: Right.
 14 Q. So separate from the Coalition, because we'll
 15 discuss that as its own entity, have you done any other
 16 volunteer work regarding education?
 17 A. Yes. I was part of building something at
 18 Marian Anderson called the Parent Volunteer Corps. I've
 19 done tutoring for high school students at a homeless
 20 shelter. I think those are the other main volunteer
 21 activities.
 22 Q. And what was the Parent Volunteer Corps at
 23 Marian Anderson?
 24 A. It was an attempt to get a group of parents
 25 from the school together to focus on a variety of

1 different things around the school, whether it be
 2 tutoring students, helping to make decisions about
 3 different things around the school, the school schedule,
 4 things like that.
 5 Q. So it was a way to get parents involved in the
 6 school?
 7 A. Yes.
 8 Q. And when did you tutor for high school students
 9 at a homeless shelter? Has that been an ongoing thing?
 10 Are you doing that now?
 11 A. I'm not doing that right now. It was in 1992
 12 and 1993.
 13 Q. Did you work through an organization?
 14 A. It was through this homeless shelter.
 15 Q. Other than the education we've already talked
 16 about, have you had any other training regarding
 17 education?
 18 A. Well, I have a CLAD credential, so I went to a
 19 series of district workshops that you go through to get
 20 the CLAD credential.
 21 Q. So CLAD is done through the district, not
 22 through university?
 23 A. Right.
 24 Q. Any other training?
 25 A. I was trained to be a part of a program in

1 Compton called the DATE program, the Drugs, Alcohol,
2 Tobacco Education. I've done language training, Spanish
3 language training, some through the district and some on
4 my own.

5 Q. When you say on your own, do you mean
6 self-teaching or you've taken classes somewhere else on
7 your own?

8 A. Both.

9 Q. Where did you take classes in Spanish language?

10 MS. LHAMON: Through the district or --

11 BY MS. VANSE:

12 Q. Not through the district and not your
13 self-study, but other than that.

14 A. UCLA and Central America.

15 Q. Any other training or education that you've
16 had?

17 A. I don't think so.

18 Q. Do you participate in any ongoing seminars put
19 on by the district or other education groups talking
20 about education and education issues?

21 MS. LHAMON: Do you mean aside from the
22 testimony he already given, the organizations he's a
23 member of?

24 MS. VANSE: Right.

25 THE WITNESS: Well, I do professional

1 choice. I'm also on the training. I'm taking a class
2 at Cal-state Dominguez Hills right now which basically
3 helps me add to my multiple subject credential a
4 secondary credential since I'm teaching high school now.

5 Q. Is that something you're taking at night again
6 also while you're teaching?

7 A. Yes.

8 Q. Do you know how long you expect to be taking
9 classes before you have that secondary credential?

10 A. Through this December.

11 Q. So next month?

12 A. Right.

13 Q. And when did you begin that class?

14 A. In August of 2001.

15 MS. LHAMON: Can we take another break?

16 MS. VANSE: Yes.

17 (Brief recess.)

18 BY MS. VANSE:

19 Q. In any of your training or education, did you
20 have any training in school administration?

21 A. No.

22 MS. VANSE: I'd like to mark as Exhibit 1 a
23 six-page document, Bates No. 02284 through 02289.

24 ///

25 ///

1 development regularly. So, for example, at John Muir I
2 would be sent to professional development trainings
3 maybe anywhere from two to five days per year, some of
4 which were centered around technology, others of which
5 were centered around classroom management. So those
6 sorts of things are ongoing.

7 BY MS. VANSE:

8 Q. And that's something that the district sends
9 all its teachers to?

10 MS. LHAMON: Calls for speculation. And
11 also -- well, I'll leave it at that.

12 THE WITNESS: My understanding is that all
13 teachers receive some forms of professional development,
14 but not necessarily the same things and to the same
15 degree.

16 BY MS. VANSE:

17 Q. Were you able to choose what type of courses
18 you went to for your professional development, or is
19 that something the district slotted you into?

20 A. A little bit of both. I mean, some things I
21 had some element of choice in, others I didn't. And
22 most -- I mean, on, you know, the professional
23 development that we do at school, most of that doesn't
24 involve my choice. The ones that are sort of a full
25 day, going to a seminar somewhere often included more my

1 (The document referred to was marked by the
2 reporter as Exhibit 1 for identification and is attached
3 hereto.)

4 BY MS. VANSE:

5 Q. If you could take a look at what we've marked
6 as Exhibit 1, and tell me if you know what it is and can
7 identify it. Go through it, take your time, make sure
8 you know what's there.

9 A. So this is my declaration.

10 Q. It's your declaration that you've given in this
11 matter?

12 A. Right.

13 Q. If you can look on the last page, page 6, or
14 Bates No. 02289, is that your signature at the bottom?

15 A. Yes.

16 Q. And did you sign this document on or about the
17 31st day of July, 2001?

18 A. Yes.

19 Q. Did you draft this declaration?

20 MS. LHAMON: Vague as to "draft." Do you mean
21 did he type it?

22 BY MS. VANSE:

23 Q. Did you write it up yourself or did you tell
24 someone to write it for you?

25 A. Catherine wrote it up after we spoke about it,

1 and then I looked at it, made some changes.
 2 Q. And then signed it?
 3 A. Yes.
 4 Q. Do you recall what changes you made?
 5 A. I recall one change had to do with the exact
 6 authors and titles of the books that are mentioned in
 7 item 5, and I recall that one of the changes was my
 8 exact name being -- Michael being my first name. I
 9 don't recall other changes.
 10 Q. Did you ever discuss, prior to signing this,
 11 and other than with Catherine, the substance of what was
 12 contained in your declaration?
 13 A. I'm not sure I understand.
 14 Q. Let me try and rephrase this.
 15 When you were -- how did you go about, I guess,
 16 formulating what was going to be put in this? Was this
 17 during one of your conversations you had with Catherine
 18 where you discussed what was going to be put in the
 19 declaration?
 20 A. My recollection is that -- I mean, I have
 21 talked about the things in this to many people over many
 22 years because I've experienced the conditions.
 23 Q. Right.
 24 A. But in terms of what is actually here in this
 25 document, Catherine and I had a conversation, and she

1 asked me questions which I responded to. The result was
 2 this declaration.
 3 Q. After you received, I guess, a draft of this
 4 declaration, did you discuss it with anyone other than
 5 Catherine?
 6 A. No, other than possibly my wife.
 7 Q. Had you already left John Muir by this time, by
 8 July 31st?
 9 A. No.
 10 Q. So you were still at the school?
 11 A. Well, we were out for the summer, and I was
 12 interviewing at other schools.
 13 Q. When did the drafting of this declaration take
 14 place? Was it in the month of July or was it previous
 15 to July?
 16 A. It was in the month of July.
 17 Q. Did you ever go to the school itself and look
 18 at some of the things that you talk about in your
 19 declaration?
 20 MS. LHAMON: Do you mean during the month of
 21 July?
 22 BY MS. VANSE:
 23 Q. While formulating this declaration. So that
 24 would be, I guess, during the month of July.
 25 A. No. I mean, I went to the school a couple of

1 times, but it wasn't with -- it was to take care of
 2 other business.
 3 Q. Can you tell me a little bit about how the
 4 school administration was organized at John Muir? Was
 5 there a principal, assistant principal, that sort of
 6 structure?
 7 A. Right. There was a principal and four
 8 assistant principals.
 9 Q. Was the principal the same -- you were at John
 10 Muir four years; correct?
 11 A. Yes.
 12 Q. Was the principal the same for all four years
 13 you were there?
 14 A. No. We had three different principals.
 15 Q. Do you recall who the first principal was?
 16 A. Dr. Brooks. And the second?
 17 Q. Yes.
 18 A. Dana Perryman, P E R R Y M A N.
 19 Q. And the last?
 20 A. Neal Kleiner, K L E I N E R.
 21 Q. And was Mr. Brooks there only for the first
 22 year?
 23 A. She was there for the first month that I was
 24 there.
 25 Q. And then after that Ms. Perryman took over?

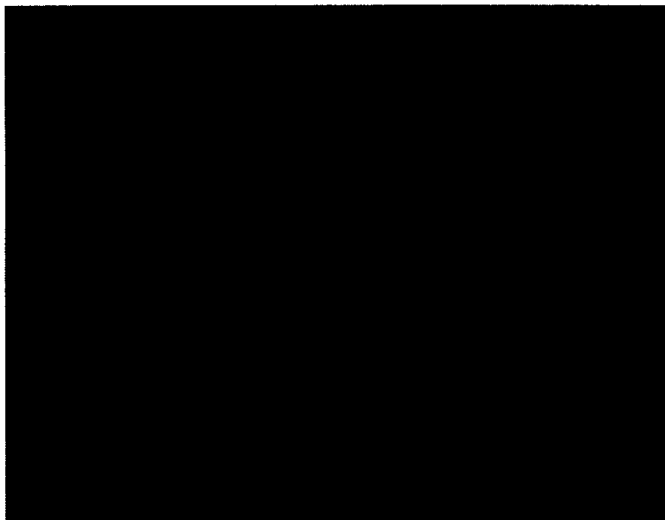
1 A. And after that Ms. Perryman took over from
 2 around the middle of October of 1997 through April of
 3 2001.
 4 Q. And then Mr. Kleiner took over April 2001?
 5 A. Yes.
 6 Q. For the rest of that school year?
 7 A. Yes.
 8 Q. Do you know if Mr. Kleiner is still at John
 9 Muir?
 10 A. I believe he is.
 11 Q. Do you remember why Dr. Brooks left John Muir?
 12 MS. LHAMON: Assumes facts not in evidence. He
 13 hasn't testified that he knows Dr. Brooks left.
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 21 BY MS. VANSE:
 22 Q. Do you remember what those facilities issues
 23 were?
 24 A. I don't remember specifics, but having to do
 25 with just sort of run-down facilities.

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13 Q. Did you speak of that with anyone that you
 14 thought -- let me go back just a second.
 15 Was that something, an opinion that you had,
 16 the issues facing the school were more systemic and not
 17 to one particular administrator, is that just something
 18 you thought at the time or something you shared with
 19 people at the school?
 20 A. It's something I definitely shared with people
 21 at the school.
 22 Q. And you had just arrived at Muir that year;
 23 correct?
 24 A. Right.
 25 Q. And so how did you base your opinion that the

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13 Q. Okay. And when Ms. Perryman took over as
 14 principal, did you see that as a -- I'm sorry. Were you
 15 familiar with Ms. Perryman at all before she took over
 16 as principal?
 17 A. No.
 18 Q. While she was principal of John Muir, did you
 19 find her to be an effective administrator?
 20 MS. LHAMON: Vague as to "effective."
 21 THE WITNESS: I found her to be competent,

1 problems that you saw you thought were more of a
 2 systemic nature than that of limited to one
 3 administrator?
 4 A. I base that opinion on having taught in schools
 5 serving low income color and communities of color in
 6 Compton for four years, having visited many schools in
 7 Compton and many schools in L.A. through the course of
 8 visiting friends who taught at different places, that
 9 sort of thing, and also based on my own research around
 10 school funding issues, school facility issues during the
 11 course of my urban planning degree and at other times.
 12 So the position that I put out was that I was sure that
 13 there were issues with this one individual person, but
 14 that to truly even get onto the road of some sort of
 15 remedy to some of the larger issues at the school around
 16 facilities overcrowding, this sort of thing, it would
 17 have to be a much more systemic and structural approach
 18 that took into account state and district responsibility
 19 for the school and schools like it in low income
 20 communities of color.



1 responsible, and attempting to do the most effective job
 2 that she could under the circumstances, meaning that, in
 3 my opinion, school site administrators face many of the
 4 same barriers and obstacles that teachers and students
 5 at the schools face in terms of whether it's an
 6 overcrowded school, lack of books, these sorts of things
 7 that often are -- often the roots of which are not under
 8 a school site administrator's control. So under the
 9 circumstances I found her to be competent, responsible
 10 and trying to do, you know, the most effective job she
 11 could.
 12 BY MS. VANSE:
 13 Q. Do you know why she left John Muir?
 14 A. She wanted to be, from what I understand, she
 15 wanted to be at the high school level, and she left for
 16 a principalship at a high school.
 17 Q. Do you know what high school that was?
 18 A. Westchester High School.
 19 Q. Do you know what Dr. Brooks did after she left
 20 John Muir?
 21 A. I don't.
 22 MS. LHAMON: Off the record for a second?
 23 (Discussion held off the record.)
 24 MS. LHAMON: Back on the record.
 25 ///

1 BY MS. VANSE:

2 Q. And Mr. Kleiner, I take it, you only had
3 limited experience with him as a principal.

4 A. Yes.

5 Q. In the time that you did spend, did you find
6 him to be an effective administrator?

7 A. Again, I did not have a lot to go on, but my
8 general impression of him was definitely positive.

9 Q. And why do you say it was definitely positive?

10 A. I thought he obviously cared about kids. He
11 obviously was committed to working in the particular
12 area of Los Angeles that he was in, in South Central Los
13 Angeles. I thought he related very well to teachers and
14 to students.

15 Q. Do you know if he's still at the school today?

16 A. I believe he is.

17 Q. What was the role of the -- I'm sorry. Were
18 there four assistant principals for each of the four
19 years you were at Muir?

20 A. I don't remember exactly, but between -- but
21 either three or four for each of the years.

22 Q. Did each of the assistant principals have a
23 specific area that they were assigned to take charge of
24 within the school?

25 A. More or less, yeah. I mean, I think there were

1 some sort of broad areas with some overlap.

2 Q. Do you remember what those roles were for each
3 of the assistant principals?

4 A. Well, for example, there was usually an
5 assistant principal that would handle a lot of
6 facilities issues. There was usually an assistant
7 principal that handled things in the counseling
8 department and sort of placement of students into
9 classes. There was curriculum and instruction, was
10 another area. Discipline was another area. Those are
11 the main sort of areas that administrative were often
12 identified with.

13 Q. How active were the assistant principals in,
14 like, school activities? Were they people that you had
15 a lot of contact with or would your contact generally be
16 with the principal?

17 MS. LHAMON: Question's vague, also compound.

18 THE WITNESS: I think it really depended on the
19 teacher. I think it depended on the teacher who they
20 were mainly interacting with, and I think it depended on
21 the particular assistant principals, how much they were
22 involved in school activities. There were, over the
23 course of my four years at Muir, there were many
24 different assistant principals. I think only one of
25 them was there throughout all four years. I definitely

1 had more interactions with the principal than with the
2 assistant principals.

3 BY MS. VANSE:

4 Q. Was there any particular reason you had more
5 interaction with the principal than the assistant
6 principals?

7 A. One was that I served as co-chair for the
8 United Teachers, Los Angeles for two years, and the
9 principal tended to be the person who we needed to talk
10 to. And I think other than that, probably just that
11 she -- just that the principal saw me as a leader on
12 campus who she should deal with a fair amount.

13 Q. I take it this was mainly Ms. Perryman.

14 A. Correct.

15 Q. Were there department chairs at Muir?

16 A. Yes.

17 Q. Did you ever serve as a department chair?

18 A. No.

19 Q. How does that work? How did the department
20 chairships work?

21 MS. LHAMON: The question's vague. You mean
22 how did someone become department chair?

23 BY MS. VANSE:

24 Q. I assume departments were structured around the
25 English department or language arts or math. Would the

1 department chair then -- all the teachers that teach in
2 that subject area, are they part of that department?
3 Are there regular meetings?

4 MS. LHAMON: The question is vague and
5 compound.

6 MS. VANSE: I'm making it worse.

7 Q. You have a department chair of a certain
8 department. Within that department how did the teachers
9 function together as part of that department?

10 A. Right. The departments were, yes, organized
11 around subject areas, and the departments would meet, at
12 Muir, under Ms. Perryman, the departments would meet
13 pretty regularly, I'd say at least once a month, maybe
14 twice a month. Was there more you wanted on that?

15 Q. No, that's fine.

16 Within the department meeting, did the
17 department set their own curriculum or is that something
18 the school did for that particular subject?

19 MS. LHAMON: The question's vague. Are you
20 asking did the department select the materials that
21 would be used to teach a particular subject? Are you
22 asking did the department select what should be taught
23 or should be covered in the course of a course?

24 MS. VANSE: Yes. I'm speaking more than just
25 textbooks. I'm speaking of developing a particular

1 curriculum for -- as I understand it, a curriculum is
2 not just a textbook, it's an educational program. Maybe
3 that's incorrect.

4 Q. Did the departments decide this is how we're
5 going to teach English to sixth graders this year and go
6 from there, or is that something the school decides and
7 then implements through departments?

8 MS. LHAMON: It's vague and an incomplete
9 hypothetical.

10 MS. VANSE: Let me actually step back and ask
11 you this:

12 Q. Do you know how -- do you know who sets the
13 curriculum at Muir?

14 A. It depends on what you're talking about. So,
15 for example, around bilingual education, the state sets
16 the curriculum because the state has said you can't have
17 bilingual education. So what I'm saying is there's a
18 variety of different levels that it's decided at. The
19 departments did tend to -- it was under their control
20 to, for example, make a pacing plan of, like, where
21 you're supposed to be at a particular time of the year.
22 That had to be connected to state and district learning
23 standards, which were sort of the basis of the
24 curriculum.

25 In department meetings we would talk about

1 A. Yeah. I mean, the departments that I was in
2 needed to decide that, you know, on an annual basis. I
3 mean, once something was in place, like a textbook, I
4 mean, there often wouldn't be that much discussion about
5 it because you've already got it, so you're going to use
6 it again the next year. But it was something that, you
7 know, could be brought up for review by the department,
8 if needed, though unclear whether there could be -- like
9 if the department decided to review something, unclear
10 whether anything could actually become of that in terms
11 of getting a different textbook or supplementing the
12 textbook with other materials. That would depend on the
13 school budget and funding issues.

14 Q. While you were a teacher at Muir, was there
15 ever a textbook adoption in one of the departments you
16 were a part of?

17 A. No. We used the same textbook for each of the
18 years that I was there, with one exception. The third
19 class that I -- I taught two classes of language arts
20 and two classes of world history and one reading class.
21 The reading class that I taught did adopt a different
22 textbook in the middle of my four years there, a
23 different boxed curriculum plan, and I was a part of
24 that.

25 Q. You were a part of getting that renewed option?

1 different activities and different ways that we used the
2 textbook or separate activities that we used to try to
3 get to teaching around these learning standards.

4 Q. And as far as what would be used in a class,
5 the textbooks or other educational materials, was that
6 something that the departments decided or was that
7 decided by someone else?

8 A. The district -- there was some -- the district
9 controlled some of that in the sense that there are
10 certain textbooks put on a list of possible textbooks.
11 Often the departments would then choose among this set
12 of textbooks which ones to order. But it -- sorry --
13 but that wasn't necessarily only the department making
14 that decision. Sometimes it would be more of a
15 school-wide decision, you know, including, you know, the
16 principal and other, you know, a convening of each
17 department head, you know, that sort of thing.

18 Q. Would that be done every year before school
19 started? Does the department sit down and decide this
20 year we're going to do this for our department?

21 MS. LHAMON: I just think the question calls
22 for speculation as to other departments, but you can
23 answer.

24 BY MS. VANSE:

25 Q. Just for the departments, I guess, you were in.

1 A. I was a part of opposing that adoption, but was
2 a part of the conversations.

3 Q. Do you recall who made the decision to make
4 that new adoption for the reading class?

5 A. It was a combination of the administrative
6 team, the people within the department, and something
7 that the district and the state were promoting.

8 Q. And why were you opposed to that?

9 A. Because I felt that this particular program
10 called Breaking the Code, which is related to a much
11 better known program called Open Court, because I felt
12 that, number one, the materials in this boxed curriculum
13 plan were not culturally relevant to my students;
14 secondly, there had been a lot of research, a lot of --
15 coming out of Cal-state L.A. about the limitations of
16 these boxed curriculum plans with English language
17 learners; and, thirdly, I felt that it created -- I felt
18 that it infringed upon academic freedom and creativity
19 of teachers.

20 Q. Did you end up teaching those books?

21 A. I did not.

22 Q. Were you given the option as a teacher not to
23 use those?

24 A. We created the option of -- I mean, there were
25 a few people who -- we were not told that if you don't

1 use this you'll be brought up on disciplinary measures.
 2 We talked with the administration, made it clear that we
 3 had our own plan, which was a viable and good plan for
 4 student learning, and then did not use that particular
 5 program.

6 Q. When you say "we," do you mean other teachers
 7 at John Muir, or is there someone else?

8 A. A couple of teachers at Muir, yes.

9 Q. Were you ever involved, while you were at Muir,
 10 in any of the spending decisions of the school, the
 11 budget issues?

12 A. Yes.

13 Q. What were you involved in?

14 A. I mean, there's sort of a -- this isn't
 15 necessarily going to be a very organized presentation of
 16 the way that I was involved in it. There were a few --
 17 often I was involved in it by looking at the amount of
 18 money -- I was not a budget expert, but I was often
 19 involved in looking at the budget and saying that we
 20 didn't have enough money to buy the things that we
 21 needed, ranging from leaks in the ceiling to textbooks.
 22 So that's like a broader, overall thing.

23 Some of the specific things I was involved in
 24 were, like I said, opposing this -- spending money on
 25 this Breaking the Code and instead suggesting that we

1 budget numbers stuff, but we did -- we did advocate at
 2 the school board, I and other teachers at Muir, did
 3 advocate at the school board that we be given what's
 4 called an "off norm position." So in other words, other
 5 adults, meaning teachers or counselors on campus, beyond
 6 the number of counselors or teachers you're supposed to
 7 have based on the number of students you're supposed to
 8 have. So the equation says if you have a certain number
 9 of students, you have a certain number of teachers and
 10 counselors.

11 We advocated that we wanted more counselors in
 12 particular, which would have involved -- which did
 13 involve quite a significant amount of money. That
 14 didn't happen.

15 Q. And what year -- I guess it was two years where
 16 you were co-chair of the united Teachers of Los Angeles.

17 A. '98-'99, and '99-2000.

18 Q. And when you were -- one of the things you said
 19 was that you were working to get teachers reimbursed.
 20 You were working with, as part of United Teachers, Los
 21 Angeles, to get the schools to reimburse teachers, or
 22 you were working, as a teacher at John Muir, you were
 23 trying to get --

24 A. As a teacher at John Muir, but teachers would
 25 often bring their problems to me, being one of the union

1 spend the money on other materials that we could get to
 2 support student learning. I was involved in attempting
 3 to divert money from school security officers, school
 4 police officers into trying to get a counselor on
 5 campus. I was involved in working with parents in the
 6 Bilingual Advisory Committee to try to get the school to
 7 purchase translation equipment for parents in meetings.
 8 And I was involved in helping the school develop a plan
 9 so we could get money through a program called the
 10 Academic English Mastery Program.

11 Those are some examples of some of the things I
 12 was involved in.

13 Q. Any other ways you were involved in the
 14 spending budget, that you can recall, at John Muir?

15 A. Well, I mean, working with -- when I was the
 16 UTLA co-chair, working to try to get teachers reimbursed
 17 for money that they spent individually, which was often
 18 unsuccessful. Teachers often would, because, you know,
 19 the year's moving along and they don't have certain
 20 things, would put out money on their own for either
 21 books or paper or whatever, and then we would go back
 22 and try to find some way to reimburse them through an
 23 account at the school.

24 The other thing I recall is -- but, again, I
 25 mean, this is getting a little bit away from hardcore

1 co-chairs, so that's why it sort of fell under that.

2 Q. You said that you looked at the budget at Muir
 3 and saw that there wasn't enough money for various
 4 things; was that something you looked at a school
 5 meeting or was that something you looked at on your own?

6 A. Both, but mostly at school meetings. One was
 7 in a budget committee that we had for a little while,
 8 and the second was on a school leadership committee
 9 which I was an elected member of for one year.

10 Q. What year were you on the school leadership
 11 committee?

12 A. '99-2000. Actually, it was two years. It was
 13 '99-2000 and 2000-2001.

14 Q. You mentioned that there was an assistant
 15 principal who dealt a lot with facilities issues at the
 16 school. Do you know who was responsible for facilities
 17 and maintenance issues at Muir?

18 MS. LHAMON: That calls for a legal conclusion.

19 THE WITNESS: I'm not sure I understand the
 20 question.

21 BY MS. VANSE:

22 Q. If there was a problem with facilities or
 23 maintenance at Muir, who was in charge of dealing with
 24 that at the school? Was that the assistant principal?
 25 Was there someone else?

1 MS. LHAMON: Same objection.

2 THE WITNESS: Well, again, I would say that's
3 sort of a multi-leveled thing. The person at the school
4 -- there were two main people at the school who problems
5 would be brought to: The assistant principal of
6 facilities and the plant manager. While I was UTLA
7 co-chair there were three people that things would be
8 brought to, those two people and me.

9 Now, I mean, beyond that, on the question of
10 responsibility, I mean, there were district-wide and
11 statewide things going on, like Proposition BB monies
12 that were being implemented at the school that-- with
13 regard to facilities. Those two were sort of the point
14 people on, like, if you had an immediate thing that you
15 needed around facilities concerns, but in terms of the
16 broader terrain of who was responsible and who was sort
17 of moving things around facilities or not moving things
18 around facilities at Muir, it was, you know, beyond
19 those two people obviously.

20 BY MS. VANSE:

21 Q. And are you familiar with how the Los Angeles
22 Unified School District deals with the facilities of the
23 schools?

24 MS. LHAMON: Question is vague.

25 MS. FLOYD: Objection. Vague.

1 And then more recently in CEJ's work at the
2 school board level we have testified as to various
3 conditions at schools regarding the facilities at --
4 we've testified at the school board about those. And
5 different board members have responded verbally at times
6 to different things that we've brought up.

7 Q. In your one to two phone conversations that you
8 had with someone at the district facilities division, or
9 whatever it was, during those conversations did you --
10 was it just regarding the problems that you were
11 particularly facing in your classroom?

12 A. No. It was based on -- as UTLA co-chair, I did
13 a -- we developed a survey of teachers at Muir to see
14 how many had problems with the ceilings in their
15 classrooms. It was during the rainy part of the season.
16 We found that at least a third had either leaks in the
17 ceiling or tiles falling, something. So it was -- so my
18 conversations, both -- both our testimony at the board
19 and our -- and the conversations that I had with this
20 facilities person, were both on behalf of a number of
21 teachers at Muir.

22 Q. Did you only -- was it just about this
23 particular issue of ceilings at Muir?

24 A. At the time, yes.

25 Q. So did you ever speak with anyone about the --

1 BY MS. VANSE:

2 Q. Are you aware of any -- I mean, the district's
3 involvement with maintenance or facilities at the
4 different school sites?

5 MS. LHAMON: I think that question is still
6 vague. Are you asking is he aware of to whom a teacher
7 or administrator of a school should connect, with whom
8 someone should connect at the district? Or is he aware
9 what the district's responsibilities are?

10 MS. VANSE: I don't want to get into district
11 responsibilities or anything like that.

12 Q. I'm just wondering if you have any awareness of
13 how -- I guess maybe: Have you ever had any involvement
14 with the Los Angeles Unified School District about how
15 the district deals with maintenance and facilities of
16 its school sites? Have you yourself ever had any
17 involvement with the district on that particular issue?

18 A. In the course of, yes, in the course of trying
19 to work at Muir to deal specifically with leaks in the
20 ceilings of classrooms, and in the course of going to
21 the school board to talk about, to testify in front of
22 the school board about those things, I did have maybe
23 one or two phone conversations with someone in the
24 district facilities division. I'm not sure the exact
25 title of it, but the division of facilities.

1 at the district -- about facilities at Muir other than
2 ceilings?

3 A. Yes. We had a conversation with the -- a group
4 of teachers had a conversation with Peggy Selma, who was
5 a sort of, I guess they called it at the time, cluster
6 administrator over Muir. We had a conversation about
7 some other facilities issues as well. And other than
8 that, conversations that I've had with different board
9 members and board member staff have not been
10 specifically about Muir because it's been in the context
11 of CEJ, which is a city-wide, district-wide organization
12 that sort of talks about patterns that are seen in terms
13 of facilities needs. So those conversations have not
14 been specifically about Muir, but certainly have
15 included some of the evidence and anecdotal information
16 from Muir as part of a broader -- to paint a broader
17 picture what the facilities needs in the district are to
18 these board members and their staff.

19 Q. Did you have a in-person meeting with Ms. Selma
20 or was that a phone conversation?

21 A. My recollection is that we had at least one
22 in-person meeting with her.

23 Q. And this was you and other teachers at Muir?

24 A. Right.

25 Q. And what did you speak with her -- what other

1 facilities issues at Muir did you speak with her about?
 2 A. I don't recall exactly. I mean, the ceiling
 3 issues were definitely part of it. The only two really
 4 specific things that I can recall talking to her about
 5 at the time were classroom space issues where we had,
 6 you know, teachers beginning to teach in weight rooms,
 7 lobbies, large -- not large, small storage rooms. Small
 8 for a classroom, big for a storage room. So we talked
 9 to her about the need for more classroom space.

10 And the other specific thing I remember talking
 11 to her about was the need for more desks. Beyond that,
 12 I don't recall the other facilities things that we
 13 talked about.

14 Q. Do you remember what Ms. Selma said about the
 15 ceiling issues you raised at that meeting?

16 A. I don't remember specifically, other than
 17 making some reference to the Proposition BB funds that
 18 were supposed to be coming in, which, by the way, once
 19 they did come in did remedy some of the ceiling problems
 20 for a little while, but didn't at all begin to remedy
 21 the whole problem school-wide.

22 Q. Do you recall if Ms. Selma said anything
 23 regarding the classroom space issues raised?

24 A. I don't recall exactly what she said.

25 Q. Do you recall if those issues were dealt with

1 elected representatives from teachers, students and
 2 parents.

3 Q. So that's just for John Muir?

4 A. Right.

5 MS. VANSE: Would you like to break for lunch?
 6 (Lunch recess.)

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1 after that conversation?

2 A. The classroom space issues?

3 Q. That's right.

4 A. Dealt with ineffectively, but not effectively
 5 in the sense that another weight room was opened as a
 6 classroom, another storage bin was opened as a
 7 classroom. The parent center was made not a parent
 8 center anymore and into a classroom. So that's the way
 9 it was dealt with. But dealt with at a serious and
 10 systemic level to take care of the problem, no.

11 Q. Do you know or do you recall what Ms. Selma
 12 said in response to your concerns about regarding desks?

13 A. I don't recall exactly.

14 Q. Do you recall if there was anything done at the
 15 school regarding desks following that conversation?

16 A. There were efforts by the leadership committee
 17 to purchase more desks. Some, from what I recall, some
 18 new desks were purchased, but it wasn't able to -- but
 19 we still had teachers who were lacking the number of
 20 desks that they needed.

21 Q. When you say "leadership committee," what
 22 leadership committee is that?

23 A. This committee that I spoke about, that I was
 24 elected to for '99-2000 and 2000-2001, which was
 25 supposed to include administrative people as well as

1 LOS ANGELES, CALIFORNIA; WEDNESDAY, NOVEMBER 21, 2001

2 1:10 P.M.

3

4

5

EXAMINATION (continued)

6

7 BY MS. VANSE:

8 Q. We're back on the record. And just to remind
 9 you, all the ground rules that we discussed this morning
 10 still do apply.

11 If you would, please turn in the declaration,
 12 Exhibit 1, to page 3, paragraph 8, and the first line or
 13 the first sentence of that paragraph states: "We have
 14 had ongoing construction at Muir for years." Can you
 15 tell me what "ongoing construction" you're referring to?

16 A. Most of it is around painting projects, so
 17 different parts of the school being painted at different
 18 times. I mean, as it says in the rest of that
 19 paragraph. There are a couple of other projects that
 20 have been going on for a while besides painting. So,
 21 for example, one is having to do with
 22 telecommunications, which has involved some, you know,
 23 putting cables down and things like this. The other
 24 project, in addition to that, is there's been some work
 25 on sewage. Those are the three main ones.

1 Q. That have been ongoing at Muir?

2 A. Yeah. The painting -- ongoing in two senses.
3 One meaning that it's supposed to happen and timelines
4 keep getting set up for it to happen and preparations
5 being taken to get it ready and then it doesn't happen.
6 And that's sort of the same with the Internet and
7 telecommunications stuff where there is, you know, a
8 time set out, it's supposed to happen and then nobody
9 really knows where the timeline went, and it gets picked
10 up some time, you know, a short time or a long time
11 after that. So that's what I mean by ongoing.

12 Q. And just so that I'm clear about what you're
13 saying, when you say "ongoing," then, you're not
14 referring to the fact that the construction is
15 continuously happening in Muir in that particular area,
16 say the painting; is that correct? That's not what you
17 mean?

18 A. Right. What I do not mean is that it is
19 consistently happening day by day. What I mean is
20 there's like an ongoing -- and I also don't mean that
21 it's being completed. I mean that this is something
22 that everyone knows is supposed to happen, the painting,
23 the telecommunications. It happens by sort of fits and
24 starts. That's what I mean.

25 Q. Anything else that you're referring to other

1 happened?

2 A. Because the timelines that the staff, the
3 administration had agreed to at various times had the
4 work happening during vacation so that it wouldn't
5 disrupt the school year. And from what I remember, that
6 was held to somewhat in sections were done during
7 certain periods, but the work wasn't done in the amount
8 of time that we were originally told that it could be
9 done in so as not to disrupt the school year.

10 Q. Any other construction that took place at Muir
11 during a break or summer holiday?

12 A. Not that I remember.

13 Q. In the second sentence in paragraph 8 of the
14 declaration you state: "I have asked why the
15 construction cannot take place when the students are off
16 campus during the summer or during other vacations."
17 Are you referring -- what are you referring to when you
18 say "the construction"? Is that just those three areas,
19 or is there something else?

20 A. Those three areas.

21 Q. And who did you ask?

22 A. I brought it up at various locations, including
23 the Leadership Council that I spoke about, including in
24 personal conversations with or one-on-one conversations
25 with administrators, at staff meetings, whole staff

1 than the three areas we've just discussed with this
2 sentence "we have had ongoing construction at Muir for
3 years"?

4 A. No, not that I can think of.

5 Q. While you were at Muir, was there any other
6 construction that occurred other than these three areas
7 during the school year?

8 A. Some work on the roofs.

9 Q. Anything else?

10 A. Not that I can remember.

11 Q. While you were at Muir, was there any
12 construction that occurred not during the school year,
13 either on a holiday break or spring break or during the
14 summertime?

15 MS. LHAMON: Calls for speculation.

16 THE WITNESS: The main building, the
17 administrative building, was retiled in some sections
18 over the summer. I think it was the summer of 2000. I
19 assume, but don't know for a fact, that some of the
20 ongoing stuff in the three other things that I mentioned
21 happened over the summer and over breaks at times, but
22 it certainly wasn't, as I said in the declaration, it
23 certainly wasn't limited to those vacation periods.

24 BY MS. VANSE:

25 Q. And why would you assume that that's what

1 gatherings. All of those places we brought it up.

2 Q. Do you remember anyone in particular that you
3 spoke to and asked why the construction could not take
4 place when students were off campus?

5 A. I remember -- you mean someone who had some
6 degree of responsibility for it?

7 Q. No. I'm just asking if you recall anyone in
8 particular as part of any of those different entities
9 that you said you spoke to about this -- if you remember
10 anyone in particular that you spoke to about this issue.

11 A. Certainly spoke to the principal, Ms. Perryman,
12 and certainly spoke to the assistant principal over
13 facilities.

14 Q. Do you remember that assistant principal's
15 name?

16 A. Henry Flores.

17 Q. Ever speak to any other assistant principal in
18 that position?

19 MS. LHAMON: Vague as to -- well, it's vague
20 and overbroad. Do you mean did he speak to any other
21 assistant principal over facilities about whether
22 construction could take place during vacation time? Or
23 did you mean that he spoke about anything?

24 MS. VANSE: That's good. I'll go back first.

25 Q. Was Mr. Flores -- what was he the assistant

1 principal of?
 2 A. He was over facilities.
 3 Q. Did you speak to any other assistant principal
 4 over facilities as to why the construction could not
 5 take place when the students were off campus?
 6 A. No.
 7 Q. Anyone else that you can recall in particular
 8 that you spoke to about this construction taking place
 9 when students were off campus?
 10 A. Members of the Leadership Council.
 11 Q. Do you recall their names in particular?
 12 A. I can tell you some of them. Some of the
 13 teachers involved were Patty Roberts, Christina Corprin
 14 (phonetic), Waymon Hobdy.
 15 MS. LHAMON: Do you know how to spell that?
 16 THE WITNESS: W A Y M O N, H O B D Y. I I
 17 Clark. Those are some of the teachers who are on the
 18 Leadership Council. Alero Mack is another one. A L E R
 19 O; Mack, M A C K.
 20 BY MS. VANSE:
 21 Q. Do you recall if you ever spoke to anyone at
 22 the district level about the construction could not take
 23 place when the students were off campus?
 24 A. I did not personally talk to anyone at the
 25 district level about that.

1 Q. Do you know someone who did?
 2 A. I believe that Mr. Clark did.
 3 Q. Is this something that Mr. Clark told you?
 4 A. Yeah. I remember us having a conversation
 5 about it.
 6 Q. And who did he say he had spoken to -- spoken
 7 with at the district?
 8 A. I don't remember.
 9 Q. About how many times did you speak about or ask
 10 why the construction could not take place when students
 11 were off campus with your principal, Ms. Perryman?
 12 A. How many times was I personally in
 13 conversations where that came up?
 14 Q. Right.
 15 A. Between Leadership Council, one on one and
 16 staff meetings together, maybe four or five times.
 17 Q. And what was her response when you spoke to her
 18 about -- spoke with her about these issues?
 19 A. Her response was a lot agreeing that that was
 20 what we needed to move towards, that that was the kind
 21 of timeline that we wanted, and that she would work to
 22 try to make sure that that happened.
 23 Q. Do you know if she did anything in response to
 24 your concerns to try and get the construction to take
 25 place while students were off campus?

1 A. She and Mr. Flores reported at different staff
 2 meetings that they had spoken to people at the district
 3 level about this.
 4 Q. Did they say what the district had told them?
 5 A. I don't remember any detail. I just remember
 6 the overall sentiment being that there wasn't a lot we
 7 could do about it.
 8 Q. Do you remember why that was, why there wasn't
 9 a lot that could be done about it or that you could do
 10 about it?
 11 A. No. But I don't remember, you know, the
 12 specifics about those responses. I do think it was
 13 pretty well-established among in the conversations that
 14 we had at leadership committee and then the staff
 15 meetings that one of the main reasons that schools get
 16 into this kind of trouble with timelines is because they
 17 are entirely neglected for decades, and then, of course,
 18 people want things done quickly. So when there has been
 19 a degree of neglect at a school for a long period of
 20 time, then obviously there's a ton of different things
 21 to fix between technological upgrade, roofs, you know,
 22 new classrooms, whatever. And so -- and it's typically
 23 the same schools that get put into this position,
 24 schools that serve low income communities and
 25 communities of color, and they then have -- people get

1 angry about the conditions and they want something done.
 2 But then it's not just like it's three rooms that need
 3 to be dealt with, it's entire buildings.
 4 So I think that the -- I think that the degree
 5 to which the district, in many cases, was not able to
 6 respond with, like, sort of immediately satisfactory
 7 answers to this kind of thing was shaped by the fact
 8 that the state and the district had historically
 9 neglected these schools for quite a long time and there
 10 was a whole laundry list of things that needed to be
 11 done.
 12 Q. Now, is this, when you talk about schools get
 13 into this trouble by neglect over a period of time, is
 14 this something that you've studied or that you've come
 15 to your own conclusions about as a teacher? How did you
 16 form that opinion?
 17 A. Some of it is based on, you know, direct
 18 experience of being in -- teaching in a building, the
 19 building I had been in at Muir, which obviously had not
 20 been painted for a number of years. The floors were
 21 very old and very warped. So part of it is direct
 22 experience. Other pieces of that are based on research.
 23 I mean, it's pretty well-documented that -- I mean, a
 24 number of things are documented through research,
 25 including that there have been fewer than 20 schools

1 built in the L.A. Unified School District since 1978
 2 when the enrollment has gone up by 10,000 every year,
 3 which is going to have a significant impact on
 4 facilities. The whole year-round, it's been
 5 well-documented through research that year-round schools
 6 sustain a much higher degree of, you know, usage and
 7 impact and so need sort of more regular upkeep, and
 8 those year-round schools tend to be concentrated, again,
 9 in the same communities, lower income communities.

10 So, yeah, it's based on my experience in these
 11 conditions, of seeing, you know, actual buildings and
 12 rooms that clearly have not received the upkeep they
 13 need, but also based on research and well-documented
 14 facts.

15 Q. You mentioned that it's -- certain of these
 16 things are well-documented. Do you have any research in
 17 particular that you're referring to when you say it's
 18 well-documented?

19 A. I don't remember the specific reports, but the
 20 enrollment figures for the district about, you know,
 21 10,000 per year is pretty easily accessible at district
 22 web sites. Some of the -- around school construction,
 23 I -- of how many schools have been built in the
 24 district -- I got that information from not just written
 25 sources but conversations with people who are working on

1 conversations with folks who have been concerned about
 2 the effects that year-round schools have on children's
 3 education and who have looked into the research on that.

4 Q. When you say that it's well-documented, are you
 5 referring to any documents in particular or any
 6 documents at all, even if you don't recall what they are
 7 specifically? Or when you say well-documented, do you
 8 include, perhaps, an oral documentation history in that
 9 as well?

10 A. I don't have -- what I mean is that people
 11 who -- I don't have specific sources, written sources,
 12 in mind off the top of my head. I do include -- and in
 13 answering your other question, I do include all
 14 conversations with people who have studied the matters
 15 and looked at the matters within the sort of purview of
 16 well-document.

17 Q. In your conversations with members of the
 18 Leadership Council regarding why the construction could
 19 not take place when students were off campus, were those
 20 general conversations or were they specific? Were they
 21 general conversations?

22 A. They were conversations that were specific to
 23 the projects that were being talked about. For example,
 24 there was specific conversations about the painting
 25 timeline and sort of, you know, what the current

1 the effort to make sure the state -- that the state
 2 entity that gives out money for school construction is
 3 more accountable to large urban districts that have more
 4 trouble finding land. So it's come out of conversations
 5 with some of the people involved in that work. Some
 6 conversations with journalists who have been writing
 7 about the overcrowding situation.

8 Q. You mentioned that it was well-documented that
 9 your own schools have a higher degree of usage. Do you
 10 have any documents in mind when you state that's
 11 well-documented also?

12 A. Not specific documents, but, I mean,
 13 intuitively, you know, looking at the reasons that a
 14 school is made year-round is so that a school that used
 15 to hold 2,000 students and, you know, absorb the wear
 16 and tear of 2,000 students now can be year-round and
 17 absorb the wear and tear of 3,000 or 4,000 students. So
 18 intuitively that makes sense to me. On top of that, you
 19 have situations like at Muir where Muir was a school
 20 that was built for about 1200 students. The current
 21 enrollment is 2,000. And it's likely to go year-round
 22 school, so it means that a school built for 1200
 23 students will have the wear and tear of 3,000 students,
 24 you know, over twice that number.

25 So that's what I'm going on a lot, as well as

1 timeline was, whether it was likely to get changed
 2 again, who was going -- what teachers were going to get
 3 displaced from their room while the painting took place.
 4 So there were -- they tended to be conversations that
 5 were very specific to the project involved.

6 Q. You mentioned that you worked with someone at
 7 the state who is in the department, I guess, funding
 8 allocation for -- is it new schools?

9 A. For -- right.

10 Q. And when -- I'm sorry. Who did you speak to at
 11 the state regarding funding allocation for new schools?

12 A. I don't recall the exact person, but it was
 13 someone -- we talked to a couple of people in a couple
 14 of different assemblymembers' staffs. I believe one of
 15 them was Jackie Goldberg's staff, although I don't --
 16 we've talked to a lot of different assemblypeople, so I
 17 don't remember exactly offhand who -- who it was exactly
 18 we spoke to about that.

19 Q. But it was someone within the state assembly,
 20 not a state department?

21 A. Right.

22 Q. And when you say "we," was that part of the
 23 Coalition?

24 A. Right.

25 Q. And what did you discuss with, I guess it would

1 be, the assembly staff, assemblymember staff person
 2 regarding the funding allocation for new schools?
 3 A. Well, dealing with the issue of -- it was
 4 specifically on the issue of overcrowding in Los Angeles
 5 and the impact on students that overcrowding had and the
 6 impact on facilities, and it was in particular a
 7 conversation about how, I believe, it's called, although
 8 I may be wrong on it, the State Board of Allocation
 9 disburses money to different school districts based on,
 10 typically, has been, and historically has been, on a
 11 timeline of when those districts come up with suitable
 12 pieces of land to build a new school on. And big urban
 13 districts have -- that has discriminated against big
 14 urban districts that have a harder time doing all of the
 15 environmental impact report that they need to do with a
 16 new piece of land. Finding the land anyway in dense
 17 areas.
 18 So you have big urban districts that end up
 19 with very few spots to ask for money from the State
 20 Board of Allocation to build a new school by the, you
 21 know, time they're supposed to get it on the timeline
 22 because there's so much work involved than in a rural or
 23 suburban district where it's much easier to find the
 24 land and do the impact reports and so on.
 25 So it was in the context of -- it was in the

1 context of how -- the conversation with the
 2 assemblyperson, staff person was in the context of how
 3 do we come up with some sort of policy solution to being
 4 able to build new schools when we so clearly need them
 5 and what is the state's responsibility in that and what
 6 is the state's responsibility in changing the guidelines
 7 so that there's no longer this discriminatory element
 8 against big urban districts.
 9 Q. And did you have just one conversation with the
 10 state staff person?
 11 A. I personally had two, I believe.
 12 Q. And you know of others who had conversations as
 13 well regarding this issue?
 14 A. Others within CEJ?
 15 Q. The Coalition, yes.
 16 A. I don't know for sure.
 17 Q. When did you have -- when did your
 18 conversations take place?
 19 A. Maybe in the neighborhood of eight to 10 months
 20 ago.
 21 Q. Were both the conversations fairly close
 22 together?
 23 MS. LHAMON: In time?
 24 MS. VANSE: Yes, in time.
 25 THE WITNESS: Yes.

1 BY MS. VANSE:
 2 Q. Did anything happen as a result of your
 3 meetings with that staff member, that you're aware of?
 4 A. Well, the main thing that happened for us was
 5 we were able to get sort of more up to speed on the --
 6 around that policy, that specific policy issue. I know
 7 there has been, not as a result of my conversation with
 8 this staff person, but there has been, unless, you
 9 know --
 10 Q. Maybe you're that persuasive.
 11 A. But there has been, you know, legal action
 12 against the state, and there's also been action within
 13 the legislature to change that particular timeline, the
 14 rules around the timelines.
 15 Q. And by "legal action against the state," you're
 16 referring to something other than this present
 17 litigation?
 18 A. Yes.
 19 Q. You said you also spoke with journalists about
 20 this particular issue, meaning why construction couldn't
 21 take place while students were off campus.
 22 A. No. No. No, not that, on this broader issue,
 23 the State Board of Allocation.
 24 Q. Do you recall what journalist you spoke to?
 25 A. I spoke to Howard Bloom at the L.A. Weekly.

1 Q. Anyone else you recall?
 2 A. Aaron Aubry, also at the L.A. Weekly. I don't
 3 recall other conversations with journalists that
 4 specifically dealt with the State Board of Allocation
 5 issue.
 6 Q. For both of these L.A. Weekly -- these are
 7 reporters for the L.A. Weekly?
 8 A. Yes.
 9 Q. Were they writing articles regarding state
 10 board of -- it's the allocation resources for public
 11 schools?
 12 A. Howard Bloom wrote an extensive article about
 13 it, and Aaron Aubry, I think, included reference to it
 14 in a article on a related subject.
 15 Q. Do you recall when those articles were
 16 published?
 17 A. Not exactly, but I would say in the
 18 neighborhood of about a year ago. A year to a year and
 19 a half ago.
 20 Q. Back to your declaration. When you state in
 21 the same paragraph 8 -- I guess it's a few lines down.
 22 I think line 15 on the pleading page. You state: "We
 23 teachers had been pressing for a couple of years to have
 24 the classroom painting happening during the summer,
 25 winter vacation or spring vacation when students are not

1 on campus." When you state that "we teachers had been
2 pressing for a couple of years," was that through --
3 well, what did that entail?

4 A. It was through -- mainly through the UTLA
5 chapter and through the Leadership Council.

6 Q. And who had you been pressing?

7 A. Similar to -- I mean, like I said before, it
8 was mainly, on our end, conversations with our school
9 site administration, in particular the two
10 administrators I mentioned, Ms. Perryman and Mr. Flores,
11 to encourage them to try to, you know, have an impact or
12 an influence on when exactly that work would be done.

13 Q. Was this painting for the inside classrooms at
14 Muir?

15 A. Inside and outside.

16 Q. Outside the school building?

17 A. Right.

18 Q. And that painting actually did occur during the
19 2000-2001 school year?

20 A. A lot of it did, yes.

21 Q. So there were parts that did not occur during
22 that time?

23 A. I'm just not sure whether all of it was done.
24 There was a substantial amount of painting done during
25 that school year, but I know the whole -- the whole

1 were so bad and people were so angry about it.

2 At the time money was also being disbursed for
3 these Proposition BB funds, and there was some concern
4 among some community groups, parent groups and teacher
5 organizations that money was being unevenly distributed
6 throughout the district from that Proposition BB, and
7 that schools in South Central in particular were having
8 some very basic needs, like ceiling tiles, left unmet so
9 that better conditioned schools in other less dense
10 parts of the district could receive less basic things,
11 like upkeep on a swimming pool or something.

12 So at the time this -- that issue was sort
13 of -- that issue was being talked about in the community
14 and among parents, and this was one way that we could,
15 at our school site, show the very basic things that we
16 needed to make sure that the basics were taken care of
17 first before money was distributed for other things.

18 Q. Did you undertake this survey -- well, what
19 part of the school year did you undertake the survey?

20 A. I think it was December and January.

21 Q. And how did you go about surveying the
22 teachers? Did you personally go and ask the teachers
23 about their rooms?

24 A. There were many one-on-one conversations that
25 ended up getting included in the survey. There were

1 campus was supposed to receive a new paint job, and I
2 just don't know whether all of it was done.

3 Q. Okay. We talked about this a little bit
4 already. I think you mentioned it. In paragraph 11 of
5 your declaration you mention that during the -- your
6 first year of teaching at Muir, in '97 and '98, you did
7 a survey of teachers and found that one-third of the
8 teachers at the school said they either had leaks in the
9 ceiling or something hazardous like tiles falling off;
10 that's correct?

11 MS. LHAMON: Mischaracterizes the testimony and
12 the declaration slightly.

13 BY MS. VANSE:

14 Q. You did conduct that survey during your first
15 year at Muir; right? The one that's mentioned in
16 paragraph 11 of your declaration.

17 A. Yes.

18 Q. Do you recall why you undertook that survey?

19 A. Yeah. I mean, I undertook the survey for a
20 couple of reasons. One was that teachers and parents
21 were pretty enraged by the condition of these ceilings,
22 and we had a ceiling tile fall and narrowly miss a
23 teacher in her classroom. Just a couple of things
24 occurred which, you know, we made it into a sort of UTLA
25 issue for our chapter of UTLA because the conditions

1 also -- there was also a form that we made that people
2 filled out. So it was conversations and paperwork.

3 Q. Do you still have a copy of the survey?

4 A. I don't think I do.

5 Q. Do you know of anyone who does?

6 A. No.

7 Q. And the survey was just for the Muir campus;
8 correct?

9 A. Yes.

10 Q. And were all of the teachers surveyed, that you
11 know of?

12 A. Were all teachers on Muir's campus surveyed?

13 Q. Yes.

14 A. I would say, you know, 80 to 90 percent of Muir
15 teachers were given the opportunity to respond.

16 Q. Do you know what percentage actually did
17 respond?

18 A. I don't remember exactly, but the thing that I
19 do remember is what's in the declaration, that a third
20 of teachers in classrooms complained of problems with
21 the ceiling, and that's not a third of the respondents
22 but a third of the total.

23 Q. And you base that total on just the total
24 number of teachers at Muir?

25 A. Right.

1 Q. Also, in paragraph 11 of your declaration, you
2 say: "We looked at the survey of teachers in my union
3 chapter and then we gave the survey to the principal and
4 to the school board." When you looked at the survey of
5 teachers in your union chapter, was that just to -- what
6 was that for?

7 A. Basically, I said -- union chapter there is
8 synonymous with the full staff.

9 Q. Okay. Thank you. You also gave the survey to
10 the principal. Do you remember what her response was to
11 the survey?

12 A. What I remember of her response was that she
13 was pretty distressed about it, and we went to great
14 pains, me and the principal, to talk to the plant
15 manager. And we were concerned that the plant manager
16 and the maintenance staff were going to feel that this
17 survey was sort of taking a hit or a slam at them, which
18 it wasn't designed to do. In general, there was pretty
19 broad agreement at the school the plant manager and the
20 maintenance staff were doing what they could do upkeep
21 the school well.

22 So we met -- the principal was concerned that
23 we have that meeting. We did. And she -- while I
24 wouldn't say she encouraged us to go to the school board
25 to raise attention about it, she certainly didn't -- she

1 certainly expressed understanding that we would go to
2 the school board to try to raise this as an issue.

3 Q. Did you ever discuss the survey, the survey
4 results, with her after that time?

5 A. I don't remember doing so.

6 Q. And then you also did bring the survey to the
7 school board; correct?

8 A. The result of the survey to the school board,
9 yes.

10 Q. And do you recall what their response was to
11 the survey?

12 A. I don't remember any specific response. There
13 certainly wasn't any response that was -- that made us
14 believe that the district was immediately moving into an
15 action plan to solve the problem or that the district
16 was going to attempt to apply pressure in some way to
17 the state to get the state to try to remedy the problem.
18 We didn't leave the school board meetings with that
19 sense, but I don't remember, like, specific things that
20 were said.

21 Q. Why do you say you got the sense from that
22 meeting with the school board that there wasn't going to
23 be an immediate response by the district or pressure on
24 the state to fix the problem?

25 A. In that it wasn't taken up by the -- when we

1 testified to this at the school board, it wasn't taken
2 up as -- I mean, part of the reason I can't remember
3 exact things that were said is because not much was said
4 by the school board members. So from the lack of
5 response we, and from the lack of follow-up, we didn't
6 receive, you know, a phone call from a board member's
7 office three days later or anything. So from that we
8 gathered that there wasn't, you know, an action plan
9 being put into place to deal with this.

10 Q. And did your concerns that were addressed in
11 the survey, did those ever -- were those ever addressed
12 by the school board or by the district?

13 A. Well, as it says in my declaration, many of the
14 ceiling leaks did end up getting taken care of in some
15 way by the local BB construction that was done on the
16 roofs. I mean, that was -- there was a long period of
17 time that elapsed between when we brought the problem up
18 and when they actually were fixed. I mean, maybe a year
19 and a half or so. But certainly not all of the problems
20 with ceiling leaks were taken care of. Some of them
21 were addressed.

22 And, for example, things -- so, for example,
23 using my classroom as an example, when the leak was in
24 my room, you know, I couldn't use the whole corner space
25 of my room because there was water coming in. When it

1 did end up getting fixed, they had done some
2 construction to an exterior part of the building to keep
3 the water from coming in, but the interior, my
4 classroom, remained -- I mean, the hole remained in the
5 side of the classroom and the warped floors remained.
6 So not only were -- not only were some of the leaks not
7 taken care of, but some of the sort of internal things
8 that had been caused by the leaks, like holes and
9 splotches and warped floors and things, were never taken
10 care of.

11 Q. Were you in the same classroom all three years
12 at John Muir?

13 A. Yes.

14 Q. Were those internal, I guess, effects from the
15 ceiling, were those ever taken care of while you were
16 there at John Muir? So like the warped floor you talked
17 about.

18 MS. LHAMON: You're talking about the effects
19 in his classroom?

20 MS. VANSE: Yes.

21 THE WITNESS: They were, in my classroom, there
22 was some attention paid to them, but not sufficiently,
23 in my mind. So, for example, the tiles that were
24 missing from the internal hole in the ceiling, there was
25 sort of a tile that was put up, you know, some sort of a

1 haphazard manner. And one particular section of the
2 floor was re-put down so that it wasn't warped, but not
3 the whole section. So some of it was dealt with, but
4 not sufficiently.

5 And while it was very nice not to have water
6 coming in the room when it rained, the effects on the
7 students, the sort of morale effects on the students,
8 remained largely the same, in my opinion, in the sense
9 of walking into a room that, you know, clearly has not
10 been taken care of in some major ways, whether it be how
11 the ceiling looked or how the floor looked. Not to
12 mention the morale of the teacher.

13 BY MS. VANSE:

14 Q. When did you make or when did you speak to the
15 school board regarding this survey that you had
16 undertaken?

17 A. January and February of 1998.

18 Q. And do you recall when was the first time that
19 the concerns addressed in that survey were actually
20 addressed at Muir?

21 MS. LHAMON: Calls for speculation.

22 THE WITNESS: I mean, I don't have a perfect
23 recollection of that, but my memory is that sort of in
24 the window of a year to a year and a half later some of
25 the leaking problems had been taken care of and some

1 THE WITNESS: Well, I guess I would -- I mean,
2 this is a little bit hard to answer in that I think a
3 lot of the -- a lot of the curriculum overall that I use
4 is designed to help students sort of see their place in
5 the world and see that they're important, relevant
6 people through a variety of different things, like what
7 I mentioned about, you know, trying to use culturally
8 appropriate literature, you know, doing stuff about
9 their own histories. So on a broad scale, absolutely, I
10 was attempting to do things that would address their
11 sort of esteem and morale and feelings about school and
12 sort of what place that had in their life's trajectory.

13 The other thing that I remember doing is, in
14 that specific situation, was telling the students that
15 they should feel free to talk to their parents about the
16 way their classroom looked and that, you know, the way
17 your classroom looks is no reflection on you and, in
18 fact, it's something that I'm angry about as your
19 teacher, and if you feel angry about it too, you should
20 talk to your parents and we can try to figure something
21 out about how to remedy it.

22 I mean, those are the two sort of immediate
23 responses that come to mind in answer to your question.

24 BY MS. VANSE:

25 Q. Did you ever take any other surveys at Muir?

1 action had been taken on internal things like the stuff
2 I had mentioned about my room.

3 BY MS. VANSE:

4 Q. Also a year to a year and a half later?

5 A. That's my recollection.

6 Q. You said that having some of these conditions
7 in your classroom, you thought it affected the morale of
8 your students. Did you do anything to try and prevent
9 that or help your students feel better about their
10 classroom?

11 MS. LHAMON: Question's compound.

12 MS. VANSE: I can ask the first one.

13 Q. Did you do anything to try and prevent your
14 students from having low morale regarding their
15 classroom?

16 MS. LHAMON: I assume you mean separate from
17 what he has testified to about the survey and having the
18 leaks prepared. Jennifer hasn't agreed with my
19 assumption.

20 MS. VANSE: I'm a little slow. Actually, I
21 don't agree with that.

22 Q. If that's something you did to prevent low
23 morale, you can testify to that.

24 MS. LHAMON: I'm not trying to get you to
25 change your question.

1 MS. LHAMON: Just the question's vague. Do you
2 mean did he ever conduct any other surveys of other
3 people during his time at Muir about the conditions at
4 Muir?

5 BY MS. VANSE:

6 Q. Just like other surveys of teachers at Muir.
7 Because this survey was about teachers; correct?

8 A. Yes.

9 Q. Did you conduct any other surveys of teachers
10 at Muir?

11 A. Yes. We would do annual surveys and record
12 keeping about class sizes.

13 Q. Any others?

14 A. I don't recall others.

15 Q. And these annual surveys regarding class sizes,
16 was that just a survey of number of students in each
17 teacher's classroom?

18 A. What it was, was -- right -- asking teachers to
19 list their class sizes period by period to see whether
20 the contractual limitation of an average of 32 students
21 for each teacher was being met. So those would be
22 done -- would be front loaded at the beginning of the
23 school year when we're trying to get a sense of how many
24 students have enrolled, you know, what classes are they
25 in. And the results of those surveys were used at

1 various times to go to -- to go to site administrators
2 to try to get them to balance out classes that were too
3 large.

4 Q. And did you conduct a survey of class sizes
5 each of the four years you were at Muir?

6 A. Yes.

7 Q. And did you find that the contractual limits
8 were not being met in any of those classes?

9 A. Yes. We found that not in all but in a good
10 number teachers had averages of over 32.

11 Q. You said the survey you undertook at the
12 beginning of the year.

13 A. Right.

14 Q. Do you recall how many classes there were at
15 Muir?

16 A. How many -- well, I'd do better at how many
17 teachers, which is like sort of a correlation, a pretty
18 good correlation. About 80 teachers.

19 Q. And do you recall approximately how many of
20 those 80 teachers had class sizes that were over 32?

21 MS. LHAMON: Are you asking for a particular
22 year or over the course of the four years?

23 BY MS. VANSE:

24 Q. Would it be easier if I went year by year? I
25 mean, do you have that in your mind?

1 But just to be clear, that's like the way that
2 the class size stuff works. So, yeah, I mean, just what
3 I said before, just that each year that I was there we
4 did have a substantial number of teachers who had class
5 averages over 32. Not all teachers would bring that up
6 as a problem, I mean, in the sense that, you know,
7 teachers sort of, after years and years of something
8 happening, teachers sort of get used to stuff, and a lot
9 of teachers sort of recognize that if they kick those
10 four or five or 10 or 15 kids out of their class or try
11 to, like, pressure the administration to get them out of
12 their class so their average is 32, a lot of teachers
13 recognize that that's long term not going to be good for
14 the student because they'll be put into another class
15 that is smaller but isn't the class that they need, or
16 just won't be dealt with at all. In some cases at Muir
17 students, overflow students, would just be put in the
18 auditorium.

19 So there are many -- the number of teachers who
20 would complain about the high average -- the number of
21 teachers that would complain about the high average was
22 not entirely reflective of how many actual problems
23 there were with high averages in that some teachers
24 would just sort of be, like, I can deal with it.

25 Q. So when you say a substantial number had more

1 A. I don't have a year-by-year picture in my mind.

2 Q. Do you recall if it was a greater number of
3 teachers having a classroom size over 32 from one year
4 to the next while you were at Muir?

5 A. My recollection is that it was pretty similar
6 each year. But just to be clear, the way it works is
7 that it's a class size average for the teacher. So, for
8 example, I had five classes, two world history, two
9 language arts and one reading, so I would average out
10 the sizes of each of my classes. And if it was over 32,
11 then technically it was a contractual violation, if the
12 average was over 32. Many of us, within teacher's union
13 in particular, have pushed for the district to establish
14 a class size cap, which -- because with averages you can
15 have teachers who have, you know, over 40 students, 50
16 students sometimes in a classroom, but still if they
17 have one class that's a smaller number of students it
18 can sort of mask that.

19 So many people have worked for -- to establish
20 class size caps. The reason that -- one of the main
21 reasons that the district hasn't been able to do that is
22 because of space issues, which gets into -- which gets
23 into state financial obligations to build more schools,
24 as well as, of course, some, you know, district
25 management decisions that would need to be made.

1 than 32, do you have an estimate of how many that means?

2 A. I mean, I remember talking to, at least, for
3 example, talking to at least 10 out of 80 that wanted to
4 take action on it, which, again, is an under -- an
5 underreporting, in my opinion, of how many had class
6 size averages over 32. But talking to at least 10.

7 Q. So from your survey, was your survey based on
8 what teachers thought was -- I mean, the survey was just
9 how many students they had; correct?

10 A. Right.

11 Q. So based on the survey, did you get an
12 understanding of approximately how many teachers had
13 class size averages over 32?

14 A. Yes. But I don't -- I don't remember exact
15 figures.

16 Q. Okay.

17 A. The thing that's sticking in my mind more is
18 the people who wanted to have follow-up conversations
19 and take some sort of action on it. That's why I said
20 the number 10.

21 Q. When you're talking about contractual limits, I
22 think we've talked about, but what contract are you
23 referring to?

24 A. The collective bargaining agreement between
25 LAUSD and UTLA.

1 Q. You also mentioned that one of things you
2 wanted, for the district, was a cap of the number of
3 students in a class; correct?

4 A. Yes.

5 Q. And you also said that the district couldn't do
6 that because of space issues; correct?

7 A. That's one of the reasons, yes.

8 Q. There are other reasons?

9 A. Yes. Including not having enough teachers. So
10 what happened when the state -- when the state reduced
11 class size under Governor Wilson, it was done without
12 planning for the teacher training that needed to go into
13 effect to have two teachers to teach 20 kids each
14 instead of one teacher teaching 40 kids. So teachers is
15 another major reason why class size caps are, you know,
16 argued against; that, you know, we don't have enough
17 teachers, which obviously, in my opinion, the remedy to
18 that is put money into training teachers and actually
19 recruit more teachers to do the job. But those are just
20 typical arguments used against it.

21 And the -- one of the sort of hidden, hidden
22 aspects of class size reduction is that when class sizes
23 were reduced under Governor Wilson, there was teacher
24 flight from schools in low income communities and
25 communities of color, the schools that have the toughest

1 of the contract negotiations that we went through last
2 year, to make as part of those negotiations a top
3 priority demand for class size caps. So in other words,
4 as much as teacher salary, teacher benefits, teacher's
5 rights would be talked about, that we would in the same
6 breadth, and with the same level of importance, be
7 talking about capping class size.

8 We passed motions within the teacher's union to
9 actually get the union to adopt that as policy in these
10 contract negotiations. So our union leadership went
11 into conversations with the district, yes, with that
12 goal of trying to work something out around class size
13 caps. So that's been the main way that I've sort of had
14 any interaction with the district about this, in a
15 concrete way, is through pressuring the union and
16 through the district negotiations or through the union
17 negotiations with the district.

18 Q. And did the union come back and say we can't do
19 this and this is what the district said why we can't?

20 A. Right.

21 MS. LHAMON: We've been going for a little over
22 an hour. Can we take a break?

23 MS. VANSE: Sure.

24 (Brief recess.)

25 MS. VANSE: Back on.

1 working conditions, because they've been neglected,
2 overcrowded, etcetera. So you have teachers saying, oh,
3 well, now that class sizes have been reduced, I can
4 teach in Redondo Beach where there's a lot better
5 conditions, let me go ahead and teach 20 kids in Redondo
6 Beach instead of, you know, with all those new classes
7 that have opened up, instead of staying in South Central
8 L.A. or wherever.

9 Q. Any other reasons besides space and not enough
10 teachers?

11 MS. LHAMON: Calls for speculation, but to the
12 extent you know, I'm assuming.

13 THE WITNESS: I mean, the other's just
14 political will. I mean, do people want to do it? Do
15 people really want to put the effort into reducing class
16 size and doing all the things you need to do
17 politically? But, I mean, that's vague itself.

18 BY MS. VANSE:

19 Q. And so when you say the district can't do that,
20 is that something you've asked the district to do and
21 they've said no, or is this just something that you --
22 is this your opinion that they can't do it for these
23 reasons?

24 A. We, CEJ and other groups within the teacher's
25 union, pressured our union leadership to make, as part

1 I'm going to mark as Exhibit 2 a 16-page
2 document that at the top says "School Accountability
3 Report Card." It's got an Internet designation at the
4 bottom.

5 (The document referred to was marked by the
6 reporter as Exhibit 2 for identification and is attached
7 hereto.)

8 BY MS. VANSE:

9 Q. Actually, before you take a look at Exhibit 2,
10 are you familiar with what a School Accountability
11 Report Card is?

12 A. Somewhat.

13 Q. And what is your understanding of what it is?

14 A. My understanding of it is that it's something
15 put out by the -- something that looks at test scores,
16 trends in test scores at a school, as well as a few
17 other categories of things, like percentage of emergency
18 credentialed teachers, percentages of students on free
19 lunch, class size, that sort of thing.

20 Q. Have you ever drafted a School Accountability
21 Report Card?

22 A. No.

23 Q. Have you ever been a part of drafting a School
24 Accountability Report Card?

25 A. No.

1 Q. If you could take a look at what says page 10
2 of 16 at the top. Actually, just turn back to the
3 beginning first. Sorry about that.

4 Have you ever seen a School Accountability
5 Report Card for Muir Middle School?

6 A. I've glanced at it before, yes.

7 Q. Actually, take your time and look through this.
8 Is this something that you have seen before, this
9 document?

10 A. Yes, I've seen it before. I haven't looked at
11 it in great detail before, but I've definitely seen it
12 before.

13 Q. Okay. And I note that it says at the bottom of
14 page 1 "Bernard Neal Kleiner, principal." This was the
15 Mr. Kleiner you mentioned earlier?

16 A. Yes.

17 Q. And also at the kind of middle of the first
18 page it says "issued February 2000"; does that sound
19 correct to you as to when this would have been issued?

20 MS. LHAMON: Calls for speculation.

21 THE WITNESS: I don't know.

22 BY MS. VANSE:

23 Q. And the only reason I asked is that you said
24 Mr. Kleiner didn't take over as principal until April
25 2001, so I'm wondering if there is a discrepancy in the

1 classes, which are typically much smaller. I don't see
2 that broken out. And if it did include that, then that
3 would obviously bring the average down for the
4 department. So it doesn't look exactly right to me. I
5 would imagine that it is higher in regular education
6 classes, but I also don't know how it was calculated.

7 Q. Okay. You can give that back to the reporter.

8 Other than at John Muir, did you ever undertake
9 any other surveys regarding education or education
10 issues in public schools in California?

11 MS. LHAMON: Vague as to "undertake." Do you
12 mean did he participate in the taking of a survey or did
13 he ever give information to a survey?

14 MS. VANSE: Actually participate in giving out
15 and getting results of the survey, not just responding
16 to them.

17 THE WITNESS: I believe that we, within CEJ,
18 that we have put out surveys at different schools,
19 asking students what their greatest concerns are at
20 their schools. I don't have a -- we haven't put one out
21 recently, which is why I'm having a little bit of a hard
22 time with exact recollection on it, but -- and so I
23 don't have an idea of what schools we've put that out
24 at, but I believe we have, as an organization, put those
25 out.

1 document or your recollection as to when he took over as
2 principal.

3 A. He definitely took over in April or May of
4 2001.

5 Q. Now turning your attention to page 10 of 16.
6 We've been talking previously about a survey that you
7 did annually regarding class sizes at Muir, and I note
8 that on page 10, under a heading "Class Sizes," or
9 "Class Size," it says: "Class sizes have consistently
10 been at or below state guidelines at every grade level,"
11 and then it gives a list of the departments: English,
12 averages class size 24; mathematics, average class size
13 27; social studies, average class size 30; science,
14 average class size 30; does that sound correct to you
15 from your experience at Muir?

16 A. It doesn't sound outlandish to me, but only
17 because I don't know how they calculated them. I mean,
18 on the one hand it's entirely possible that school-wide
19 in the social studies department there would be an
20 average class size of 30, but I would still have some
21 teachers that would have an average over 32. So they're
22 not necessarily mutually exclusive, this and what I was
23 talking about.

24 What I don't know is what goes into calculating
25 it. Does this include, for example, special education

1 BY MS. VANSE:

2 Q. Do you recall the last survey that you put out
3 to students regarding their concerns at schools with the
4 CEJ?

5 A. Not in any exact detail. I know I didn't write
6 the survey. It's sort of one of those organizational
7 things where I participate in the leadership of this
8 organization and therefore participated in this survey,
9 but I didn't draft it and I didn't pass it out. But I'm
10 connected to it because of the organization.

11 Q. Do you recall the time frame, though, the last
12 time a survey like this was put out by CEJ to students?

13 A. No, I don't recall exactly.

14 Q. Do you recall approximately how many of these
15 surveys were given to students from CEJ?

16 A. I don't remember.

17 Q. Does CEJ keep records of those surveys?

18 A. We may have some records. I don't in my
19 personal files, that I can remember.

20 Q. Do you recall the results of any of those
21 surveys?

22 A. Not in any detail.

23 Q. Other than what you've already talked about
24 regarding problems you had with your classroom at Muir,
25 the ceiling, I think it was, the floor and the leak,

1 were there any other problems that you had with your
 2 classroom at Muir?
 3 A. In my classroom?
 4 Q. Right.
 5 A. The first couple of years that I was there I
 6 didn't have enough desks. That was the first year I was
 7 there. I didn't have enough desks. There were rats
 8 and/or mice which I saw evidence of often and saw with
 9 my own eyes once, an actual mouse. Cracked chalkboard,
 10 lack of supplies necessary for an adequate classroom.
 11 For example, having to buy my own paper to make copies.
 12 The temperature was a problem. The temperature was a
 13 problem. I mean, I stated in the declaration that there
 14 were issues with the temperature before the air
 15 conditioning was put in.
 16 Again, referring to the declaration, the lack
 17 of a classroom library.
 18 Q. And let me just stop you here. Right now I
 19 should have been more clear. I want to specify
 20 anything, any concerns you had with the physical
 21 condition of your classroom.
 22 A. Okay.
 23 Q. I think you did mention a cracked chalkboard.
 24 Any other problems you had with the physical condition
 25 of your classroom other than what we've talked about?

1 A. No, I think those are the major ones.
 2 Q. And did you have any other concerns about the
 3 physical condition of any other parts of the building at
 4 John Muir?
 5 A. Yeah. I mean, for example, the lunch area had
 6 benches that were -- some benches that were broken down.
 7 The covered part of the eating area had some holes in
 8 it. The auditorium had some seats that were in
 9 disrepair for, you know, as long as I can remember. I
 10 would say general lack of whatever you want to call it,
 11 sort of beautifying, whether it be a tree, garden. The
 12 bathrooms, the student bathrooms, were very dirty, often
 13 undersupplied, often locked. The teacher's bathrooms
 14 were in some disrepair and had cockroaches in the one
 15 that I typically used. I think those are the main.
 16 Q. You mentioned that you had a cracked chalkboard
 17 in your classroom; was that ever repaired?
 18 MS. LHAMON: During the four years that he was
 19 there?
 20 MS. VANSE: Yes.
 21 THE WITNESS: It was repaired in the last year
 22 that I was there.
 23 BY MS. VANSE:
 24 Q. And it had been cracked since you first
 25 arrived?

1 A. Yes, for three years.
 2 Q. During the time that it was cracked, was it
 3 unusable? Or how was the crack affecting the
 4 chalkboard?
 5 A. It was a crack from the top to the bottom of
 6 the chalkboard, so it made the chalkboard be at two
 7 different writing levels. So I did occasionally
 8 continue to use the part of the chalkboard that was to
 9 the right of the crack, but usually not, just because it
 10 was hard visually for students to see something that was
 11 written on both planes on either side of the crack.
 12 Q. Do you know why it was not repaired prior to
 13 your last year at Muir?
 14 A. I don't know why, no.
 15 Q. Did you request that it be repaired before
 16 that?
 17 A. I did in my first year a few times, but I think
 18 that -- I think I gave up on that one relatively
 19 quickly.
 20 Q. And why did you give up on that relatively
 21 quickly?
 22 A. I think because there were so many other more
 23 pressing things that needed attention. Like, for
 24 example, you know, things that actually put people's
 25 health in jeopardy, whether it be a leak in the ceiling

1 or ceiling tiles. I think that was the reason.
 2 Q. Do you know --
 3 A. Getting desks for my students so they could sit
 4 down.
 5 Q. Do you know what occurred that finally led to
 6 the chalkboard being repaired?
 7 A. I don't know. It was a nice surprise.
 8 Q. You mentioned that you also saw rats or mice in
 9 your classroom, or you saw a mouse in your classroom.
 10 And I think you mentioned -- this is in paragraph 9 of
 11 your declaration. You said: "I've been" -- the second
 12 sentence -- "I've been lucky never to see an actual
 13 mouse."
 14 So did this unlucky occasion happen after you
 15 signed this declaration?
 16 A. No. In the declaration that's a misstatement.
 17 Q. So that particular sentence is incorrect, you
 18 had actually seen one mouse?
 19 A. I had seen one mouse.
 20 Q. Also in paragraph 9 you state: "The plant
 21 manager put down a mouse trap, and the droppings seemed
 22 to go away for a time, but the droppings returned again
 23 later." Did you notice mouse droppings in the corner of
 24 your classroom beginning at the time you started at
 25 Muir?

1 A. If not immediately, relatively soon after I
2 began there. So it was definitely within the first
3 semester of being there.

4 Q. And when did the plant manager put down a mouse
5 trap? Was that -- like what year of your teaching at
6 Muir?

7 A. I think it was that first year.

8 Q. Did you ever have any other mouse traps sent in
9 your classroom after that one time?

10 A. We did put down some other ones, but they
11 didn't yield any mice, and the droppings continued.

12 Q. Did the droppings continue in your classroom
13 all four years while you were at Muir?

14 A. Yeah.

15 Q. Do you know if the school ever did anything
16 other than set traps to try and catch the mice or remedy
17 the problem with mice?

18 A. I don't know.

19 Q. Did you ever ask anyone at the school to do
20 anything other than set a mouse trap?

21 A. No.

22 Q. Were there other areas at Muir that had mouse
23 droppings, that you're aware of?

24 A. Yeah. Many other teachers talked about having
25 mice or rats either in their classroom or somewhere

1 outside on campus.

2 Q. When you talked with these other teachers,
3 about how regular was their occurrence that they would
4 actually see a mouse or rat at Muir?

5 A. I don't know. I just know that the
6 conversations about it were regular enough to know that
7 it was an ongoing problem throughout my time there.

8 Q. Do you know if any of these other teachers ever
9 had mouse traps put down?

10 A. I don't know.

11 Q. Do you know if these other teachers ever
12 requested that the school do anything about the mice at
13 the school?

14 A. I know that they requested, yes. I mean, I can
15 assume, like in one-on-one conversations, but definitely
16 at staff meetings where I heard other people talking
17 about it.

18 Q. At staff meetings teachers would address this
19 with the administration of the school, that they wanted
20 something done about mice?

21 A. Right.

22 Q. Did the school administration ever respond to
23 that?

24 A. I don't remember their response other than
25 working with, you know, sort of working with the

1 assistant principal over facilities and the plant
2 manager on it, like saying that that's the domain of
3 those people and they'll develop a plan for it.

4 Q. Do you know if the assistant principal ever did
5 develop a plan regarding mice or rats?

6 A. I don't know. I don't know.

7 Q. And do you know if the plant manager ever did
8 develop a plan about mice or rats at Muir?

9 A. I don't know. I mean, he was -- the plant
10 manager was very agreeable in his -- in my interactions
11 with him when I needed help, and other people respected
12 him a lot on campus as well. So I'm sure that he did
13 what he could to try to remedy the problem with mouse
14 traps or other means. Like I didn't hear complaints
15 about he's not doing this.

16 Q. And the plant manager is someone who works
17 exclusively with Muir?

18 A. Yes.

19 Q. And did he have a staff, the plant manager?

20 A. Yes.

21 Q. And who was that staff?

22 A. Different custodial workers.

23 Q. Do you recall how many custodial workers were
24 employed at Muir?

25 MS. LHAMON: Calls for speculation.

1 THE WITNESS: It's hard to say because they
2 changed a lot because it's a hard job and not paid very
3 well, so we had a lot of turnover. But my recollection
4 is in the neighborhood of maybe three.

5 BY MS. VANSE:

6 Q. You also mentioned that temperature was a
7 problem in your classroom at Muir, and I think you
8 address that in paragraph 10 of your declaration. And
9 in paragraph 10 of your declaration you state: "Air
10 conditioning was installed" -- I'm sorry -- was -- well,
11 I'm inserting -- "thanks to local Bond BB money, I had
12 air conditioning put into my classroom during the
13 '99-2000 school year." Do you recall if that was part
14 of a school-wide installation of air conditioning or was
15 it just specific to your classroom?

16 A. It was during school-wide installation that
17 covered some but not all classrooms.

18 Q. Do you recall what classrooms didn't get
19 covered?

20 A. What classrooms? You mean what exact
21 classrooms on campus?

22 Q. Maybe you can describe this for me. Muir, does
23 it have a central or main building?

24 A. There's a main building and then seven smaller
25 buildings and then several bungalows.

1 Q. Are the seven smaller buildings attached to
2 each other or connected?
3 A. No.
4 Q. So they're just independent buildings on the
5 grounds?
6 A. Yes.
7 Q. And are those buildings used for classrooms?
8 A. Yes.
9 Q. And then also bungalows?
10 A. Right.
11 Q. When the school-wide installation of air
12 conditioning occurred, was this in the main building or
13 was it separated in that manner?
14 A. It was in a few different buildings. I'm not
15 sure. I don't have a systematic picture of what rooms
16 were covered with that installation and what rooms were
17 not. I just remember very clearly that some classrooms
18 continued to not have air conditioning after that major
19 round of installation.
20 Q. Do you know if those classrooms that were not
21 covered in that particular installation received air
22 conditioning later?
23 A. I don't know.
24 Q. You also mention in paragraph 10 that for the
25 first two years that you taught at Muir, before the air

1 Q. Did you ever complain about the heat to anyone
2 at the school?
3 A. Yeah. I mean, that was a pretty big issue for
4 teachers, you know, brought up at staff meetings and
5 Leadership Council meetings.
6 Q. And do you recall what their response was when
7 you would bring that up?
8 A. My recollection of their response was, you
9 know, hopefully that's going to be taken care of when we
10 get this round of air conditioner installation. So when
11 I arrived at Muir, when, I think, a relatively few
12 classes had air conditioning, there was already the
13 expectation that through Prop BB and other, you know,
14 promises that the district had made that air
15 conditioning would be put in. So that was usually the
16 response that, okay, let's just be patient. We're going
17 to get this air conditioning soon.
18 Q. Also in paragraph 10 you state that:
19 "Teachers who still do not have air
20 conditioning in their classrooms or have
21 broken-down air conditioners tell me that
22 during the months of September, May and June
23 it's very difficult for their students to
24 concentrate and that students fall asleep in
25 their classroom because the temperature is so

1 conditioning was installed in your classroom, the
2 temperature was pretty unbearable in September, May and
3 June. Can you just define for me what you mean when you
4 say "unbearable"?
5 A. Difficult for the students and the teacher to
6 focus on the work at hand because of the -- so I would
7 imagine -- I would imagine in the room -- I didn't have
8 a thermometer in my room, but I would imagine in the
9 room it being over 90 degrees.
10 Q. And that's your best estimate?
11 A. That's my best estimate.
12 Q. During May, September and June, would that
13 occur every day?
14 A. Probably not, depending on the outside
15 temperature. I just know that there were significant
16 number of days where that was the case.
17 Q. And what would you do on those days when you
18 considered it to be unbearable in the class?
19 A. I brought -- would bring a couple of fans in
20 from home of my own and would try to move forward with
21 what we were trying to get through, the curriculum that
22 we were trying to get through, but with some
23 acknowledgment and understanding that the students were
24 going to have difficulty, you know, focusing in on, you
25 know, being able to maintain concentration.

1 warm."
2 Do you recall which teachers have told you
3 that?
4 A. I remember Mr. Clark telling me that about his
5 classroom as well as reporting to me about a couple of
6 other teachers who had approached him and told him
7 because he became the UTLA chair after I was. I don't
8 remember their specifics. The other teacher I remember
9 clearly speaking about it is Miss Cassorla, C A S S O R
10 L A.
11 Q. And when you spoke to Mr. Clark about the heat
12 in his room, was it just him telling you it's hot, this
13 is how it's affecting my students? What was the context
14 of that conversation?
15 A. Pretty much what's here, that it was very hot,
16 was very difficult for the students to concentrate, very
17 difficult for him to concentrate, especially because,
18 you know, with high class sizes as well, with a lot of
19 body heat in the room. So those were the general sort
20 of sentiments.
21 Q. Was that part of a broader conversation, like
22 one topic within it?
23 A. I don't remember it being part of a broader
24 conversation.
25 Q. Did you have multiple conversations with him

1 regarding this particular topic?
 2 A. I don't remember there being multiple
 3 conversations.
 4 Q. Was it during that conversation also that he
 5 reported other teachers had the same experience that he
 6 was having?
 7 A. Yeah.
 8 Q. And what did Miss Cassorla tell you about heat
 9 in her classroom?
 10 A. Same sort of sentiment. That it's very hot,
 11 very difficult to concentrate.
 12 Q. Do you recall having more than one conversation
 13 with her on that issue?
 14 A. Yes. Because she was pretty vocal about that
 15 and a lot of other issues.
 16 Q. Was that conversation part of -- what was that
 17 conversation a part of?
 18 A. The times that she brought this up?
 19 Q. Right.
 20 A. I don't remember it being part of a broader
 21 conversation, just sort of her reporting on what her
 22 latest concerns were.
 23 Q. Was this during, like, a school -- the
 24 Leadership Council meeting?
 25 A. No, more informally. Just, you know, seeing me

1 in the office signing in or talking to me or in the
 2 lunch room. Just more sort of informally. A number
 3 of -- I mean, a lot of teachers would end up doing that
 4 because they identified me with the union and with,
 5 like, trying to take care of various conditions, so many
 6 would sort of come up and unsolicited tell me a lot of
 7 the issues that they were confronting. So it was sort
 8 of in that more informal context.
 9 Q. Any other conversations you can recall having
 10 with anyone at John Muir regarding heat in classrooms?
 11 A. No, those are the main ones.
 12 Q. Did you ever discuss that issue, temperature or
 13 heat in classrooms, at the Coalition?
 14 A. There hasn't been a lot of specific
 15 conversation about that. We have talked about it in the
 16 context of a broader conversation about facilities'
 17 needs at schools in the areas that we're doing
 18 organizing.
 19 Q. But no particular conversations on this
 20 subject?
 21 A. No specific or in-depth conversations about
 22 this particular subject, no.
 23 Q. Do you know if Muir has installed air
 24 conditioners in the remaining other classrooms that
 25 didn't receive it in the previous installation?

1 A. I don't know.
 2 Q. You also mentioned that a problem you had with
 3 your classroom, that there were not enough desks and
 4 chairs; was that just for the first year at Muir?
 5 A. In my classroom, yes. It was a problem -- it
 6 was a school-wide problem for other teachers, though.
 7 Q. How did you get additional desks and chairs for
 8 your classroom after your first year at Muir?
 9 MS. LHAMON: Assume facts not in evidence.
 10 BY MS. VANSE:
 11 Q. I'll ask this question: Your second year
 12 teaching at Muir, did you get additional chairs and
 13 desks for your classroom?
 14 A. I did get a small number of extra desks, one or
 15 two extra desks, from another teacher in my building.
 16 Q. Your first year at Muir, did each of the
 17 students in your class have a desk and chair to sit in,
 18 in class?
 19 A. For?
 20 Q. For your first year at Muir.
 21 A. My first year at Muir, no.
 22 Q. And the students that didn't have a desk or
 23 chair, where did they sit?
 24 A. I had one of them sitting sort of on the side
 25 of my desk, the teacher's desk, to use that to write on,

1 and another sort of sitting on a -- like it says in
 2 here -- on a low bookcase and using the student's desk
 3 next to him as a writing surface.
 4 Q. And are you referring to paragraph 7 of your
 5 declaration?
 6 A. Right.
 7 Q. And after your first year at Muir, did you have
 8 enough desks and chairs for each student in your classes
 9 to use?
 10 A. Yeah, after the first year.
 11 Q. And you said you received additional desks and
 12 chairs from another teacher at Muir.
 13 A. One or two from a teacher in the building.
 14 Q. Did you get any additional desks or chairs from
 15 any other source?
 16 A. No.
 17 Q. And how were you able to get those desks and
 18 chairs from that teacher?
 19 A. She offered them to me. I talked about how I
 20 didn't have -- I hadn't had enough the year before and
 21 she -- I'm not exactly sure how it happened, but over
 22 the summer there had been a summer school class in there
 23 or something that had left a couple of desks in there
 24 and she gave them to me.
 25 Q. During your time at Muir, were there ever

1 any -- did the school bring in any additional desks or
2 chairs for the teachers?

3 MS. LHAMON: Calls for speculation as to other
4 teachers.

5 BY MS. VANSE:

6 Q. That you're aware of at least.

7 A. I believe there were some new desks and chairs
8 brought, but it wasn't sufficient. So some teachers did
9 get other desks, but there were still problems in other
10 classrooms.

11 Q. And when you say there were still problems, you
12 mean there were still some students that didn't have a
13 desk or chair to sit in?

14 A. Right. Right.

15 Q. And how did you know that?

16 A. Because talking with these teachers about, you
17 know, what their concerns were. Mostly informally,
18 although we did have conversation about that at
19 Leadership Council as well.

20 Q. Do you know if it's still the case at Muir that
21 there are not enough desks and chairs for students to
22 sit in, in all the classes?

23 A. I don't know. Having not been there since, you
24 know, the end of June, I don't know.

25 Q. Also in paragraph 7 of your declaration, the

1 Q. Did you ever follow up on that to see if that
2 was accurate, that furniture could only be bought out of
3 a particular fund?

4 A. I did follow it up with people in the union. I
5 asked people in the union as to the accuracy of that,
6 and they indicated that it was accurate. Or that at
7 least the interpretation of this that was being told to
8 us by the Muir administration was a common
9 interpretation.

10 Q. How were supplies -- were supplies given to
11 teachers at Muir?

12 A. Some supplies, yes.

13 Q. What supplies were given to teachers at Muir?

14 MS. LHAMON: Calls for speculation, other
15 teachers.

16 THE WITNESS: The supplies that I received, for
17 example -- for example, I got some supplies from the
18 Title 1 office, so that might include some glue, some
19 markers, some videotapes, audio tapes, some posters.
20 They'd usually come in sort of one batch, like as if it
21 was for the whole year, which it wasn't sufficient for.

22 BY MS. VANSE:

23 Q. The Title 1 funds would come in one batch, the
24 Title 1 supplies?

25 A. Title 1 supplies. The departments would send

1 last sentence, you state:

2 "We teachers have been told that furniture
3 could only be bought out of a particular fund,
4 and that that fund doesn't have enough money
5 for the school to have enough furniture for
6 all the students."

7 Who is it that told the teachers that?

8 A. These were conversations with the assistant
9 principal over facilities and with the principal, and
10 with other teachers who are more familiar with the
11 budget because they've served on the Leadership Council
12 for some years.

13 Q. Do you recall when those conversations
14 occurred?

15 A. I think there were a few different
16 conversations, but the most recent of which occurred
17 sometime in the fall of 2000.

18 Q. Did you ever -- were you ever told what that
19 fund was that -- the particular fund that furniture
20 could only be purchased out of?

21 A. I don't remember the exact title. There's
22 several different pots of money that come into a school.
23 I don't remember the exact title of that pot.

24 Q. Do you recall if it was a district fund?

25 A. I don't recall.

1 supplies sometimes. Again, you know, markers, same
2 sorts of things. So since I was embedded in both the
3 language arts department and the history department, I
4 would, like, occasionally get some supplies from both of
5 those departments. Again, not sufficient for a whole
6 year. Since I participated in this Academic English
7 Mastery Program that I mentioned before, since I was a
8 participating teacher, I got some supplies, mainly books
9 for the students to read from that program.

10 And, by the way, taking you up on the ground
11 rule you said at the beginning, another -- that's
12 actually another training, is this Academic English
13 Mastery Program. It included two week-long summer
14 trainings and then trainings throughout the year around
15 particular strategies for teaching students,
16 particularly students of color, sort of culturally-
17 appropriate instruction.

18 Q. Did you receive any supplies from that program
19 other than books?

20 A. A couple of posters, maybe. But I bought the
21 vast majority of my supplies. Like compared to during
22 the course of a school year I would get from each of
23 those places I just mentioned, I would probably buy
24 twice or three times as much as all of those combined,
25 whether it be markers, tape, you know, staples, you

1 know, very basic, basic things. Paper, like I mentioned
2 before; not just copy paper, but also lined notebook
3 paper for students to use. Pencils, pens.

4 Q. Did Muir have a supply clerk?

5 A. No. I mean, the people who dealt with supplies
6 were mainly the departments and the Title 1. We had a
7 textbook clerk, but because of -- but a decision was
8 made to divert some of the funding for her pay into
9 other things that were needed at the school, so she
10 became part time, which ended up contributing to some of
11 the problems that we had in terms of textbook
12 distribution. But we didn't have a similar -- we didn't
13 have a similar position for supply.

14 Q. You mentioned that you purchased most of your
15 supplies for your classroom. Were you reimbursed for
16 those purchases?

17 A. Sometimes I was reimbursed. I would say maybe
18 a quarter to a third of the money that I would spend I
19 would be reimbursed, mostly by the departments.

20 Q. Was there a particular policy at Muir as to how
21 teachers should go about purchasing supplies and getting
22 reimbursement, that you're aware of?

23 A. A protocol for reimbursement, more or less?

24 Q. Yes.

25 A. It was handled in departments. I mean, it was

1 you would not be reimbursed for particular purchases?

2 A. Only that the departments -- the departments
3 didn't have -- the department didn't have the money to
4 go through the full reimbursement. I mean, it's a
5 little bit of a -- you know, whether a teacher in a
6 school like this is -- whether I was told or whether I
7 understood -- I mean, all I had to do was be in Compton
8 Unified School District and have an understanding of
9 L.A. being somewhat similar to Compton in many ways.
10 All I had to do was be in that district for a very short
11 time to understand that no one was going to come
12 knocking at my door to give me all the supplies that I
13 needed, and that unless I was just going to be
14 incredibly stubborn and take out that structural problem
15 that the schools have on my students, then I was going
16 to have to put some money out up front and then -- for
17 the benefit of my students -- and then seek
18 reimbursement for it as I could later.

19 So it's a little bit -- it's not like teachers
20 have a lot of options around this issue of
21 reimbursement. Like it's not like I went through this
22 considered process of, well, let's see, should I buy
23 this stuff for my students to make my classroom work or
24 should I not buy it because there's some possibility of
25 not getting reimbursed for it? I didn't go through

1 sort of understood that you would go to your department
2 chair and seek reimbursement. That was sort of as much
3 of a protocol as we had.

4 Q. Was that ever explained to you when you first
5 arrived at Muir, how to go about getting reimbursed for
6 supplies you purchased?

7 A. Yeah. I mean, to this level of detail that,
8 you know, we do that within the department, and if you
9 buy stuff, then the department will try to reimburse
10 you. But said, you know, said with some acknowledgment,
11 explained with some acknowledgment that the departments
12 were often short of cash, like didn't have enough to get
13 the money out to teachers to buy everything that they
14 needed.

15 Q. Was that also explained to you, that there was
16 a possibility that you would not be reimbursed if you
17 purchased supplies?

18 A. Not necessarily in -- no. I mean, it wasn't
19 part of like an official explanation about
20 reimbursements, but that's definitely the sense that you
21 would get when you talk to other people about, like, the
22 supplies they bought and how much they got reimbursed.
23 I mean, more sort of a common understanding than any
24 part of an actual official explanation.

25 Q. Were you ever given any specific reasons why

1 that. I basically said I need to buy the basic stuff
2 because it's not being provided to me because I want to
3 have a classroom that functions. And these students --
4 like I need to do right by these students and then go
5 through the channels that try to go through to try and
6 get reimbursement. I think that's an important context
7 to understand about this.

8 MS. LHAMON: We've been going for about an
9 hour. Can we take another break?

10 Are you okay?

11 THE WITNESS: We can go for a while more.

12 MS. VANSE: Okay.

13 Q. Do you have an estimate of approximately how
14 much you actually spent on school supplies while you
15 were at Muir?

16 A. That's a hard one because it includes copies at
17 Kinko's when the copier machines would be down, which
18 would be, some years, pretty often, other years better.
19 So I can't imagine that it was much less than a thousand
20 dollars per year.

21 Q. A thousand per year?

22 A. Yeah. Between copies for anywhere from 75 to a
23 150 students at various times when the copy machine was
24 down, and then markers and paper and so on.

25 Q. And of that thousand dollars, approximately,

1 per year, only between a fourth and a third of that was
2 actually reimbursed to you?

3 A. Yeah, I think that's true. And I'm including
4 in the supplies -- maybe you didn't want this -- I'm
5 including in the supplies estimate the books, things
6 that I'm also -- were in my declaration.

7 Q. Okay. So when you -- why don't you just give
8 me that. When you say you're saying approximately a
9 thousand dollars a year on supplies, what does that
10 include in that definition for you?

11 A. At least a thousand dollars per year on books
12 for the classroom to make a classroom library, copies
13 for students, markers, staples, hole puncher, paper for
14 copier, notebook paper, glue, construction paper, big
15 butcher paper for brainstorming, broom, dust pan, that
16 range of things.

17 Q. For the amounts that you were not reimbursed,
18 did you ever ask why you had not been reimbursed for the
19 full amount? Actually, let me ask this question first.

20 Did you just get reimbursement from the
21 department, or were there other sources of reimbursement
22 for you?

23 A. Department and this Academic English Mastery
24 Program.

25 Q. So from the department did you ever ask why you

1 time, speak their own legitimate form of the English
2 language, but it's not standard. It's not what is
3 typically perceived as standard English. And that
4 these -- you know, it's based a lot on research that's
5 come out around the stuff on Ebonics, and it's based on
6 a lot of research done on culturally-appropriate
7 instruction and culturally-relevant instruction. And so
8 what they try to do is train teachers and supply
9 teachers with some materials to both acknowledge and
10 work with these different language backgrounds that the
11 students are coming from. It's a district program.

12 Q. Do you know if the Academic English Mastery
13 Program has its own funds that it can distribute to
14 teachers that are in the program separate from programs
15 that go to the schools?

16 A. I'm sorry, could you repeat?

17 Q. Sure. And you may not know this, but if you
18 do. Do you know if the Academic English Mastery Program
19 has separate funds that allows teachers going through
20 this program to use for books or other things in their
21 classrooms?

22 A. Separate funds from --

23 Q. Like a general -- not like general money that
24 the school would receive for the general education or
25 students' textbooks. Does the Academic English Mastery

1 hadn't been reimbursed for certain things when you had
2 been for others?

3 A. Yeah. And I think -- and the answer was, most
4 of the time, the department just -- we don't have the
5 full money to reimburse you for all of that. Yeah, that
6 was the -- I don't remember specific conversations, but
7 that was the general sentiment that I got.

8 Q. So the general sentiment you got from the
9 department was we'll reimburse you, but we just don't
10 have the money?

11 A. To do it fully, right.

12 Q. And for the academic English reimbursement that
13 you received, was that just for textbooks? Or, I'm
14 sorry, not for textbooks, for books you purchased.

15 A. Right.

16 Q. And did you receive full reimbursement from
17 them for the books that you purchased?

18 A. It was either full or a much higher percentage
19 than, like, the supplies.

20 Q. Can you just tell me a little bit: What is the
21 Academic English Mastery Program?

22 A. It's a program that's geared towards standard
23 English learners, so the theory of the program is that
24 many students, including African American students and
25 Chicano students that have lived in the U.S. for some

1 Program have its own set of funds that it will be able
2 to allocate to the teachers participating in that
3 program?

4 A. Okay. I understand. Yes, it's -- it has
5 separate funding that when -- when a school shows a
6 commitment to, or a certain number of teachers within
7 that school show a commitment to working with the --
8 working out of the analysis that they're providing and
9 using some of the strategies that they're providing,
10 they provide those -- those particular teachers and some
11 school-wide things with, you know, supplies and access
12 to some funds.

13 Q. And how do you become or how does a teacher
14 become a part of the Academic English Mastery Program?

15 A. You basically have to go to their trainings. I
16 mean, they do some -- there's some application process.
17 And then you go to the trainings, these summer trainings
18 that I mentioned, and then the ongoing trainings
19 throughout the year.

20 Q. Is it a competitive thing or is it just anyone
21 who wants to participates?

22 A. I'm not exactly clear on, like, how many people
23 are accepted and whether they turn anyone away.

24 Q. Okay. Do you know if other teachers at Muir
25 also purchase supplies from their own money?

1 A. Yes, I know that a good number of --
 2 substantial number of teachers at Muir purchase supplies
 3 from their own money. The reason I know that is
 4 through, again, some of these conversations that I've
 5 had with people through having been the union co-chair.
 6 And just other informal conversations and conversations
 7 that I had with -- it came up in a few conversations
 8 that I had with teachers who were leaving Muir as being
 9 one of the explanatory factors for why they were
 10 leaving; that because what it is, essentially, is -- I
 11 mean, having to, number one, take the time to buy all
 12 these supplies and, number two, provide the money to buy
 13 all the supplies, it ends up being -- when that has to
 14 be taken into consideration by teachers, it ends up
 15 being a very serious working conditions issue where --
 16 and many -- several of the teachers who left Muir in the
 17 course of having a very high teacher turnover rate said
 18 to me that that was one of the things that really got
 19 them down, was having to constantly go out and resupply
 20 their own classrooms with their own time and money.

21 Again, it's very -- I mean, when you look at a
 22 place like Muir, it's -- you look at a place like Muir,
 23 and you understand that, you know, funds are coming from
 24 a variety of different sources. Title I is federal.
 25 These other funding pots are, you know, maybe district

1 controlled, but, you know, raised through the state.
 2 The state may have some control over other funds. And
 3 you look at a place like Muir and you realize that
 4 there's so many needs. I mean, we've talked about
 5 facilities and now we're into supplies, and there's just
 6 so, so much there in terms of the overall need that it's
 7 hard to imagine any other scenario other than a massive
 8 leap in spending by the state on the school. It's hard
 9 to imagine any other resolution for the sorts of things
 10 that are lacking there other than that.

11 Certainly there are issues that people would
 12 bring up occasionally about, like, look, I don't like
 13 how so-and-so is handling this part of the way they talk
 14 about this part of the budget within the school site
 15 budget meetings, or I don't like this part of the
 16 district bureaucracy that I'm getting the run-around
 17 from, but the punch line is whatever bickering goes on
 18 at those levels, the fact is it needs a massive degree
 19 of investment that only an entity like the state can
 20 raise.

21 So that was particularly -- it was particularly
 22 telling to me that many of the teachers who would leave
 23 would, you know, have this in the list of things that
 24 they -- they were overwhelming working condition-based
 25 things that would make them leave. It wasn't, God, I

1 hate how little teachers are paid. I mean, that was a
 2 part of it, but overwhelmingly the things that would
 3 destroy the morale of teachers that wanted to leave were
 4 the working conditions, would be working in these
 5 facilities, having to pay for these supplies, etcetera.

6 Q. Do you know if these other teachers that did
 7 purchase supplies at Muir if they also received
 8 reimbursement from their departments?

9 A. I don't know.

10 Q. Did any of these teachers ever mention that
 11 they had not received a full reimbursement?

12 A. Yes.

13 MS. VANSE: Do you want to take a quick break?

14 MS. LHAMON: Okay.

15 (Brief recess.)

16 BY MS. VANSE:

17 Q. I want to direct your attention to paragraph 12
 18 of your declaration. I think you mentioned before that
 19 that was one of the concerns or bathrooms were one of
 20 the concerns that you had about the facilities at Muir.
 21 First of all, did you ever go into the student restrooms
 22 at Muir?

23 A. Yes, I went into the boys' bathroom a couple of
 24 times.

25 Q. Was that for any particular reason or were you

1 just checking them out?

2 A. Just to check it out.

3 Q. And can you describe for me, when you went into
 4 the boys' restrooms at Muir, what they looked like?

5 A. Fair amount of water on the floor, so looking
 6 like, maybe, some sort of overflow of either the sink or
 7 toilet. Dark, not good lighting at all, no mirrors. I
 8 mean, reflecting metal, but not mirror. There might
 9 have been one mirror, but that was it. Fair amount of
 10 writing on the walls, graffiti and writing. Smelled
 11 really bad. And short of paper towels. I remember
 12 being short of paper towels, not -- I don't remember
 13 anything about toilet paper.

14 Q. And you mention in paragraph 12 that there's
 15 only three girls' bathrooms and three boys' bathrooms at
 16 the school. Did you go into all three of the boys'
 17 bathrooms that you mentioned?

18 A. I don't think I went into the third. I did go
 19 into two of them.

20 Q. And the descriptions that you just described,
 21 were those in both of the bathrooms that you went into?

22 A. Yeah.

23 Q. Did you ever go into any of the girls' bathroom
 24 facilities?

25 A. No.

1 Q. After you went into the bathroom facilities,
2 did you comment on their condition to anyone?

3 A. Yeah. I mean, that was part of a discussion,
4 again, I think, at a staff meeting.

5 Q. And what was discussed at the staff meeting
6 regarding the boys' bathrooms at Muir?

7 A. A number of people said, yeah, that's -- those
8 are pretty horrible conditions, we shouldn't put our
9 students through that. Others sort of blamed it on the
10 students, sort of got into some debate around those
11 things. And then administration decided or said they
12 would take some action on it. The conversation I
13 remember was relatively near the time that -- the staff
14 meeting conversation about it was relatively near the
15 time that Ramon Cortinez was interim superintendent and
16 came in with the books and bathrooms program, and he put
17 out a phone number that people were supposed to call if
18 there were, you know, problems with the bathrooms.

19 So that was sort of -- like I think that -- the
20 fact that that happened, like, a few months after this
21 main conversation that we had I think sort of quelled
22 the discussion of it for a while, although I don't think
23 that the conditions substantially changed in the
24 bathrooms because of that hotline, though it was
25 obviously a good effort and something that could have

1 but it wasn't -- I don't know of any impact it had on
2 the cleanliness of it, but that was an action taken by
3 the administration.

4 Q. And when did this staff meeting which we've
5 been talking about where these discussions were
6 discussed, do you remember when that took place?

7 MS. LHAMON: Just objection. I think that
8 there were -- there's been testimony about two different
9 staff meetings at which bathroom issues were discussed.
10 One was about the cleanliness of the bathrooms and
11 another one was about whether they were open. So it's
12 unclear as to which discussion you're talking about.

13 BY MS. VANSE:

14 Q. How many staff meeting discussions did you have
15 regarding the boys' bathrooms at Muir that you can
16 recall?

17 A. About the cleanliness or the --

18 Q. Yes, the cleanliness.

19 A. I only remember the cleanliness being at one or
20 two staff meetings, taking up a substantial amount of
21 time at one or two staff meetings.

22 Q. And do you recall when those were?

23 A. At least one of them, the one that is most in
24 my mind, was around, like I said, before Cortinez came
25 in, and he came in in November of '98, I think, or

1 been built upon, I think.

2 The larger issue that people did bring up at
3 several different staff meetings was the fact that the
4 bathrooms were locked often, and that was a bigger --
5 that was a bigger issue to come up at the staff
6 meetings.

7 Q. I'll get to that in just a second. You said
8 the administration in that staff meeting said it would
9 take action. Do you know if the administration ever did
10 take action for these bathroom issues?

11 A. I don't know of concrete actions that were
12 taken. Actually, I take that back. There was a plan
13 put in place to have monitors at -- adult monitors -- at
14 some of the -- campus aides sort of posted at the
15 bathrooms so they could remain open and so that they
16 could, you know, make sure that -- to take care of the
17 suspicion that a lot of teachers had that, you know,
18 students were messing things up in the bathroom and that
19 that was the only problem.

20 So that happened for a while, there were campus
21 aides who were at the bathrooms, which, I think, was
22 helpful to some degree in terms of just -- I think
23 mostly, though, just because it allowed them to be open,
24 like it -- it convinced the administration that, like,
25 if there's an adult posted there, they can remain open,

1 November of '99. Either November of '98 or November of
2 '99. And then he shortly thereafter put out this plan
3 around, you know, the bathrooms hotline, so I would
4 imagine it was in the fall of either '98 or '99,
5 whenever Cortinez came in.

6 Q. And then you also mentioned there was a staff
7 meeting in which --

8 A. It was '99.

9 Q. '99?

10 A. Yeah.

11 Q. For the cleanliness staff meeting?

12 A. The cleanliness.

13 Q. And then a staff meeting where you discussed
14 substantially that the bathrooms were locked; was that
15 just one staff meeting or were there several?

16 A. It came up at staff meetings a number of times.

17 Q. During all four years that you were at Muir?

18 A. Yeah.

19 Q. And do you remember when the campus aides were
20 implemented by the school?

21 A. It was more recent. It was in 2000 or 2001.

22 Q. And did that program continue throughout the
23 time -- your time at Muir?

24 A. Yeah. One of the issues there is just how many
25 campus aides you can hire. I mean, it was a budget

1 issue at that level in the sense that there were campus
2 aides already doing a number of other things and whether
3 two or three could be taken off to deal with this
4 bathroom posting or, like, hiring others was an issue.
5 So it seemed -- and a couple were hired -- a couple more
6 were hired because of that plan. So it seemed there was
7 sort of a tentative aspect to it in sort of it was
8 potentially -- you know, depended on what other budget
9 decisions were being made whether it could continue with
10 these campus aides.

11 Q. You also mentioned that there was a problem
12 with the bathrooms being locked at Muir. Do you recall
13 why those bathrooms were being locked?

14 MS. LHAMON: Calls for speculation.

15 THE WITNESS: There were several reasons given.
16 I don't ultimately know what the combination of those
17 reasons or what the prioritizing of those reasons were
18 in making that final decision, but some of the reasons
19 were if you leave it open, it's a place students are
20 going to go and ditch class; if you leave it open,
21 students are going to go in and mess up the bathroom; if
22 you leave it open, it's going to be a place where
23 students go and smoke. I mean, all of these were
24 different things that I had heard.

25 ///

1 Q. Is that something you actually discovered was
2 true, or are you just guessing that that might have been
3 what happened?

4 A. I'm guessing that that might have been what
5 happened.

6 Q. Did you yourself ever try to open a bathroom
7 door, a student bathroom door, find it locked during
8 passing, passing period, lunch or nutrition?

9 A. No.

10 Q. Did you ever try and confirm what students told
11 you, that the bathrooms were, in fact, locked during
12 those times?

13 A. Yes. In these staff meetings that I'm talking
14 about where this was talked about, many other teachers
15 also said they had students that said this was the case.

16 Q. Did anyone at the staff meetings ever say, no,
17 that's not the case, the students must be wrong?

18 MS. LHAMON: Do you mean in sum and substance
19 or do you mean those specific words?

20 BY MS. VANSE:

21 Q. In sum and substance, not necessarily those
22 specific words.

23 A. Yeah, I think a couple of people did say that,
24 but the general sort of feeling of the room on the issue
25 was that this was something that enough students were

1 BY MS. VANSE:

2 Q. When you heard those reasons, did you think
3 they were legitimate?

4 A. No. I mean, I think bathrooms should be -- I
5 think bathrooms need to be open all the time for people
6 to use them. If there's an issue with ditching or
7 whatever, then I think it could be taken care of through
8 other means other than locking the bathrooms. So, no, I
9 didn't see that as -- I didn't see that as legitimate.

10 Q. You mentioned in paragraph 12 of your
11 declaration that:

12 "The bathrooms are all supposed to be unlocked
13 during passing periods, nutrition and
14 lunchtime, but I've had students tell me that
15 the bathrooms are locked during those times,
16 too."

17 Do you know or were you ever given any reasons
18 why the bathrooms were locked during passing periods,
19 nutrition and lunchtime?

20 A. I don't remember the reasons. I mean, other
21 than the obvious one, which -- which was that they're
22 locked at all other times, and the person who has the
23 key didn't get around to unlocking them because they
24 were doing something else during nutrition or lunch or
25 during a particular passing period.

1 talking about that it was the case.

2 Q. And you said that the campus aides did help
3 alleviate that problem of having locked bathrooms; is
4 that correct?

5 A. Yes, I think it did.

6 Q. Anything else about the problem of locked
7 bathrooms?

8 A. Not that I know of, no.

9 Q. Do you know if the bathrooms at Muir had been
10 renovated while you were there?

11 A. I believe that one boys' bathroom did receive
12 some sort of upkeep and renovation. I don't know about
13 the girls'.

14 Q. And was this, if you know, was it a major
15 renovation or was it just minor repairs to the bathroom?

16 A. I don't remember.

17 Q. Do you recall when that occurred?

18 A. It was either in 2000 or 2001.

19 Q. I think another problem you mentioned you have
20 with your classroom was the classroom library; is that
21 correct?

22 A. Uh-huh.

23 Q. And what was your problem with the classroom
24 library at Muir?

25 A. Just to be clear, when I used classroom library

1 in the declaration, I meant the books provided to me to
2 make a library in my classroom, not the general school
3 library.

4 Q. Okay. That's what I understood, but I'm glad
5 you clarified.

6 A. Well, the main problem was lack of books to
7 make a classroom library, and of the ones that were
8 provided to me, they were all very, very old books, you
9 know, 30 to 40 years old, the books that were provided
10 to me.

11 Q. Did Muir have a general library?

12 A. Yes.

13 Q. Did you have any concerns about that library?

14 A. That library had a leak in the ceiling at a
15 couple of different times. Other than that, I think it
16 was pretty -- it was one of the prides of the campus
17 other than that.

18 Q. How would students use the library, the general
19 library?

20 MS. LHAMON: Calls for speculation.

21 THE WITNESS: Could be on research projects
22 that they need materials on for their class. It was
23 open at nutrition and lunch for students to go in and,
24 you know, read quietly or study quietly. It was used as
25 a place for tutoring before and after school for

1 year teaching at Muir?

2 A. Between the first and second year were there
3 more books added?

4 Q. Right.

5 A. Yeah. I mean, I'd say that as a general thing
6 throughout my four years I would get the school or
7 the -- more likely than the school was the Academic
8 English Mastery Program would provide me with a few,
9 maybe five books or so, per year. And then the school
10 or the department would provide another, you know, maybe
11 five to 10 per year. And then I bought many more per
12 year. And sometimes the library was -- sometimes the
13 general library was getting rid of books and I would
14 take those.

15 Q. When we spoke earlier that part of -- what you
16 mentioned when you purchased supplies, that you also
17 purchased books, was part of that books for your
18 classroom library?

19 A. Yes.

20 Q. And so we've already discussed that you
21 received some reimbursement for those but not entire
22 reimbursement for the funds you spent?

23 A. Right.

24 Q. Do teachers at Muir take their own library
25 books with them, so that when you left Muir, did you

1 teachers and students to work together. Sometimes whole
2 classes would go into the library as, you know, part of,
3 you know, to introduce a particular research project or
4 whatever.

5 BY MS. VANSE:

6 Q. Could students check books out of that library?

7 A. Yes.

8 Q. Approximately how many books did you have in
9 your classroom library when you arrived at Muir?

10 A. Maybe 30.

11 Q. And did you have more than 30 by the end of the
12 year?

13 A. That first year?

14 Q. Yes.

15 A. Yeah. Provided to me by the school or --

16 Q. No.

17 A. -- the ones that I bought?

18 Q. Just in the library, the classroom library.

19 A. Well, the school provided me with a few more.

20 I mean, I'd say between five and 10 other books. And
21 during the course of the first year I'm sure I bought,
22 you know, another maybe 10 or 20.

23 Q. Did you receive, either by you purchasing or
24 the school giving to you, additional books between the
25 end of your first year and the beginning of your second

1 take your classroom library books with you to the next
2 school that you go?

3 MS. LHAMON: Calls for speculation as to other
4 teachers.

5 THE WITNESS: I took probably -- many of the
6 ones I bought with my own money I took with me, but I
7 left a significant amount there for whoever follows.
8 And the other Muir-owned books or ones provided to me by
9 AMP I left there.

10 BY MS. VANSE:

11 Q. And is AMP Academic Mastery Program?

12 A. Yes.

13 Q. I wanted to make sure.

14 Did you ever ask anyone why you had so few
15 library books when you arrived at Muir?

16 A. No. No, I don't think I asked. I knew that it
17 was common, like in looking around at -- I quickly
18 picked up that the teachers that had, like, substantial
19 classroom libraries had been ones that had put a lot of
20 their own time and money in building them up. So it was
21 apparent to me that, like, that wasn't an expectation at
22 Muir, you walk into a classroom and you have a classroom
23 library.

24 Q. And you picked that up from talking to other
25 teachers?

1 A. Right.

2 Q. Did you ever attempt to get classroom library
3 materials from anywhere other than either your own
4 purchase or from the school and the AMP program?

5 A. I occasionally have gone to -- oh, you're
6 saying -- I have asked for donations from bookstores
7 before with some results, but beyond that not -- those
8 are the main ways, through AMP, the school and my own
9 purchase.

10 Q. Are you aware of any other funding sources for
11 classroom library materials?

12 A. No.

13 Q. In paragraph 3 of your declaration you state
14 that:

15 "I teach two classes each of world history and
16 language arts, and I only have one class set
17 of 35 books for each subject."

18 Was that true for each of the years that you
19 taught at Muir, that you only had 35 books for each of
20 the two classes which you taught?

21 A. No. It's true for my third and fourth years.
22 My third and fourth years and my first year. In the
23 second year I did have more books. There were enough to
24 have some in the classroom as a class set and to send
25 home with not all but some of the students during my

1 the money, the school doesn't have the money. There was
2 a particular time, it must have been -- it was when
3 Zacharias was superintendent, so it must have been
4 before the fall of '99, where Zacharias decided for
5 whatever reason that he was going to give, like, a
6 one-time grant of money to Muir to buy more textbooks.
7 I mean, it was recognized and acknowledged that there
8 was a shortage at Muir. And from what I understand,
9 that grant of money came through partially but not fully
10 to the expectation.

11 Q. Did you ever ask why that grant had never come
12 through fully?

13 A. Yeah. And the way that it was framed was that
14 this was like sort of -- this was like unexpected to
15 begin with and so we shouldn't, you know, push our luck.

16 Q. Was that something you discussed with someone
17 at Muir?

18 A. Administrators at Muir.

19 Q. Do you recall what textbooks were purchased
20 with that one-time money grant?

21 A. I don't.

22 Q. Did you notice any additional textbooks for the
23 classes you taught after that grant was given?

24 A. Yeah, we had some additional textbooks for
25 world history.

1 second year. Basically, it was just sort of rotating
2 punishment for, like, the teachers in the sense that
3 there was a particular number of books, and some teacher
4 was going to end up with not enough, you know, to send
5 home with their students. I actually, for a number of
6 reasons, including that there's so many new teachers at
7 Muir each year who I think, like, if there's a priority
8 of what teachers should get more books, then a newer
9 teacher should get them.

10 So my second year I happened to be one of the
11 people who got more books. The other years I didn't
12 make a big stink within the departments to make sure
13 that I was the one who got more books because we were
14 trying to cover newer teachers and make sure that they
15 had them. But there was a -- which isn't to say that I
16 didn't bring up issues about the more general problem of
17 a textbook shortage, which I did. I just didn't, like,
18 bring it up in the form of, like, demanding from my
19 colleague that I be the one that get the books.

20 Q. Did you ever ask why you only had -- why there
21 were not enough of these books for each of the, say,
22 world history classes to have for each student to take
23 one home?

24 A. Yes. I worked with a number of parents in
25 asking those questions, and the answer was we don't have

1 Q. Do you know if other teachers had the same
2 problem of only having enough textbooks to use as a
3 class set and not to give to students to take home?

4 A. Yes. Many, many other teachers had that
5 problem.

6 Q. Do you know if teachers at Muir still have that
7 problem?

8 A. I don't know. I could speculate with some
9 certainty, but I don't know for sure.

10 Q. Have you ever spoken with any of the teachers
11 at Muir that are there currently to see if that that is
12 still the case?

13 A. Not this school year.

14 Q. The class set of books that you did have, what
15 was the condition of those books?

16 MS. LHAMON: Vague as to time. Are you
17 referring to overall for all four years or for a
18 particular year?

19 MS. VANSE: I'll ask this question first:

20 Q. Did you have the same textbooks for world
21 history for each of the four years that you were at
22 Muir?

23 A. Yes.

24 Q. And what was the condition of the world history
25 textbooks that you had while you were at Muir?

- 1 A. I would say fair condition.
 2 Q. And why would you describe them as fair?
 3 A. You know, not really, you know, marked up, you
 4 know, not pages stuck together in general or pages
 5 ripped out, but clearly, like, well-worn and --
 6 well-worn and well-used and in some cases, like, some of
 7 the binding beginning to come undone a little bit and
 8 some, you know, scratches and nicks on the covers and
 9 that sort of thing.
 10 Q. And for your language arts classes, did you use
 11 the same textbooks for -- did you use textbooks in that
 12 class?
 13 A. Uh-huh, yes.
 14 Q. Did you use the same textbooks for each of the
 15 four years that you were at Muir?
 16 A. Yes.
 17 Q. And what were the conditions of those textbooks
 18 like?
 19 A. I would say fair as well.
 20 Q. Same description as for the world history?
 21 A. Yes.
 22 Q. And did you have textbooks in the reading class
 23 that you took -- that you taught?
 24 A. No, not textbooks.
 25 Q. You had other books that you used in your

- 1 Q. And of those five, how many were provided by
 2 Muir?
 3 A. Three.
 4 Q. And didn't Muir provide enough copies for each
 5 of the students in the class?
 6 A. No. My recollection is that my classes were --
 7 ranged between 30 and 35 students and the number of
 8 books in the set ranged from 20 to 25.
 9 Q. And so what would you do for the remaining
 10 students that didn't have a book?
 11 A. They would have to share.
 12 Q. Did you ever receive additional copies of those
 13 books?
 14 A. No.
 15 Q. And so the other two books that you used in
 16 your class were provided by Muir; correct?
 17 A. Yes.
 18 Q. And you purchased those?
 19 A. Yes.
 20 Q. And those are the books that are referred to in
 21 paragraph 5 of your declaration?
 22 A. Right.
 23 Q. The core literature books that you did receive,
 24 what condition were those books in?
 25 A. I would say fair again.

- 1 reading class?
 2 A. Yes. I used what we call core literature books
 3 that -- you know, novels that the students read
 4 together. I did a lot of reproducing, copying for that
 5 class. And then I bought the sets of books that are
 6 described in the declaration.
 7 Q. Did you use any core literature books in your
 8 reading class that were provided by Muir?
 9 A. Yes.
 10 Q. Approximately how many core literature books
 11 did you use in your reading class?
 12 A. How many different sets?
 13 Q. No, actually, just how many different types,
 14 how many different books.
 15 MS. LHAMON: I'm sorry. The question is vague.
 16 Are you asking literally the number of books regardless
 17 of --
 18 MS. VANSE: Just like title, like "Romeo and
 19 Juliet," "Moby Dick," whatever.
 20 THE WITNESS: How many from the school or
 21 including --
 22 MS. VANSE: I'm going to break it down.
 23 Q. I want to know how many you used, and then I'm
 24 going to ask you how many the school provided.
 25 A. Five total.

- 1 Q. For your world history class did you use other
 2 materials beyond just a textbook?
 3 A. Yes.
 4 Q. And what else would you use in your world
 5 history class?
 6 A. A whole variety of things, including maps,
 7 including some things copied out of workbooks that were
 8 affiliated with the textbook, including articles that I
 9 would make copies of for the students to look at. Yeah,
 10 a variety of different things to supplement the
 11 textbook.
 12 Q. And any of those things that you used to
 13 supplement the textbook, were any of those provided by
 14 Muir?
 15 A. The workbooks that were affiliated with the
 16 textbook were provided, and I would say a small, small
 17 fraction of the paper used to copy all that stuff was
 18 provided by Muir.
 19 Q. By that do you mean copy the workbooks and the
 20 articles?
 21 A. Right. And maps and other things.
 22 Q. So maps were actually copies of maps?
 23 A. Right.
 24 Q. Anything else that you used in your world
 25 history class that was provided to you by Muir?

1 A. Some larger maps. They're sort of washboard
2 maps where they're bigger, poster-like things that are
3 laminated so the students can write on them, were
4 provided by Muir. Mostly other things I created on my
5 own or got from colleagues who had created them.

6 Q. For your language arts classes, did you use
7 anything other than textbooks in those classes?

8 A. Yes.

9 Q. What else would you use?

10 A. Some things from workbooks affiliated with the
11 textbook, some -- again, copies of those. Copies of
12 chapters from books. For example, a chapter out of a
13 book on the Civil Rights Movement or on Cesar Chavez
14 that was from a book that I found on my own. Lots of
15 copies of, like, sort of language mechanics and grammar
16 things that are from a book that I had bought and then
17 made copies of. Again, you know, articles sometimes.

18 Q. And were any of those additional things that
19 you used in your language arts classes provided to you
20 by Muir?

21 A. The workbooks. I mean, there was other
22 equipment. For example, I would use a tape recorder
23 sometimes for students to tape what they were doing.
24 That was provided by Muir. The tape cassettes were
25 provided by Muir. We would do -- in the years that I

1 Muir?

2 A. I would say it's the same thing, same situation
3 as world history.

4 Q. There was, again, another part that was -- you
5 were not ever reimbursed for by the school?

6 A. Right.

7 And to be clear, it's -- when the copying
8 machines were working at Muir, my experience would be to
9 buy the paper, so to buy, like, cases of paper. When
10 the copying machines weren't working, my expenses would
11 be to do it at Kinko's. So there were two different
12 expenses on that.

13 Q. Was there a problem at Muir with having copier
14 paper available for teachers?

15 A. Yes.

16 Q. And how often would there not be copy paper
17 available for teachers at Muir?

18 A. "How often" meaning -- I mean, the answer is
19 how often is every day it would be lacking, in the sense
20 that I might start off the year with, like, one ream of
21 paper given to me, 500 sheets, and maybe some time
22 during the second semester another one given to me, and
23 those would last for whatever, a couple of weeks.

24 Q. Was that --

25 A. So other than those short windows of time where

1 had a computer in the class, the computer was provided
2 by Muir, but it was pretty temperamental and we didn't
3 have a sort of computer technician who was sort of full
4 time on the job of coming in and fixing things, so there
5 would be weeks where it wouldn't be used. But when I
6 did use that, that was something that was provided by
7 Muir.

8 Q. Anything else?

9 A. Some of the -- if we were doing a project that
10 required poster paper or construction paper, I would,
11 again, say like a small fraction of that was provided by
12 Muir.

13 Q. Going back for a second to your world history
14 class. Some of the paper that you used for the copying
15 expenses you had in making your copies was reimbursed by
16 Muir; correct? Part of?

17 A. Part of it --

18 Q. -- was reimbursed by the department?

19 A. A very small part of it, yeah.

20 Q. So there were some copying you did for your
21 world history class that you did not receive
22 reimbursement for at Muir?

23 A. Right.

24 Q. And for the copies that you made for language
25 arts, was part of that covered or reimbursed to you by

1 I was using some of the paper that was given to me, it
2 was --

3 Q. Are teachers -- were you given at the beginning
4 of the year a certain number of copying paper to use, a
5 ream or whatever, number of pages to use for copying
6 purposes?

7 A. What we were given is -- you mean individual
8 teachers?

9 Q. Right.

10 A. What we were given was, again, occasionally --
11 I mean, nothing real systematic about it -- occasionally
12 given a ream of paper to use, so usually at the
13 beginning of the year. And that would sort of be
14 unpredictably followed up by another ream that might be
15 given to you in four or five months. So that was sort
16 of the limit of the paper that was provided. And then,
17 like I said, I think I got some small reimbursement for
18 some of the stuff I bought.

19 The limit was on the number of copies that you
20 could make on the machine. So, like, under my name
21 there would be 450 copies I could make per month.

22 Q. And that limit of 450 copies per month, did
23 that include paper?

24 A. No.

25 Q. So you could only make 450 copies per month

1 regardless of whether or not you had the paper to do so?
 2 A. Right.
 3 Q. Did you ever bring the issue up of copying
 4 paper with anyone at Muir?
 5 A. Yeah, was pretty consistently timely talked
 6 about at staff meetings and department meetings.
 7 Q. Were you ever given any reasons as to why you
 8 weren't given enough paper to make the copies that you
 9 wanted?
 10 A. Just not enough money.
 11 Q. Ever given any other reasons?
 12 A. No.
 13 Q. Were you given enough paper to make your 450
 14 copies per month?
 15 A. In general, no.
 16 Q. Did you ever ask why you were only allowed to
 17 make 450 copies per month or weren't provided the paper
 18 to do so?
 19 A. Yeah. That was part of -- that question was
 20 raised as part of these discussions at staff meetings
 21 and elsewhere about this.
 22 Q. And the answer is there's not enough money to
 23 do so?
 24 A. There's not enough money to provide the paper,
 25 and the reason we don't want you to make more than 450

1 The parties have previously agreed that we're
 2 going to continue this deposition on December 20, 9:30,
 3 at the same place.
 4 MS. LHAMON: Do you want to do the closing
 5 stipulation?
 6 MS. VANSE: Yes. I think we'll stipulate that
 7 the witness will have 30 days from receipt of the
 8 deposition to review and sign. And if he does not do so
 9 within those 30 days, a certified copy can be used for
 10 all purposes as the original. The court reporter
 11 relieved of his duties.
 12 Is that it?
 13 MS. LHAMON: Ordinarily, we have the original
 14 sent to my office.
 15 MS. VANSE: Okay. Original sent to Catherine's
 16 office.
 17 MS. LHAMON: So stipulated.
 18 MS. FLOYD: So stipulated.
 19 MS. LHAMON: We'd like a copy and an ASCII.
 20 MS. FLOYD: We'd like a copy and an ASCII.
 21 (Whereupon at the hour of 4:56 p.m. the
 22 deposition was adjourned and continued to December 20,
 23 2001.)
 24
 25

1 copies on the machine is wear and tear on the machine
 2 and you shouldn't be making worksheets anyway.
 3 Q. Who told you that you shouldn't be making
 4 worksheets anyway?
 5 A. I mean, just -- that's a little bit -- it's
 6 just, like, the administration, one of the assistant
 7 principals in particular, would sometimes say, you know,
 8 you shouldn't just be, like, handing your students
 9 dittos to do when they come in; like you have to be
 10 more, like, have a more interactive classroom than that.
 11 So we don't want you making more than 450 copies per
 12 month or else your class must be really boring and
 13 focused only on dittos and worksheets.
 14 Of course, what that doesn't take into account
 15 is that you can do lots of things with -- you can copy
 16 lots of things. You can copy an article that really
 17 engages the students or a chapter of a book that's
 18 really important for an idea, then do a whole bunch of
 19 varied interaction-based engaged lessons around. It's
 20 not just for boring, fill-in-the-blank dittos.
 21 MS. VANSE: It's probably a good stopping
 22 point.
 23 MS. LHAMON: Jennifer, it's occurred to me we
 24 haven't received a witness fee for today.
 25 MS. VANSE: Actually, I have it right here.

1 Declaration
 2
 3
 4
 5 I hereby declare I am the deponent in the within
 6 matter; that I have read the foregoing deposition and
 7 know the contents thereof, and I declare that the same
 8 is true of my knowledge, except as to the matters which
 9 are therein stated upon my information or belief, and as
 10 to those matters, I believe it to be true.
 11 I declare under the penalties of perjury of the
 12 State of California that the foregoing is true and
 13 correct.
 14 Executed on the day of , 2001
 15 at , California.
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2 I, Philip D. Norris, a Certified Shorthand Reporter
3 for the State of California, do hereby certify:
4 That prior to being examined, Michael Alexander
5 Caputo-Pearl, the witness named in the foregoing
6 deposition, was by me duly sworn to testify the truth;
7 That said deposition was taken before me pursuant
8 to notice, at the time and place therein set forth, and
9 was taken down by me in shorthand and thereafter reduced
10 to typewriting via computer-aided transcription under my
11 direction;

12 I further certify that I am neither counsel for,
13 nor related to, any party to said action, nor in anywise
14 interested in the outcome thereof.

15 In witness whereof, I have hereunto subscribed my
16 name this day of , 2001.

17
18
19 Philip D. Norris
CSR NO. 4980

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