

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

ELEIZER WILLIAMS, a minor, by)
Sweetie Williams, his guardians)
ad litem, et al., each individually)
and on behalf of all others)
similarly situated,)
Plaintiff,)

vs.

) Case No. 312236

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

) VOLUME I

Deposition of EMILIO GARCIA, at
555 West Fifth Street, 35th Floor,
Los Angeles, California, commencing at
9:39 A.M., Thursday, June 21, 2001, before
Ricki Q. Melton, CSR No. 9400, RPR No. 45429.

1 APPEARANCES OF COUNSEL:

2
3 FOR PLAINTIFFS:

4
5 MORRISON & FOERSTER LLP
6 BY: CHRISTINA L. CHECEL
7 555 West Fifth Street
8 35th Floor
9 Los Angeles, California 90013
10 (213) 892-5201

11
12 FOR DEFENDANT STATE OF CALIFORNIA:

13
14 O'MELVENY & MYERS LLP
15 BY: PETER L. CHOATE
16 400 South Hope Street
17 15th Floor
18 Los Angeles, California 90071
19 (213) 430-6000
20
21
22
23
24
25

1 APPEARANCES OF COUNSEL (CONNTINED):

2
3 FOR DEFENDANT LOS ANGELES UNIFIED SCHOOL DISTRICT:

4
5 LOZANO SMITH
6 BY: HOWARD A. FRIEDMAN
7 2800 28th Street
8 Suite 240
9 Santa Monica, California 90405
10 (310) 382-5300

11
12 ALSO PRESENT:

13
14 JENNY SIEVERS
15
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1 EMILIO GARCIA,

2 the witness, having been administered an oath
3 in accordance with CCP Section 2094, testified
4 as follows:

5
6 EXAMINATION

7 BY MS. CHECEL:

8 Q. Good morning, Mr. Garcia. 09:39:19
9 A. Good morning. 09:39:22
10 Q. My name is Christina Checel. I represent 09:39:22
11 the plaintiff school children who have filed a 09:39:25
12 lawsuit against the State of California. 09:39:28
13 Could you please state and spell your name 09:39:29
14 for the record. 09:39:32
15 A. Emilio Garcia, E-m-i-l-i-o G-a-r-c-i-a. 09:39:32
16 Q. Before beginning the deposition, I just want 09:39:38
17 to clarify a few things about the lawsuit and go over 09:39:40
18 some ground rules. 09:39:44
19 The plaintiff school children have filed the 09:39:45
20 lawsuit against the State of California and some of 09:39:47
21 its agencies and the State Superintendent of Public 09:39:50
22 Instruction. 09:39:54
23 It has not filed a lawsuit against any of 09:39:54
24 the districts or any of the principals, including 09:39:57
25 you. 09:39:59

1 The plaintiffs are basically ascertaining 09:40:01
2 whether or not there's State oversight and management 09:40:07
3 and the plaintiffs' claim is there is not sufficient 09:40:10
4 State oversight and management and it's interfering 09:40:13
5 with their education. 09:40:16
6 Today what I'm going to do is ask you 09:40:17
7 questions that are relevant to the plaintiffs' 09:40:19
8 claims. 09:40:22
9 A. Oversight and management? 09:40:22
10 Q. Of the schools. 09:40:24
11 A. You are talking about funding and running of 09:40:25
12 the schools? Is that what you are saying? 09:40:28
13 Q. Basically running the schools, not so much a 09:40:29
14 funding issue. 09:40:32
15 Have you ever had your deposition taken 09:40:33
16 before today? 09:40:34
17 A. Yes. 09:40:34
18 Q. Okay. When was that? 09:40:36
19 A. Oh, I would say about three, four months ago 09:40:43
20 and, previous to that, about five years. 09:40:46
21 Q. The deposition about three or four months 09:40:48
22 ago, what was that regarding? 09:40:50
23 A. Lawsuit against the Los Angeles Unified 09:40:52
24 School District. 09:40:54
25 Q. What is the content of that lawsuit? 09:40:55

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1 A. Denying a handicapped person the rights 09:40:57
2 given to them under the ADA act. 09:41:00
3 Q. And the deposition that occurred three or 09:41:03
4 four years ago? 09:41:06
5 A. It was an individual suing his psychiatrist 09:41:08
6 because thinks the psychiatrist gave me information 09:41:14
7 that the individual could carry on in terms of doing 09:41:16
8 away with me. 09:41:20
9 Q. Was that also in relation to a L.A.U.S.D. 09:41:22
10 lawsuit? 09:41:25
11 A. No. 09:41:25
12 Q. Okay. Even though you recently had your 09:41:31
13 deposition taken, I'm going to go over the ground 09:41:33
14 rules so we will be on the same wavelength. 09:41:35
15 Even though we are in an informal setting, 09:41:38
16 not a courtroom, this proceeding has the same force 09:41:42
17 and effect as though we were in a courtroom. 09:41:42
18 Do you understand that the testimony you 09:41:43
19 give has the same effect as though you were before a 09:41:45
20 judge and jury? 09:41:47
21 A. Yes, I do. 09:41:48
22 Q. And that you are under penalty of perjury? 09:41:49
23 A. Yes. 09:41:49
24 Q. We have a court reporter who is present. 09:41:51
25 She is taking down everything that's being said, and 09:41:53

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1 at the end of the deposition, she will send you a 09:41:55
2 transcript of everything that's being said during 09:41:58
3 this deposition. 09:42:00
4 You will have an opportunity to review the 09:42:02
5 transcript, and if you feel that you need to make any 09:42:03
6 changes to that, you may do so, but I would like to 09:42:07
7 caution you that any changes you make to the 09:42:11
8 transcript can be commented upon by myself and any 09:42:14
9 other attorneys in the case, and we can draw 09:42:17
10 inferences by your changes. 09:42:20
11 I would like to advise you that you should 09:42:21
12 give the best and most accurate testimony during the 09:42:23
13 deposition that you can. 09:42:26
14 Okay? 09:42:27
15 A. Okay. 09:42:27
16 Q. The other note is I would like you to speak 09:42:30
17 clearly with words instead of gestures. The court 09:42:34
18 reporter cannot take down nods of the head and 09:42:38
19 "uh-huh" and "huh-uh," and it makes it difficult to 09:42:41
20 read the record. As long as you answer in words and 09:42:44
21 I speak in words, which I'm trying to do, we will be 09:42:47
22 fine. 09:42:51
23 Another rule is that I'll let you finish 09:42:52
24 what you are saying and you let me finish what I'm 09:42:53
25 saying so we don't interrupt each other, and that way 09:42:56

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1 the record will be clearer. 09:42:59
2 If there's any reason you didn't understand 09:43:01
3 a question I'm asking, let me know, and I'll rephrase 09:43:03
4 it so you can understand it and answer it. If you 09:43:05
5 answer a question that I ask, I'm going to assume 09:43:09
6 that you understood it. 09:43:12
7 Do you understand that? 09:43:15
8 A. Yes. 09:43:15
9 Q. Ask me for a break whenever you need one. 09:43:18
10 The only other thing I'm going to request 09:43:20
11 is, if I've asked you a question, that you give me 09:43:23
12 the answer before you go on break and confer with 09:43:26
13 your attorney. 09:43:29
14 Is there any reason why your deposition 09:43:30
15 should not go forward such as you are feeling ill or 09:43:32
16 have -- 09:43:35
17 A. I feel fine. Thank you. 09:43:36
18 Q. Are you taking any drugs, medication, or 09:43:37
19 alcohol -- 09:43:39
20 A. I'm a diabetic. I have high blood pressure. 09:43:40
21 So I'm taking all sorts of medication. 09:43:43
22 Q. Are any of the medications medications that 09:43:45
23 would interfere with your memory or your ability to 09:43:47
24 testify? 09:43:51
25 A. I don't believe. 09:43:51

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1 Q. Okay. Thank you. 09:43:53
2 And what did you do to prepare for the 09:43:55
3 deposition today? 09:43:56
4 A. Spoke with my lawyer this morning. 09:43:58
5 Q. Did you speak with anybody else aside from 09:44:00
6 Mr. Friedman? 09:44:02
7 A. I don't recall. 09:44:04
8 Q. Did you review any documents to prepare for 09:44:07
9 this deposition? 09:44:09
10 A. I read maybe the declaratory statement that 09:44:13
11 I had given counselor over there a while ago, but 09:44:16
12 that's all. 09:44:19
13 Q. When you say the declaratory statement that 09:44:20
14 you gave Mr. Choate -- 09:44:23
15 A. It wasn't Mr. Choate. It was from what I 09:44:25
16 understand was a settlement of a suit for -- 09:44:28
17 MR. FRIEDMAN: I'll make a representation 09:44:32
18 there were discussions with the O'Melveny firm that 09:44:34
19 involved Mr. Garcia and relative to the possibility 09:44:38
20 of settlement, not in any detail that somebody should 09:44:52
21 get excited, but there were settlement discussions. 09:45:01
22 MS. CHECEL: Pertaining to that case? 09:45:01
23 MR. FRIEDMAN: That's correct. 09:45:01
24 MS. CHECEL: That's discussions he had with 09:45:02
25 O'Melveny attorneys? 09:45:03

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1 MR. FRIEDMAN: That's correct, and we would 09:45:05
 2 assert the privilege. 09:45:08
 3 BY MS. CHECEL: 09:45:08
 4 Q. Can you describe the document that you 09:45:10
 5 reviewed to me? 09:45:11
 6 A. Basically it was the questions that 09:45:13
 7 counselor asked me. 09:45:16
 8 MR. FRIEDMAN: We prepared a dec -- 09:45:19
 9 THE WITNESS: No, I'm talking about the 09:45:22
 10 State counselor when he spoke to me. 09:45:23
 11 BY MS. CHECEL: 09:45:25
 12 Q. When did you speak to him? 09:45:25
 13 A. About a month ago. 09:45:27
 14 Would you say we spoke about a month ago? 09:45:29
 15 MR. FRIEDMAN: Maybe even more. 09:45:33
 16 THE WITNESS: Maybe more. Okay. 09:45:35
 17 BY MS. CHECEL: 09:45:36
 18 Q. What are the contents of the statement that 09:45:37
 19 you looked at? 09:45:38
 20 A. Basically what the concern -- 09:45:40
 21 MR. FRIEDMAN: I'm going to go off the 09:45:45
 22 record and confer with my client so I can find out 09:45:47
 23 what the content of the statement is. 09:45:51
 24 MS. CHECEL: I ask that he answer questions 09:45:53
 25 that are pending before we go off the record. 09:45:55

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1 MR. FRIEDMAN: I'm going to make an 09:45:59
 2 objection and assert settlement discussion privilege 09:46:00
 3 and work product privilege and attorney/client 09:46:03
 4 privilege. 09:46:05
 5 And direct him not to answer. 09:46:06
 6 MS. CHECEL: Then you are excused to discuss 09:46:08
 7 them. 09:46:10
 8 MR. FRIEDMAN: That's my purpose in asking 09:46:11
 9 to confer. I don't want to stop legitimate inquiry, 09:46:12
 10 but I do want to stop if I need to assert a 09:46:17
 11 privilege. 09:46:21
 12 (Off the record.) 09:47:25
 13 MS. CHECEL: On the record. 09:47:25
 14 MR. FRIEDMAN: I've conferred with 09:47:27
 15 Mr. Garcia while we have been off the record. The 09:47:29
 16 document to which he makes reference is a document 09:47:32
 17 that was prepared by his counsel, and I would assert 09:47:35
 18 both the work product privilege and settlement 09:47:41
 19 discussion privilege relative to that document. 09:47:44
 20 MS. CHECEL: Okay. 09:47:47
 21 Q. Did you speak with anybody else aside from 09:47:52
 22 your attorney and the O'Melveny attorneys in 09:47:55
 23 preparation for this deposition? 09:47:59
 24 MR. CHOATE: Objection. Mischaracterizes 09:48:03
 25 the witness's testimony. 09:48:05

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1 MR. FRIEDMAN: I would agree with that. 09:48:06
 2 MR. CHOATE: Lacks foundation, assumes facts 09:48:07
 3 not in evidence. 09:48:17
 4 MR. FRIEDMAN: And I would join in the 09:48:19
 5 objection. 09:48:20
 6 BY MS. CHECEL: 09:48:20
 7 Q. You can go ahead and answer the question. 09:48:20
 8 A. Repeat the question. 09:48:22
 9 MS. CHECEL: Could you read the question 09:48:23
 10 back, please. 09:48:24
 11 (The following question was 09:48:24
 12 read by the reporter: 09:47:52
 13 "QUESTION: Did you speak with 09:47:52
 14 anybody else aside from your 09:47:53
 15 attorney and the O'Melveny 09:47:55
 16 attorneys in preparation for this 09:47:58
 17 deposition?") 09:48:00
 18 MR. FRIEDMAN: I object it assumes the fact 09:48:36
 19 not in evidence that he conferred with O'Melveny 09:48:38
 20 attorneys in preparation for this deposition. 09:48:41
 21 I understand it was prior to this 09:48:43
 22 deposition, but he has certainly, at least to my 09:48:45
 23 knowledge, not conferred with an O'Melveny attorney 09:48:48
 24 in preparation. 09:48:53
 25 THE WITNESS: All I may have done is spoken 09:48:54

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1 to my assistant principal, one or two of them, 09:48:55
 2 relative to me giving a deposition relative to the 09:48:58
 3 lawsuit. 09:49:02
 4 BY MS. CHECEL: 09:49:03
 5 Q. Can you give me the names of the assistant 09:49:03
 6 principals with whom you spoke? 09:49:05
 7 A. I really don't know who I really spoke to at 09:49:08
 8 this time. And I have five assistant principals. 09:49:11
 9 So... 09:49:14
 10 MR. FRIEDMAN: List all of them. 09:49:16
 11 BY MS. CHECEL: 09:49:17
 12 Q. Give me all of their names. 09:49:17
 13 A. Marv Gunderson. 09:49:19
 14 Q. Spell them for the record. 09:49:20
 15 A. G-u-n-d-e-r-s-o-n. Elizabeth Giffen-Glad, 09:49:21
 16 hyphenated name. 09:49:31
 17 MR. FRIEDMAN: Spell that. 09:49:34
 18 BY MS. CHECEL: 09:49:34
 19 Q. Spell the last name for the record, please. 09:49:34
 20 A. G-i-f-f-e-n hyphen G-l-a-d; Julie Ronquillo, 09:49:36
 21 R-o-n-q-u-i-l-l-o. 09:49:43
 22 Probably those three. 09:49:52
 23 Q. What was the content of your communication 09:49:54
 24 with these three people? 09:49:56
 25 A. That basically we were being sued -- the 09:49:58

1 district was being sued by the ACLU and named our 09:50:01
 2 school as one of the schools within the lawsuit. 09:50:04
 3 Q. Mr. Garcia, do you understand that the 09:50:09
 4 district is not being sued by the ACLU but by the 09:50:11
 5 State of California? 09:50:15
 6 A. I can only give you what I said at the time 09:50:18
 7 to him. 09:50:20
 8 Q. Okay. 09:50:21
 9 A. Now, I did have Ms. Ronquillo prepare some 09:50:21
 10 documents which I forwarded to somebody. 09:50:24
 11 Q. What kind of documents did she prepare? 09:50:31
 12 A. Responses to the suit declared by the 09:50:33
 13 student at our school. 09:50:37
 14 Q. Do you know who that student is? 09:50:41
 15 A. Lizette, L-i-z-e-t-t-e, Ruiz, R-u-i-z. 09:50:44
 16 Q. What is in the contents of the responses to 09:50:51
 17 the suit that she prepared? 09:50:55
 18 A. I think that's what we are going to be 09:50:58
 19 discussing today, the items that she brought up and 09:50:59
 20 ACLU brought up relative to what we are doing in our 09:51:03
 21 school to the students. 09:51:06
 22 Q. Can you give me a brief overview of the 09:51:08
 23 responses that were prepared. 09:51:10
 24 A. Oh, lacking structural programs, lacking 09:51:12
 25 services, clean campus, et cetera, lacking ability to 09:51:20

1 participate in extracurricular activities. 09:51:27
 2 Q. Do you remember if there were any other 09:51:37
 3 responses aside from lacking structural programs, 09:51:39
 4 lacking services, lacking a clean campus, and no 09:51:40
 5 extracurricular services? 09:51:45
 6 MR. FRIEDMAN: Can I make an objection that 09:51:47
 7 it's ambiguous. 09:51:47
 8 It's not clear to me whether the references 09:51:51
 9 you are making are to the contents of the responses 09:51:53
 10 or the contents of the allegations to which responses 09:52:04
 11 were provided. 09:52:04
 12 MS. CHECEL: I'm discussing the contents of 09:52:04
 13 the responses that Ms. Ronquillo provided to 09:52:04
 14 Mr. Garcia. 09:52:06
 15 MR. CHOATE: I will join in the objection. 09:52:07
 16 I'm sorry to -- 09:52:09
 17 THE WITNESS: Those are basically the issues 09:52:13
 18 that we addressed. 09:52:14
 19 BY MS. CHECEL: 09:52:14
 20 Q. Can you give me a brief explanation of 09:52:19
 21 Huntington Park's responses to the lack of 09:52:21
 22 programs -- the assertion there was a lack of 09:52:24
 23 programs? 09:52:26
 24 A. Oh, that all the -- there were academic 09:52:27
 25 programs such as advance placement courses which 09:52:32

1 students couldn't take because we were a year-round 09:52:36
 2 school; that because of being a year-round school, 09:52:39
 3 they couldn't participate in certain extracurricular 09:52:42
 4 activities; and that the campus is not clean. 09:52:46
 5 Q. How did the school respond to those 09:52:49
 6 assertions? 09:52:51
 7 A. Basically we responded to each one, saying 09:52:52
 8 that the services were provided. We do have methods, 09:52:55
 9 approaches to putting students into academic courses 09:52:59
 10 that they want; that the district basically handles 09:53:03
 11 the maintenance of the campus; and that 09:53:08
 12 extracurricular activities, as the academic 09:53:11
 13 activities, are provided in the same way. 09:53:18
 14 Q. Do you remember the contents of your 09:53:20
 15 discussion with Ms. Giffan-Glad? 09:53:22
 16 A. No, I don't. 09:53:25
 17 Q. Do you remember the contents of your 09:53:26
 18 discussion with Mr. Gunderson? 09:53:27
 19 A. No, I don't. 09:53:30
 20 Q. Do you remember generally, aside from asking 09:53:31
 21 Ms. Ronquillo to provide responses, your discussions 09:53:34
 22 with these three assistant principals? 09:53:38
 23 A. No, I don't. 09:53:41
 24 Q. Aside from discussing this deposition with 09:53:49
 25 these three individuals and your attorney, are there 09:53:53

1 other individuals with whom you have discussed your 09:53:56
 2 deposition? 09:53:58
 3 A. I don't recall any at this point. 09:54:00
 4 Q. When did you first hear about this lawsuit? 09:54:03
 5 A. Maybe about a year ago. 09:54:11
 6 Q. And how did you find out about it? 09:54:14
 7 A. I received something in the mail relative to 09:54:18
 8 it. 09:54:21
 9 Q. What did you receive in the mail? 09:54:22
 10 A. I guess the suit itself. 09:54:24
 11 Q. Was it a summons and complaint? 09:54:29
 12 A. I don't recall right now. 09:54:32
 13 Q. Do you remember who sent that to you? 09:54:36
 14 A. No, I don't. 09:54:37
 15 Q. Where was it addressed? 09:54:39
 16 A. At this point I can only assume it was 09:54:41
 17 addressed to the high school. 09:54:43
 18 Q. And what did you think about the suit when 09:54:46
 19 you first found out about it? 09:54:50
 20 MR. FRIEDMAN: Object. I think it's outside 09:54:53
 21 the bounds of discovery. 09:55:01
 22 You can go ahead and respond. 09:55:05
 23 THE WITNESS: Repeat the question. 09:55:06
 24 BY MS. CHECEL: 09:55:07
 25 Q. What did you think about the suit when you 09:55:07

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1	first found out about it?	09:55:09
2	A. In reviewing it, I felt there was	09:55:16
3	questionable merit.	09:55:19
4	Q. Have you discussed this lawsuit with other	09:55:28
5	teachers or administrators?	09:55:30
6	A. I don't recall.	09:55:33
7	Q. Have you discussed this lawsuit with	09:55:35
8	anybody?	09:55:36
9	A. Well, my lawyer, of course.	09:55:39
10	Q. Anybody aside from your lawyer?	09:55:41
11	A. I guess maybe those individuals that I've	09:55:43
12	indicated earlier.	09:55:46
13	Q. Have teachers come up to you to discuss the	09:55:49
14	lawsuit?	09:55:51
15	A. No.	09:55:51
16	Q. Did you do any investigation into the	09:56:00
17	allegations that were made about Huntington Park High	09:56:02
18	School after you were informed about them?	09:56:08
19	A. Yes.	09:56:08
20	Q. Describe those investigations for me,	09:56:10
21	please.	09:56:12
22	A. To review our academic program and what we	09:56:12
23	did relative to it; providing classes and, in	09:56:14
24	particular, advanced placement classes.	09:56:20
25	I was already aware of the operational	09:56:22

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1	aspect of the school and things that were going on	09:56:24
2	relative to maintaining the school.	09:56:30
3	Relative to the athletic or extracurricular	09:56:35
4	activities on the part of students, I was aware of	09:56:40
5	what was happening there. So it was just a question	09:56:42
6	of putting my thoughts together.	09:56:45
7	Q. And when you say you reviewed the academic	09:56:50
8	programs and the classes that were provided, how did	09:56:52
9	you do that?	09:56:55
10	A. I spoke with Ms. Ronquillo.	09:56:56
11	Q. What is her exact title?	09:57:03
12	A. She is assistant principal in charge of	09:57:05
13	counseling services.	09:57:09
14	Q. What was the content of your discussion with	09:57:12
15	Ms. Ronquillo?	09:57:14
16	A. Relative to the academic programs we	09:57:16
17	provided students, just to verify what I knew.	09:57:20
18	Q. What was your knowledge at that time? What	09:57:26
19	were you verifying?	09:57:29
20	A. That we had courses in place for students to	09:57:30
21	take that, if they wanted to take honors and advanced	09:57:35
22	placement programs, that we had those available to	09:57:40
23	students.	09:57:43
24	Q. Did Ms. Ronquillo confirm that you have	09:57:45
25	those programs available --	09:57:48

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1	A. Yes.	09:57:48
2	Q. -- for students?	09:57:50
3	As far as your investigation into the	09:57:53
4	allegations about poor maintenance of the school,	09:57:55
5	what sort of investigations did you do?	09:57:58
6	A. It's just the background I have in the	09:58:02
7	operations, and I know that, when questions come up	09:58:04
8	relative to clean campus, et cetera, that we go	09:58:08
9	through procedures of informing either a plant	09:58:13
10	manager, who forwards that request to the maintenance	09:58:15
11	and operations branch, or I call the maintenance and	09:58:18
12	operations branch directly to have the situations	09:58:22
13	taken care of.	09:58:24
14	Q. Okay. We will go into that a little bit	09:58:26
15	later as well.	09:58:28
16	What about any investigation into	09:58:29
17	extracurricular activities that were being offered?	09:58:39
18	A. I'm aware of those already, and I knew what	09:58:39
19	programs we had and what programs we have made	09:58:39
20	available to the students before I got there.	09:58:42
21	Q. What programs do you have available to	09:58:45
22	students at Huntington Park?	09:58:48
23	A. I think they run the gamut of what a high	09:58:50
24	school provides students -- athletics;	09:58:53
25	extracurricular activities such as clubs, leadership	09:58:57

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1	classes.	09:59:00
2	Q. Which athletic programs are offered at	09:59:07
3	Huntington Park?	09:59:11
4	A. We have major sports, which is football,	09:59:13
5	baseball, track and field, soccer for boys and girls,	09:59:15
6	swimming.	09:59:22
7	MR. FRIEDMAN: What about hoops?	09:59:30
8	THE WITNESS: Basketball. Thank you.	09:59:33
9	Basketball.	09:59:34
10	At first I thought you said Hula Hoops.	09:59:37
11	BY MS. CHECEL:	09:59:40
12	Q. It's a new sport.	09:59:40
13	A. Trying to go by the season. Tennis, soccer,	09:59:50
14	volleyball.	09:59:55
15	That's all I can think of at the moment.	10:00:08
16	Q. Are all of these sports co-ed?	10:00:10
17	A. No. For the most part, if a school can	10:00:16
18	present a program for a gender, you do. If they	10:00:19
19	cannot present a sport program for a gender, then	10:00:24
20	that gender can participate in that sport. For	10:00:27
21	example, football. Since we don't have a girls,	10:00:30
22	quote, unquote, football, girls can participate in	10:00:33
23	football.	10:00:37
24	Q. Is football the only sport that's limited to	10:00:38
25	boys at Huntington Park?	10:00:42

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1 MR. FRIEDMAN: Objection. Misstates the 10:00:45
 2 evidence. It's open to both genders. 10:00:46
 3 BY MS. CHECEL: 10:00:49
 4 Q. You can answer -- let me rephrase the 10:00:49
 5 question then. 10:00:52
 6 Is your football team the only team that's 10:00:53
 7 open to both girls and boys? 10:01:00
 8 A. Yes. 10:01:00
 9 Q. Okay. 10:01:07
 10 A. That's because there are sports in the other 10:01:07
 11 fields for both genders. 10:01:10
 12 Q. Did you do any additional investigation into 10:01:19
 13 the allegations that you were made aware of once this 10:01:21
 14 lawsuit was filed? 10:01:23
 15 A. I can't recall anymore. 10:01:25
 16 Q. Okay. I would like to go into your 10:01:27
 17 educational background and work history right now. 10:01:28
 18 A. Okay. 10:01:32
 19 Q. If you don't mind starting with your college 10:01:32
 20 and going through to the last school where you were 10:01:35
 21 educated, that would be good. 10:01:39
 22 Where did you go to college? 10:01:41
 23 A. I went to East Los Angeles -- those days 10:01:42
 24 they called it junior colleges. Now they are called 10:01:46
 25 community colleges. Then I went to Cal State 10:01:50

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1 Los Angeles, which is now called University of 10:01:53
 2 California Los Angeles. 10:01:55
 3 I have taken classes at night both at Cal 10:01:57
 4 State L.A., and I received my Master's from 10:02:03
 5 Pepperdine. 10:02:05
 6 Q. Okay. When you were at East L.A. Junior 10:02:07
 7 College, what dates did you attend that school? 10:02:10
 8 A. February '58. Because I remember we were 10:02:17
 9 an -- in those days, we had mid-year graduations. 10:02:19
 10 February of '58, I think, through '62. 10:02:23
 11 Q. Did you receive a degree? 10:02:32
 12 A. No. 10:02:34
 13 Q. Did you have a focused area of study, or was 10:02:35
 14 it general education? 10:02:38
 15 A. It was general ed. 10:02:39
 16 Q. And then once you went to Cal State L.A., 10:02:41
 17 what dates were you studying at Cal State L.A.? 10:02:44
 18 A. I think I went there from '62 to '65. 10:02:48
 19 Q. Did you obtain a degree? 10:02:51
 20 A. In mathematics. 10:02:53
 21 Q. Is that a BS, Bachelor of Science? 10:02:56
 22 A. It was a BA. 10:02:59
 23 Q. Oh, BA. 10:03:00
 24 And when did you attend Pepperdine? 10:03:02
 25 A. Probably the '77/'78 school year. 10:03:11

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1 Q. And did you obtain a degree from Pepperdine? 10:03:16
 2 A. Yeah, Master's. 10:03:19
 3 Q. Master's? 10:03:20
 4 A. MS. 10:03:21
 5 Q. MS? 10:03:22
 6 A. School administration. 10:03:23
 7 Q. Okay. And you said you've taken additional 10:03:28
 8 night classes -- 10:03:30
 9 A. Yes. 10:03:30
 10 Q. -- at Cal State L.A.? 10:03:31
 11 A. Yes. 10:03:31
 12 Q. Any other institution? 10:03:34
 13 A. No. 10:03:34
 14 Q. What were those night classes for? 10:03:38
 15 A. Education classes, math classes, counseling 10:03:45
 16 classes. 10:03:52
 17 Q. And do you remember the dates that you've 10:03:57
 18 taken the classes? 10:03:58
 19 A. Oh, I don't think I ever stopped going to 10:04:00
 20 school before I got my Master's. I just kept going 10:04:03
 21 at night. 10:04:06
 22 Q. This is between when you were at Cal State 10:04:07
 23 L.A. and Pepperdine you took a lot of night classes? 10:04:09
 24 A. I took night courses. 10:04:13
 25 Q. Do you have a teaching credential? 10:04:15

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1 A. Yes, I do. 10:04:16
 2 Q. Where did you get your teaching credential 10:04:17
 3 from? 10:04:18
 4 A. At Cal State L.A. 10:04:19
 5 Q. Did you get that in '65 as well? 10:04:20
 6 A. Yes. Actually I was -- I didn't get it 10:04:26
 7 probably until '66. I was on an emergency credential 10:04:30
 8 when I started working. 10:04:34
 9 Q. Okay. When you got your teaching 10:04:36
 10 credential, did you get a single subject in math? 10:04:37
 11 A. Yes. 10:04:37
 12 Q. Is that the only teaching credential that 10:04:42
 13 you hold? 10:04:44
 14 A. No, I also have an elementary credential. 10:04:45
 15 Q. When did you earn that? 10:04:48
 16 A. Same time I earned my math. 10:04:49
 17 Q. Do you have any administrative credentials? 10:04:55
 18 A. I have secondary administrative credential 10:04:58
 19 for both elementary and secondary. 10:05:01
 20 Q. Where did you earn those credentials? 10:05:06
 21 A. Through Pepperdine. 10:05:09
 22 Q. Do you remember the date that you got those? 10:05:12
 23
 24 A. '78, '79. I don't know. Approximately. 10:05:28
 25 Q. Are those different than an MS in school 10:05:28

1 administration? 10:05:28
 2 A. Yes, these are your licenses basically. 10:05:28
 3 Q. Did you get these after you got your MS? 10:05:31
 4 A. My MS was tied into the administration 10:05:36
 5 credentials. 10:05:41
 6 Q. Did you receive them simultaneously? 10:05:45
 7 A. I think so, yes. 10:05:48
 8 Q. Do you hold any other credentials or 10:05:50
 9 licenses in the field of education? 10:05:51
 10 A. Pupil personnel counseling. 10:05:54
 11 Q. When did you obtain that credential? 10:06:08
 12 A. Probably around '78 also. 10:06:18
 13 Q. Is that also from Pepperdine? 10:06:20
 14 A. That was through the Pepperdine adult 10:06:22
 15 school. 10:06:25
 16 Q. Does that credential entitle you to be a 10:06:29
 17 school counselor -- 10:06:31
 18 A. Yes. 10:06:31
 19 Q. -- in a high school? 10:06:34
 20 A. Yes, it does. 10:06:34
 21 Q. Are there counselors at elementary schools? 10:06:35
 22 A. I haven't heard of any. 10:06:39
 23 Q. Do you have any other licenses or 10:06:40
 24 credentials in the field of education aside from what 10:06:42
 25 you've already told me? 10:06:45

1 A. I don't. 10:06:46
 2 Q. Now I would like to go through your work 10:06:50
 3 history and start with your current job at Huntington 10:06:52
 4 Park and work backwards. 10:06:57
 5 How long have you been a principal at 10:06:59
 6 Huntington Park? 10:07:01
 7 A. Six years, July '95 to present. 10:07:02
 8 Q. Were you hired as the principal of that high 10:07:06
 9 school? 10:07:09
 10 A. Yes. 10:07:09
 11 Q. Prior to July '95, where did you work? 10:07:10
 12 A. I was a principal at Sun Valley Middle 10:07:16
 13 School from September -- excuse me -- August of '91 10:07:19
 14 until June of '95. I think I was there for four 10:07:24
 15 years -- no, take it back. I'm sorry. Let's go 10:07:29
 16 back. 10:07:32
 17 I was there from June of '90 to -- August 10:07:32
 18 of '90 to June of '95. I was there five years. 10:07:38
 19 Q. Prior to being principal -- where is Sun 10:07:49
 20 Valley High School -- or Middle School? Excuse me. 10:07:52
 21 A. It's in the area of Los Angeles called 10:07:54
 22 Sun Valley, and its nearest signpost would probably 10:07:57
 23 be the Burbank Airport, over in that area. 10:08:02
 24 Q. Prior to being a principal at Sun Valley 10:08:04
 25 Middle School, where were you working? 10:08:08

1 A. As an administrator. I was in staff 10:08:10
 2 relations. 10:08:14
 3 Q. Is that a title? 10:08:15
 4 A. I was an advisor. 10:08:16
 5 Q. Is that in a particular school? 10:08:18
 6 A. No, that's -- the district's office for 10:08:21
 7 handling grievances. 10:08:25
 8 Q. Is that L.A.U.S.D.? 10:08:27
 9 A. Yes. 10:08:27
 10 Q. And how long were you staff relations 10:08:37
 11 advisor for -- 10:08:39
 12 A. One year. 10:08:41
 13 Q. -- L.A.U.S.D.? 10:08:42
 14 A. So it would be '89 -- July of '89 to June 10:08:43
 15 of '90. 10:08:46
 16 Q. So during that year, you are not really 10:08:49
 17 working -- 10:08:51
 18 A. At a school. 10:08:52
 19 Q. -- with students or at a school? 10:08:53
 20 A. Correct. 10:08:56
 21 Q. Prior to being the advisor for staff 10:08:56
 22 relations, what was your title? 10:08:59
 23 A. I was a principal at Foshay Middle School, 10:09:01
 24 and I think it was August of '96 until June of '90. 10:09:05
 25 Q. Well, maybe July of -- June of '89 because 10:09:27

1 the year -- 10:09:33
 2 A. Okay. '89. Wait a minute. I was -- '90 -- 10:09:34
 3 oh, I was in staff relations. 10:09:38
 4 Q. Yeah, you were in staff relations. 10:09:41
 5 A. Okay. So back -- 10:09:43
 6 MR. FRIEDMAN: Give your best estimate. 10:09:45
 7 BY MS. CHECEL: 10:09:45
 8 Q. Yeah, that's fine. 10:09:47
 9 A. I was there for four years. So if it 10:09:48
 10 was '89, that backs it up to what? '85. 10:09:51
 11 Q. Yeah. 10:09:55
 12 A. Okay. 10:09:55
 13 Q. And you said you were principal at that 10:09:59
 14 middle school? 10:10:02
 15 A. Yes. 10:10:02
 16 Q. Prior to acting as principal of Foshay, what 10:10:03
 17 was your job? 10:10:07
 18 A. I was assistant principal at Byrd Middle 10:10:07
 19 School, which is also in Sun Valley. 10:10:12
 20 Q. Do you remember the time period that you 10:10:18
 21 were assistant principal at Byrd Middle School? 10:10:22
 22 A. I would say August of '82 until June of '85. 10:10:24
 23 Q. So about three years? 10:10:30
 24 A. Something like that. I thought it was four, 10:10:31
 25 but I guess I must be off. 10:10:34

1 Q. And prior to acting as assistant principal 10:10:37
 2 at Byrd Middle School, what was your job? 10:10:40
 3 A. It wasn't a school-related job. I was 10:10:42
 4 specialist for personnel division with the 10:10:47
 5 Los Angeles Unified School District recruitment and 10:10:51
 6 selection. 10:10:56
 7 Q. Is that recruitment and selection of 10:10:59
 8 teachers? 10:11:03
 9 A. Yes. 10:11:03
 10 Q. How long did you do that? 10:11:04
 11 A. Four years. 10:11:05
 12 Q. So -- 10:11:06
 13 A. From July of '78 -- 10:11:06
 14 Q. -- '78? 10:11:09
 15 A. -- until June of '82. 10:11:10
 16 Q. And prior to being a specialist in 10:11:14
 17 recruiting and selections of personnel -- 10:11:16
 18 A. I was a Title I coordinator at Lincoln High 10:11:19
 19 School. 10:11:28
 20 Q. What does a Title I coordinator do? 10:11:28
 21 A. Title I is a federally funded program for 10:11:31
 22 compensatory education programs, and this is aimed at 10:11:41
 23 assisting students who have low test scores 10:11:46
 24 basically. 10:11:51
 25 Q. Now, as a Title I coordinator of Lincoln 10:11:53

1 High School, are you the coordinator for that 10:11:56
 2 particular high school only? 10:11:58
 3 A. Only. 10:12:09
 4 Q. How long did you do that? 10:12:09
 5 A. Approximately four years. So '74 to '78. 10:12:09
 6 Q. Prior to being the Title I coordinator -- 10:12:11
 7 that's when you got your Master's. Was that your 10:12:14
 8 first job in education? 10:12:16
 9 A. No. 10:12:16
 10 Q. So prior to that -- 10:12:18
 11 A. I was a teacher at Lincoln High School from 10:12:19
 12 September of '65 to '74 -- wait a minute. Put a 10:12:22
 13 stint in there, one-year stint -- I think it was 10:12:31
 14 the '69/'70 school year. I was a math consultant for 10:12:38
 15 Los Angeles Unified School District. 10:12:42
 16 Q. And you were a math teacher at Lincoln high 10:12:48
 17 school? 10:12:51
 18 A. Yes, with other duties. 10:12:54
 19 Q. Okay. What other duties did you have? 10:12:58
 20 A. Leadership coordinator, which worked with 10:13:02
 21 student government. I was club sponsor. 10:13:04
 22 Q. Which club? 10:13:10
 23 A. Oh, the Knights, which is a senior 10:13:11
 24 service -- boys senior service organization. 10:13:14
 25 Q. Can you remember other responsibilities that 10:13:21

1 you had? Not to say that that's not enough. 10:13:23
 2 A. No, but it was a great time. 10:13:34
 3 Q. Was Lincoln High School a traditional school 10:13:37
 4 or a multitrack school? 10:13:40
 5 A. It was a traditional calendar school, yes. 10:13:42
 6 Q. And what about Byrd Middle School? 10:13:47
 7 A. Byrd was a traditional school at that time. 10:13:50
 8 Q. How about Foshay Middle School? 10:13:54
 9 A. Foshay was traditional. 10:13:56
 10 Q. What about Sun Valley Middle School? 10:14:03
 11 A. My first year we were traditional; the 10:14:05
 12 following year, we were a 9030 concept school; and 10:14:08
 13 the year after that, we were a Concept 6 school. 10:14:14
 14 Q. Is it fair to say that Huntington Park is a 10:14:18
 15 Concept 6 school? 10:14:21
 16 A. It's a Concept 6 school. 10:14:23
 17 Q. What are your responsibilities as principal 10:14:29
 18 of Huntington Park? 10:14:31
 19 A. I'm responsible for the overall program at 10:14:35
 20 the school, which includes the academics, presenting 10:14:38
 21 the programs for the academics, the hiring of staff 10:14:43
 22 both certificate and classified. 10:14:47
 23 Q. Can I interrupt. 10:14:51
 24 Certificate is a teacher holding a 10:14:54
 25 credential? 10:14:56

1 A. Yes. 10:14:56
 2 Q. And classified is a staff member? 10:14:57
 3 A. Those individuals who work at the school as 10:14:59
 4 secretaries, clerks, et cetera. 10:15:01
 5 Q. Okay. Sorry to interrupt you. 10:15:04
 6 What are some of your other 10:15:06
 7 responsibilities? 10:15:08
 8 A. Well, when you look at the overall 10:15:10
 9 responsibility for the school, you know, you hit upon 10:15:11
 10 all aspects, and of course, you have an administrator 10:15:14
 11 in charge of certain areas that you give them, but 10:15:17
 12 you still are responsible for the entire school. So 10:15:19
 13 I have an administrator of instruction. 10:15:22
 14 Q. What is his or her name? 10:15:26
 15 A. There's two of them. Mr. Gunderson, who I 10:15:28
 16 already identified, and Ms. Giffan-Glad. 10:15:31
 17 Q. You already identified that too. 10:15:34
 18 A. I have a person in charge of operations who 10:15:37
 19 just made a switch. Mr. Harrison is in charge of 10:15:40
 20 operations. Ms. Ronquillo is in charge of counseling 10:15:44
 21 services. 10:15:48
 22 Q. Is there one other area? 10:15:50
 23 A. Ms. Williams is in charge of the attendance, 10:15:52
 24 and there's other perfunctory duties that each of 10:16:04
 25 them has. 10:16:07

1 Q. Does Ms. Williams also have responsibility 10:16:08
 2 for discipline, or does somebody else? 10:16:11
 3 A. That would be Dr. Giffan-Glad. Now, we do 10:16:14
 4 have campus aides. That would be Ms. Williams. They 10:16:21
 5 also work with an area of discipline. 10:16:25
 6 Q. What do campus aides do? 10:16:28
 7 A. They are basically our security on campus. 10:16:31
 8 They walk through the campus to make sure we are 10:16:33
 9 functioning correctly. 10:16:37
 10 Q. How many security guards do you have at 10:16:38
 11 Huntington Park? 10:16:40
 12 A. I'm going to take a guess right now. I 10:16:41
 13 would have to go through the entire list. 10:16:43
 14 About eight. 10:16:46
 15 Q. I want to take you back to the good old days 10:16:53
 16 when you were a teacher at Lincoln High School. 10:16:55
 17 What did you have to do to set up your 10:17:01
 18 classroom as a teacher before the school year would 10:17:03
 19 start? 10:17:07
 20 A. Well, first, you would have to find out what 10:17:09
 21 classes you are teaching. 10:17:11
 22 Q. Uh-huh. 10:17:12
 23 A. Then you would order your textbooks 10:17:13
 24 accordingly. You have to do your lesson plans and 10:17:15
 25 unit outlines, and then you adapt them according to 10:17:21

1 your clientele. 10:17:29
 2 Q. And is everything -- is the furniture set up 10:17:35
 3 for you, or are you responsible for doing that? 10:17:38
 4 A. I don't worry about the physical aspects of 10:17:40
 5 a school. Maybe in terms, when I get the class, I 10:17:43
 6 may want to change the seats. If I want a chair, I 10:17:46
 7 request a chair. If I need to have my chalkboard 10:17:49
 8 reworked, they will do that, but me as a teacher, I 10:17:52
 9 only have to worry about teaching the kids. 10:17:56
 10 MR. FRIEDMAN: May I inquire for purposes of 10:17:58
 11 clarification. Are the questions directed to what he 10:18:01
 12 did in the late '60s and early '70s as a teacher or 10:18:04
 13 what he would do as a teacher currently? 10:18:08
 14 MS. CHECEL: Well, I asked him about what he 10:18:18
 15 did, and I'm going to ask him if he knows what 10:18:18
 16 teachers do nowadays. 10:18:18
 17 MR. FRIEDMAN: I wanted to make sure we were 10:18:20
 18 in the right context. 10:18:21
 19 THE WITNESS: Also go to in-service classes 10:18:22
 20 and, of course, take classes at night. 10:18:24
 21 BY MS. CHECEL: 10:18:28
 22 Q. Those are things you would do to prepare for 10:18:32
 23 an incoming class? 10:18:34
 24 A. Or anticipate the classes you are going to 10:18:38
 25 be teaching. 10:18:41

1 Q. And are you aware of what the teachers at 10:18:42
 2 Huntington Park High School do to set up for their 10:18:44
 3 incoming classes? 10:18:48
 4 A. Basically what I indicated I did back at 10:18:49
 5 that time. 10:18:51
 6 Q. Okay. And what are the priorities for 10:18:59
 7 teachers in the first couple of weeks of school when 10:19:03
 8 they get a new class? 10:19:06
 9 A. First, enrolling their new students. 10:19:08
 10 Q. What do you mean by that? 10:19:14
 11 A. You have to provide a count of the students 10:19:16
 12 that enroll in your class. 10:19:18
 13 Although we provide as an attendance of who 10:19:20
 14 is going to be in their classes before the school 10:19:23
 15 year starts, they basically verify who did show up on 10:19:25
 16 day one. That's what we call being E's, being 10:19:28
 17 enrolled. 10:19:34
 18 Q. They take attendance in the class? 10:19:35
 19 A. Yes, which I did it, by the way. They 10:19:37
 20 anticipate the number of students they have and 10:19:40
 21 request the books that we are going to be using for 10:19:43
 22 that program. If they need any paper, pencils, 10:19:45
 23 et cetera, or chalk -- we don't use any chalk 10:19:49
 24 anymore. 10:19:53
 25 Q. Do you have white boards? 10:19:54

1 A. Yes. 10:19:54
 2 Q. Nice. 10:19:56
 3 Who do they request the books from? 10:19:58
 4 A. Through the -- they request the books 10:20:00
 5 through their department chair, who forwards the 10:20:04
 6 request, or they can send it themselves, after it's 10:20:06
 7 been approved, to the textbook clerk. 10:20:10
 8 Q. I'll ask you about the textbook clerk a 10:20:20
 9 little later. 10:20:22
 10 What are some of the other things the 10:20:23
 11 teachers do the first few weeks of class? Take 10:20:25
 12 attendance, get the books. 10:20:28
 13 A. Establish the ground rules in terms of 10:20:30
 14 homework, discipline, any type of assistance they 10:20:33
 15 want to provide to students after school or at lunch. 10:20:37
 16 Q. Are there classes in which a teacher would 10:20:48
 17 have to review material from the last school year to 10:20:50
 18 get them up to speed for this school year? 10:20:54
 19 A. That would be guessing on my part. 10:21:00
 20 Q. Okay. Anything else you can think of that 10:21:02
 21 teachers do the first couple of weeks of school? 10:21:07
 22 A. If they are shy a desk or two, they can 10:21:09
 23 request another desk or request a desk to be removed 10:21:13
 24 because there's too many. 10:21:16
 25 Q. Anything else? 10:21:21

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1 A. If their computer is working or not, 10:21:24
 2 anything that has to be done with the computer in the 10:21:27
 3 classrooms. 10:21:30
 4 Q. Is it true there is -- at the beginning of 10:21:32
 5 the school year, there's kind of a lot of movement as 10:21:35
 6 far as students maybe switching classes or the roll 10:21:39
 7 sheet won't stay exactly the same as the first day 10:21:43
 8 the teachers get it? 10:21:46
 9 A. It happens. 10:21:48
 10 MR. CHOATE: Objection. Lacks foundation, 10:21:50
 11 assumes facts not in evidence. 10:21:51
 12 MR. FRIEDMAN: You can answer. 10:21:55
 13 BY MS. CHECEL: 10:21:55
 14 Q. You can answer. 10:21:55
 15 A. Repeat the question, please. 10:21:56
 16 MS. CHECEL: Could you read back the 10:21:58
 17 question, please. 10:21:58
 18 (The following question was 10:21:58
 19 read by the reporter: 10:21:32
 20 "QUESTION: Is it true there is -- 10:21:32
 21 at the beginning of the school 10:21:34
 22 year, there's kind of a lot of 10:21:36
 23 movement as far as students maybe 10:21:37
 24 switching classes or the roll sheet 10:21:39
 25 won't stay exactly the same as the 10:21:44

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1 first day the teachers get it?") 10:21:46
 2 THE WITNESS: Did you say a lot or some or 10:22:00
 3 one or two? 10:22:23
 4 BY MS. CHECEL: 10:22:24
 5 Q. Is there any movement? 10:22:24
 6 A. Yes, there is. 10:22:27
 7 Q. How long would you estimate it takes for the 10:22:29
 8 classes to solidify and have the same group of 10:22:32
 9 students that's in there that's going to be there for 10:22:36
 10 the entire semester? 10:22:38
 11 A. About a week, two weeks. 10:22:42
 12 Q. And at the end of a school year, what are 10:22:54
 13 the things that the teachers at Huntington Park do to 10:22:58
 14 wind up the school year? 10:23:03
 15 A. If those teachers give finals, they give 10:23:04
 16 final examinations, of course, to provide a course 10:23:07
 17 grade for the student. Then submit the paperwork to 10:23:12
 18 the offices for computerization, and then return them 10:23:16
 19 back to the teacher for verification in case there 10:23:23
 20 was a typing error in the computer. 10:23:25
 21 Q. When you refer to "paperwork," what are you 10:23:28
 22 talking about? 10:23:30
 23 A. The grades are forwarded to the counseling 10:23:31
 24 office for printing, and then it's printed, and then 10:23:35
 25 it's sent back to the teacher for verification so 10:23:40

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1 there's no typing errors on it. 10:23:43
 2 Usually a close-out sheet where they go to 10:23:49
 3 various administrators in terms of they are going to 10:23:53
 4 return keys; if they have returned all their books, 10:23:57
 5 they have to be signed off by the textbook clerk; the 10:24:01
 6 plant manager has to sign off. 10:24:05
 7 It's a form where there are signatures 10:24:07
 8 required to say they cleared various areas on campus 10:24:10
 9 and they basically have completed everything to move 10:24:13
 10 on to the next school semester or school year. 10:24:16
 11 Q. Do you know when books are collected? 10:24:18
 12 A. Right now -- well, I would say about a week 10:24:21
 13 or two before the end of the school year. 10:24:24
 14 Q. And then are there any other supplies that 10:24:28
 15 they have to collect from the students that you are 10:24:31
 16 aware of? 10:24:33
 17 A. In terms of what the district provides them, 10:24:35
 18 no. 10:24:38
 19 Q. Okay. Are teachers required to disassemble 10:24:41
 20 their classrooms and take down decorations or 10:24:51
 21 instructional materials they have hanging on the 10:24:51
 22 walls? 10:24:51
 23 A. Yes. 10:24:51
 24 Q. Do you know how long that takes for a 10:24:53
 25 teacher to gather his or her belongings and remove 10:24:55

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1 things from the classroom? 10:24:59
 2 A. I would say maybe a week or two, maybe a 10:25:06
 3 week. 10:25:08
 4 Q. Does Huntington Park offer intervention or 10:25:11
 5 remediation services? 10:25:15
 6 A. Yes. 10:25:15
 7 Q. Can you explain to me what 10:25:17
 8 intervention/remediation services are? 10:25:18
 9 A. Remediation, we provide what they call 10:25:23
 10 intersession, which is a year-round school's 10:25:27
 11 terminology for summer school. We have six 10:25:30
 12 intersession groups, two per track. 10:25:34
 13 Counselors work with the students in terms 10:25:40
 14 of any type of intervention that may be needed. We 10:25:43
 15 have our own school psychologist. We have pupil 10:25:47
 16 services and attendance workers for students who have 10:25:54
 17 problems attending school. 10:25:58
 18 We have our own nurse. We work with Healthy 10:26:00
 19 Start, which is a community-based program on health 10:26:04
 20 issues that we can provide health services for the 10:26:06
 21 students for free of cost if funding -- if money is 10:26:10
 22 an issue. 10:26:16
 23 We can utilize whatever services the 10:26:17
 24 district has to provide what services a student may 10:26:18
 25 need. We work with the County probation office to 10:26:25

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1 assist those students on probation. 10:26:34
 2 It's quite a bit. 10:26:42
 3 Q. So is it my understanding that intersession, 10:26:44
 4 the Healthy Start program, working with the County 10:26:48
 5 probation office, are those intervention services? 10:26:50
 6 Are those labeled intervention services? 10:26:54
 7 A. Well, maybe there's a degree of definition 10:26:58
 8 that we have. 10:27:02
 9 To me, a kid who is failing and he needs 10:27:02
 10 intersession, that's intervention. 10:27:05
 11 Q. Okay. 10:27:08
 12 A. Okay. If the kid is failing because of 10:27:10
 13 problems in the home or whatever, we get our own 10:27:11
 14 counseling services involved. We get our 10:27:14
 15 psychological services involved. If it's because of 10:27:17
 16 a probationary problem or an issue that deals with 10:27:19
 17 the courts, we work with the kids. 10:27:22
 18 So it's a broad picture that I paint for you 10:27:25
 19 there. 10:27:28
 20 Q. Okay. So intervention is providing 10:27:28
 21 assistance to kids -- 10:27:30
 22 A. I look at it in terms of exactly how we can 10:27:32
 23 help kids. 10:27:35
 24 Q. Okay. And is the intersession available to 10:27:36
 25 kids who want to take classes but they don't 10:27:43

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1 necessarily need to take them -- 10:27:45
 2 A. No. 10:27:47
 3 Q. -- or is it just for kids who have failed a 10:27:47
 4 class? 10:27:50
 5 A. Those are classes that a student may require 10:27:50
 6 for graduation purposes, for course requirements in 10:27:52
 7 order to move to the next level, et cetera. 10:27:58
 8 Q. Is intervention different than remediation 10:28:04
 9 services? 10:28:07
 10 A. I put all that together. 10:28:08
 11 Q. Okay. 10:28:08
 12 A. I put all that together. 10:28:10
 13 Q. Okay. 10:28:10
 14 A. How can I best help the kid. 10:28:13
 15 Q. And when are these services offered at 10:28:15
 16 Huntington Park? You said intersession -- 10:28:18
 17 A. Well, it's basically offered all the time. 10:28:20
 18 Intersession programs begin at the start of every 10:28:23
 19 track. With a track going on, the track that is off 10:28:27
 20 is offered the intersession program. So when the 10:28:33
 21 track comes back and that next track goes off, they 10:28:36
 22 are offered the intersession programs. 10:28:39
 23 Q. So they are offered during normal school 10:28:41
 24 hours? 10:28:43
 25 A. Normal school hours. What would normally be 10:28:44

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1 a summer school program from -- basically hours it 10:28:46
 2 goes is from 7:30 to 12:24. 10:28:50
 3 Q. Do you offer any of these programs on the 10:28:57
 4 weekends or in the afternoons? 10:28:59
 5 A. We try to utilize what the district has to 10:29:01
 6 offer through the adult school programs in the 10:29:06
 7 afternoon and the adult school program in the 10:29:08
 8 evening. 10:29:13
 9 Students have their own -- if they are -- 10:29:13
 10 they can go to the junior colleges. That's kind of 10:29:17
 11 rare, but that's available to them. 10:29:21
 12 Q. And the programs that you offer through this 10:29:22
 13 intervention/remediation system that you have, are 10:29:25
 14 those classes that are held on the Huntington Park 10:29:30
 15 High School campus? 10:29:34
 16 A. Yes. 10:29:34
 17 Q. Okay. And I just want to get your opinion 10:29:38
 18 on what you think is important for a student to have 10:29:39
 19 in order to learn and have a fruitful education. 10:29:43
 20 A. Believe it or not, it's the three R's: 10:29:49
 21 reading, writing, and arithmetic. 10:29:53
 22 Q. And are the things that students need to be 10:30:03
 23 able to learn to read, write, and learn arithmetic -- 10:30:04
 24 in your opinion, what things do students need in 10:30:08
 25 order to learn to read, writing, and learn 10:30:13

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1 arithmetic? 10:30:16
 2 A. Well, I'm assuming the school district has 10:30:18
 3 provided that since the elementary school level to do 10:30:20
 4 that, and by the time they get to the high school 10:30:24
 5 level, we should be at the point of refining some of 10:30:26
 6 those skills or providing more advanced information 10:30:30
 7 in those areas such as the calculus classes and AP 10:30:33
 8 physics. 10:30:37
 9 Q. Do you think that students need books to 10:30:38
 10 learn and refine these skills? 10:30:41
 11 A. Books, yes, are necessary in a school 10:30:46
 12 program; however, a good teacher can do a lot. 10:30:49
 13 Q. Can you think of other tools that are 10:31:03
 14 necessary for a student to be able to either learn or 10:31:03
 15 refine the skills that you've mentioned? 10:31:03
 16 A. Well, they have to be computer literate. 10:31:03
 17 They have to know how to express themselves well 10:31:11
 18 verbally, and hopefully through the courses they have 10:31:16
 19 taken, they can come up with a logical answer 10:31:23
 20 verbally or in writing, and that comes through the 10:31:33
 21 period of time that they have been in school. 10:31:38
 22 Q. Okay. Do you feel that Huntington Park High 10:31:40
 23 School is able to offer the tools that the students 10:31:43
 24 need for them -- 10:31:46
 25 A. Yes. 10:31:46

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1 Q. Have you ever been prevented from making 10:31:50
 2 sure that students get things that they need in any 10:31:52
 3 way? 10:31:56
 4 A. No. 10:31:56
 5 Q. Are you at all involved in formulating 10:31:59
 6 Huntington Park's school budget? 10:32:01
 7 A. There are some budgets in the school which I 10:32:07
 8 do manage, and there are other budgets that are run 10:32:09
 9 through committee. 10:32:13
 10 Q. Which budgets do you manage? 10:32:15
 11 A. Basically the compensatory budgets, Title I 10:32:20
 12 and bilingual. 10:32:23
 13 Q. And then what are the budgets that other 10:32:26
 14 people manage? 10:32:34
 15 A. Big one is 4170, which is your instructional 10:32:36
 16 materials account. 10:32:39
 17 Oh, gee, there are so many. 10:32:40
 18 Q. Who manages that one? 10:32:42
 19 A. That is done by committee, and we vote on 10:32:44
 20 issues to buy instructional materials, et cetera, 10:32:47
 21 through those budgets. 10:32:52
 22 Departments can request from the budget 10:32:56
 23 committee funding for maybe additional instructional 10:32:58
 24 materials or additional materials that their program 10:33:04
 25 would not have. For example, ballet folklore 10:33:09

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1 requested money for the costumes, and they received 10:33:13
 2 it. 10:33:16
 3 Q. Who is on this committee? 10:33:17
 4 A. Committee is made up of members of the 10:33:18
 5 shared decision-making committee, SDM, and it's made 10:33:20
 6 up of an administrator and the teachers that would 10:33:26
 7 like to serve on that committee, parents and/or 10:33:29
 8 students. 10:33:32
 9 Q. Do you know who is on that committee this 10:33:33
 10 year? 10:33:35
 11 A. I can't give you an exact answer. I know 10:33:41
 12 Mr. Gunderson handles our budgets as the 10:33:45
 13 administrator. Right. 10:33:49
 14 Q. Aside from Title I, bilingual education, and 10:33:51
 15 4170, are there other budgets? 10:33:56
 16 A. There's a whole slew of them. I just don't 10:33:58
 17 recall them right now. 10:34:01
 18 Q. Would you like to take a break now? 10:34:04
 19 A. Okay. 10:34:08
 20 Q. Why don't we take a five-minute break. You 10:34:08
 21 can ask for a break whenever you want. 10:34:11
 22 A. I know. Thank you. 10:34:12
 23 (Off the record.) 10:41:57
 24 MS. CHECEL: Back on the record. 10:41:58
 25 Q. I want to get some brief background 10:42:01

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1 information about Huntington Park High School. 10:42:04
 2 Do you know how many students are enrolled 10:42:07
 3 in Huntington Park High School? 10:42:09
 4 A. Approximately 4,300. 10:42:11
 5 Q. And that's grade nine through twelve -- 10:42:14
 6 A. Yes. 10:42:14
 7 Q. -- is that correct? 10:42:18
 8 Of the 4,300, do you know how many are 10:42:21
 9 eligible for free or reduced-price meals? 10:42:25
 10 A. The last time we checked, it was 92 percent. 10:42:29
 11 Q. And where do you check to find out this 10:42:31
 12 information? 10:42:34
 13 A. Based on the applications. 10:42:35
 14 Q. Applications for -- 10:42:38
 15 A. For the federal lunch program. 10:42:39
 16 MR. FRIEDMAN: Just make sure she is 10:42:45
 17 finished before you answer. 10:42:46
 18 THE WITNESS: Yes, I know where she is 10:42:48
 19 going, but I'll stop. 10:42:49
 20 BY MS. CHECEL: 10:42:50
 21 Q. You know where I'm going already. 10:42:50
 22 Are those applications that are submitted by 10:42:52
 23 students? Who are those applications submitted by? 10:42:56
 24 A. Students. 10:42:58
 25 Q. Okay. Do you know the racial breakdown or 10:43:00

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1 the ethnic breakdown of the student population at 10:43:02
 2 Huntington Park High School? 10:43:05
 3 A. 98.8 percent Hispanic; I think about four 10:43:07
 4 tenths African-American; six tenths Asian; maybe 10:43:19
 5 about a percent classified as White; and although 10:43:28
 6 they don't in numbers come up to decimal figure, we 10:43:41
 7 may have an American Indian. 10:43:47
 8 That doesn't add up to 100 percent. 10:43:52
 9 Q. That's okay. It's approximation. 10:43:54
 10 How do you find out what the racial 10:43:58
 11 breakdown is in your school? 10:44:01
 12 A. Report that is sent to me based on the 10:44:04
 13 enrollment figure or enrollment -- the number of 10:44:06
 14 students at our school. 10:44:11
 15 Q. Who sends those reports? 10:44:13
 16 A. The district. 10:44:14
 17 Q. And where do they get their information? 10:44:15
 18 A. Information that we provide through our 10:44:18
 19 accounting practices, student accounting practices, 10:44:21
 20 at school. 10:44:24
 21 Q. Does a student or parent classify himself or 10:44:26
 22 herself in a particular category? 10:44:29
 23 A. Yes. 10:44:29
 24 Q. Do you know the dropout rate at Huntington 10:44:33
 25 Park High School? 10:44:36

1 A. It could vary anywhere from 14 percent to 10:44:37
 2 the best we have is 4 percent, and I think currently 10:44:41
 3 we are running about 7 percent. 10:44:46
 4 Q. How many AP courses -- well, let me ask you 10:44:51
 5 this. 10:44:54
 6 Huntington Park does offer AP courses? 10:44:55
 7 A. Yes. 10:44:55
 8 Q. How many AP courses does Huntington Park 10:44:59
 9 offer? 10:45:03
 10 MR. FRIEDMAN: Are you talking about 10:45:03
 11 annually? 10:45:04
 12 BY MS. CHECEL: 10:45:06
 13 Q. Annually. 10:45:06
 14 A. I can't give you a count right now. 10:45:07
 15 Q. Can you tell me which AP courses are 10:45:17
 16 offered? 10:45:17
 17 A. We offer them in mathematics, calculus, 10:45:17
 18 English AP courses like literature, for example, 10:45:21
 19 Spanish literature, translation of art. We used to 10:45:24
 20 offer advanced placement music, but he transferred. 10:45:33
 21 That's all I can recall right now. 10:45:44
 22 MR. FRIEDMAN: About what in social studies? 10:45:46
 23 THE WITNESS: Yes. In the social sciences, 10:45:48
 24
 25 we have economics. We have -- it's government and 10:45:50

1 economics. We also offer -- 10:45:58
 2 BY MS. CHECEL: 10:46:06
 3 Q. Do you have a world history -- 10:46:06
 4 A. World history classes, yes. What is that 10:46:08
 5 program? 10:46:13
 6 Q. Do you have American history? Is that an AP 10:46:14
 7 class? 10:46:17
 8 A. I don't know if we have an American history 10:46:17
 9 class. We have American lit. 10:46:19
 10 Q. Do you have any science AP classes? 10:46:23
 11 A. No, but we will have. 10:46:27
 12 Q. What are you going to have? 10:46:28
 13 A. Advanced placement bio and advanced 10:46:32
 14 placement physics. 10:46:34
 15 Q. Have you hired a teacher that's -- 10:46:35
 16 A. Yes. 10:46:35
 17 Q. When is this teacher starting to teach? 10:46:38
 18 A. They will start -- the school year starts 10:46:41
 19 for us July 2nd; however, it's going to take both of 10:46:45
 20 them a year to get the kids together to open up the 10:46:48
 21 AP bio and AP physics, but we have it now. 10:46:51
 22 Q. So the kids have to fulfill -- 10:46:54
 23 A. Yes. 10:46:54
 24 Q. -- certain prerequisites? 10:46:57
 25 A. Yes. 10:46:57

1 Q. And turning now to honors courses. Does 10:47:02
 2 Huntington Park offer honors courses? 10:47:05
 3 A. Across the board. 10:47:08
 4 Q. What is the difference between an AP course 10:47:10
 5 and honors course? 10:47:12
 6 A. The AP courses are college equivalent 10:47:14
 7 courses. The honors courses are the next below them. 10:47:17
 8 So a student can go to an honors class and follow it 10:47:23
 9 with the advanced placement course. 10:47:26
 10 Q. And do you know which types of honors 10:47:29
 11 courses are offered at Huntington Park? 10:47:31
 12 A. Across the board: math, science, social 10:47:35
 13 studies, English. 10:47:39
 14 Q. How is the student eligible to take an 10:47:40
 15 honors course? 10:47:43
 16 A. Choice, they can be recommended. 10:47:47
 17 Q. By a teacher? 10:47:57
 18 A. By a teacher, yes. That's about it. 10:47:58
 19 Q. Okay. Are certain students categorized as 10:48:05
 20 honor students and others regular students or 10:48:08
 21 remedial students? 10:48:12
 22 A. Those students that take those classes are 10:48:14
 23 usually identified as honor students. We do have 10:48:17
 24 students that are in special education, but that's 10:48:21
 25 different from an instructional point. It's based on 10:48:24

1 other factors. 10:48:27
 2 I think the only differentiation you make -- 10:48:31
 3 you don't say "regular students" or -- it's just a 10:48:33
 4 student that has honors or advanced placement 10:48:37
 5 classes. 10:48:41
 6 Q. Would that be indicated somewhere on a 10:48:42
 7 student's record aside from the report card -- 10:48:44
 8 A. Yes, they are noted on the report card. 10:48:49
 9 Q. I would like to talk about the textbook 10:48:50
 10 situation at Huntington Park High School. How are 10:48:52
 11 the needs for textbooks for Huntington Park 10:48:56
 12 determined? 10:49:00
 13 A. That's determined by the departments. 10:49:00
 14 Q. How does a department determine which books 10:49:05
 15 they need? Let's start there. 10:49:08
 16 A. Usually the teachers in conjunction with the 10:49:12
 17 department chairman will look at what books they have 10:49:15
 18 for the programs that are going to be presented, and 10:49:18
 19 then they put together a list of the needs they will 10:49:22
 20 have based on courses that are coming up, whether 10:49:26
 21 there's a shortage or whether there is a new class 10:49:28
 22 offering that they would like to have, so they can 10:49:31
 23 get the books for that. 10:49:35
 24 Q. When you say they put together a list, where 10:49:41
 25 does this list go? 10:49:44

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1 A. It goes to the department chair, and then 10:49:45
 2 the department chair can request that of the 10:49:48
 3 individual in that budget area, and he -- 10:49:54
 4 Mr. Gunderson -- if it comes from State textbook 10:49:58
 5 funds, then it's just you have to go with whatever 10:50:02
 6 criteria the State has set for selecting books from 10:50:05
 7 the State textbook fund, and for the most part, we 10:50:10
 8 have an adequate number -- we have books for each of 10:50:14
 9 our kids. 10:50:16
 10 Q. You said that they give a list to 10:50:17
 11 Mr. Gunderson. 10:50:20
 12 A. Yes. 10:50:20
 13 Q. All the departments -- 10:50:22
 14 A. Right. 10:50:24
 15 Q. -- submit the list -- 10:50:24
 16 A. Right. 10:50:25
 17 Q. -- to Mr. Gunderson? 10:50:25
 18 A. Right. 10:50:27
 19 Q. From there, how does Mr. Gunderson -- I know 10:50:27
 20 there's a budget committee. How does he determine 10:50:30
 21 which departments will get the books? 10:50:33
 22 A. Sometimes it's based on the frequency or the 10:50:35
 23 recency, I should say, that they requested books. If 10:50:40
 24 it's another department's chance to order because 10:50:43
 25 they haven't ordered in the last two or three years, 10:50:45

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1 then they are put at the front of the pack. 10:50:48
 2 We -- you have to make sure that you have 10:50:52
 3 books for every kid. So if the clerk tells a 10:50:55
 4 department, "We can't give you those books," there 10:50:58
 5 are books they still can use. They are just not as 10:51:01
 6 updated. 10:51:04
 7 One of the areas you do have concern is 10:51:05
 8 English classes and lit classes. Each teacher wants 10:51:07
 9 a different book, and most of those are paperbacks 10:51:11
 10 for their students because they feel that's what 10:51:16
 11 their kids need for -- 10:51:19
 12 Q. So -- sorry. Go ahead. 10:51:20
 13 A. -- for their classes. 10:51:29
 14 Q. So in English literature, teachers are 10:51:29
 15 requesting, for example, novels versus a compilation 10:51:29
 16 of literary works? 10:51:29
 17 A. Either, either. 10:51:32
 18 Q. Aside from the frequency of how many times a 10:51:34
 19 department has asked for new books, what other 10:51:39
 20 factors are considered in determining which 10:51:41
 21 department will get their list fulfilled? 10:51:44
 22 A. Money. 10:51:48
 23 Q. Is the book budget divided so that certain 10:51:54
 24 money has to go for certain departments? How does 10:51:58
 25 that work? 10:52:01

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1 A. Based on need. 10:52:02
 2 Q. Based on need? 10:52:03
 3 A. Yes. 10:52:03
 4 Q. How do you determine which departments need 10:52:05
 5 books? 10:52:08
 6 A. If you have within a department a book that 10:52:09
 7 has been used that maybe is five years or six years 10:52:10
 8 old, you try to update that, if there's a new 10:52:14
 9 copyright issue. 10:52:17
 10 Q. Do you have an inventory system set up at 10:52:23
 11 your school? 10:52:26
 12 A. Yes. 10:52:26
 13 Q. Please explain that and describe that to me. 10:52:27
 14 A. For textbooks -- our textbook clerk was one 10:52:30
 15 of the first to computerize textbooks in a school, 10:52:35
 16 and so she has everything on a disk. 10:52:40
 17 Q. Is the textbook clerk a teacher or staff 10:52:44
 18 member? 10:52:49
 19 A. Staff. 10:52:50
 20 Q. Is that a full-time position? 10:52:50
 21 A. Yes, that is. 10:52:53
 22 Q. And you said she computerized the inventory 10:52:54
 23 of textbooks -- 10:52:57
 24 A. Yes -- 10:52:57
 25 Q. -- that you have in school? 10:52:59

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1 A. -- by department. 10:53:00
 2 Q. Can you describe that to me, the 10:53:01
 3 computerized inventory. 10:53:02
 4 A. Math -- all the math books' numbers, 10:53:04
 5 et cetera, the different titles, and the numbers you 10:53:07
 6 have, and then you go by department. 10:53:10
 7 Q. So it's divided up by department. 10:53:13
 8 Do the teachers then request textbooks from 10:53:19
 9 the textbook clerk or from their department chair? 10:53:21
 10 A. Their department chair. 10:53:25
 11 Q. Does the department chair request books from 10:53:26
 12 the textbook clerk? 10:53:29
 13 A. Yes. Sometimes the teacher will go directly 10:53:32
 14 to the textbook clerk, and if there is no big to-do, 10:53:34
 15 then it's given. For control purposes, by going 10:53:38
 16 through the department chair, a teacher who likes a 10:53:42
 17 particular book does not necessarily get to keep it 10:53:47
 18 while they are off track. 10:53:51
 19 Q. Okay. So if a teacher goes off track -- 10:53:53
 20 A. Books are returned. 10:53:57
 21 Q. -- books are returned and distributed to a 10:53:59
 22 teacher on the next track? 10:54:01
 23 A. Right, if they want it. 10:54:03
 24 Q. If they want it? 10:54:04
 25 A. I'm thinking of American lit. If they want 10:54:05

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1 it. 10:54:07

2 Q. Okay. As far as the numbers of books that 10:54:08

3 you have -- you said that every student has a book -- 10:54:10

4 do you mean by that every student while they are in 10:54:15

5 class has a book? 10:54:17

6 A. Yes. 10:54:17

7 Q. Do they also have books to take home? 10:54:18

8 A. Yes. 10:54:18

9 Q. And how do you know this? 10:54:21

10 A. Based on what was our funding and the fact 10:54:25

11 that past years our superintendent wanted to make 10:54:29

12 sure that every kid had a book, we ordered sufficient 10:54:32

13 numbers, and we try to keep up the inventory. 10:54:36

14 There may be a particular time when you are 10:54:41

15 going through a new adoption that you hold back until 10:54:43

16 the adoption is made by the State so you are not 10:54:47

17 going to buy a book that's not within the California 10:54:50

18 framework. 10:54:53

19 Q. Can you think of an instance where a 10:54:54

20 particular book was being adopted but it wasn't yet 10:54:56

21 the official book to be used, let's say, in science 10:55:00

22 and so there was a holdback on ordering? 10:55:02

23 A. In particular, mathematics. We waited a 10:55:05

24 year until the State of California identified the 10:55:08

25 next to be used in algebra. 10:55:11

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1 Q. And during that year, did kids have math 10:55:15

2 textbooks? 10:55:19

3 A. Yes, they had an Algebra book. 10:55:21

4 Q. And do you know how that book was different 10:55:25

5 from the book that was later adopted by the State? 10:55:27

6 A. The State comes up with its standards, and 10:55:30

7 they put those standards to print, and the book 10:55:33

8 publishers in seeking the contract will develop the 10:55:36

9 book in the fashion that the State may want it, and 10:55:43

10 given State approval, then that company is allowed to 10:55:47

11 sell the books to schools, school districts, 10:55:50

12 et cetera. 10:55:54

13 Q. Okay. During this year period when there 10:55:55

14 was an adoption of a math book, Algebra book, taking 10:55:56

15 place, did you or anyone at Huntington Park have any 10:56:02

16 conversation with the State about what was going on 10:56:07

17 with the book? 10:56:09

18 A. Usually do that through the district people. 10:56:10

19 Q. Who at the district communicates with the 10:56:12

20 State about textbook issues? 10:56:14

21 A. I would have to refer you to textbook 10:56:16

22 services. 10:56:18

23 Q. Is this a department in the district that's 10:56:18

24 called textbook services? 10:56:23

25 A. I don't know if it's called textbook 10:56:24

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1 services, but usually the superintendent in charge of 10:56:26

2 instruction, that office would be within that area. 10:56:28

3 Q. So you are not certain whether or not there 10:56:37

4 was communication between the superintendent of 10:56:39

5 instruction and the State regarding textbook issues? 10:56:41

6 A. I don't know that. 10:56:44

7 Q. Okay. The textbook clerk who does the 10:56:57

8 inventory, does she distribute this inventory -- all 10:56:59

9 the information to you? 10:57:11

10 A. If I requested it, yes, it would be there. 10:57:11

11 She works with the department chairpersons, and 10:57:11

12 Mr. Gunderson also does textbooks since he orders 10:57:12

13 them. 10:57:15

14 Q. Do the department chairs receive the list of 10:57:15

15 inventory books? 10:57:18

16 A. Usually it's the other way around, that the 10:57:20

17 department chairs are telling us what books they have 10:57:24

18 and they are using. 10:57:26

19 She also has a copy of what has been 10:57:27

20 distributed, and that way they can keep an inventory 10:57:30

21 of the books they have so, when they come up for a 10:57:34

22 new request, they know who is requesting it and how 10:57:36

23 many they have to buy. 10:57:40

24 Q. Okay. 10:57:40

25 A. So it's a mutual. 10:57:41

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1 Q. It's back and forth -- 10:57:42

2 A. Yeah. 10:57:42

3 Q. -- between the department chairs -- 10:57:44

4 A. Right. 10:57:45

5 Q. -- and the textbook clerk? 10:57:46

6 A. And sometimes the teacher will go in there 10:57:47

7 and ask and give them information. 10:57:49

8 Q. Do you know if the textbook clerk 10:57:52

9 communicates with anybody in the State about the 10:57:53

10 number of textbooks that Huntington Park Senior High 10:57:55

11 has? 10:57:59

12 A. I don't know that. I don't think she does, 10:57:59

13 but I haven't been told that anybody contacted her. 10:58:02

14 Q. Does she communicate with anybody in the 10:58:06

15 district office -- 10:58:09

16 A. Yes. 10:58:09

17 Q. -- about textbooks? 10:58:11

18 A. Yes. 10:58:11

19 Q. Would that be the superintendent in charge 10:58:12

20 of instruction? 10:58:14

21 A. Well, maybe not the superintendent, but 10:58:16

22 somebody in that office that handles that aspect. 10:58:16

23 Q. Okay. In that department. 10:58:19

24 Are you aware of any situation at Huntington 10:58:27

25 Park, since you have been there, in which students 10:58:29

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1 have been required to share textbooks while they are 10:58:32
 2 in class? 10:58:35
 3 A. At this time I don't recall any. 10:58:36
 4 Q. What about a situation where a teacher was 10:58:38
 5 not able to assign a textbook for a student for any 10:58:42
 6 period of time? 10:58:46
 7 A. Again, I don't recall any. 10:58:49
 8 Q. Are you aware of any classes in Huntington 10:58:56
 9 Park -- let's say aside from art, but any 10:58:58
 10 academic-based courses -- where books are not 10:59:01
 11 utilized by teachers? 10:59:04
 12 A. We had an advanced placement music program 10:59:07
 13 which didn't require books per se -- 10:59:09
 14 Q. Aside from -- 10:59:12
 15 A. -- but they did order music scores. 10:59:13
 16 Q. Aside from the AP music class, any other 10:59:16
 17 classes where teachers opt not to use textbooks? 10:59:18
 18 A. Right now, I don't recall any. 10:59:24
 19 Q. Are you aware of any instances where 10:59:25
 20 students have been asked to purchase a book out of 10:59:28
 21 their own money? 10:59:32
 22 A. No, I'm not aware of any. 10:59:36
 23 Q. Have you ever received complaints from 10:59:41
 24 teachers that they do not have enough books to 10:59:44
 25 distribute to their students? 10:59:47

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1 A. I think it's more along the lines of a 10:59:49
 2 particular book they wanted to use instead of the one 10:59:51
 3 that was in the textbook room. 10:59:54
 4 Q. Why do you think a teacher would want a 10:59:56
 5 particular book instead of the one that is there 10:59:58
 6 available to them? 11:00:01
 7 A. You have to ask them. It could be 11:00:02
 8 preference of the way the material is presented, 11:00:06
 9 maybe it's an AP lit book, the author that is a 11:00:09
 10 favorite of theirs. It could run the gamut. 11:00:14
 11 Q. Aside from teachers complaining because they 11:00:20
 12 don't have the particular book or edition or author 11:00:23
 13 that they want, have you had complaints from teachers 11:00:26
 14 that they don't have enough books to give to kids to 11:00:29
 15 take home? 11:00:31
 16 A. I don't recall any. 11:00:33
 17 Q. Have you ever received complaints from -- 11:00:34
 18 are you aware of anybody else at Huntington Park 11:00:38
 19 receiving complaints from teachers about not having a 11:00:41
 20 sufficient number of textbooks? 11:00:46
 21 A. I don't recall any at this time. 11:00:48
 22 Q. Have you received any complaints from 11:00:50
 23 parents about their children not having enough 11:00:52
 24 textbooks? 11:00:56
 25 A. I don't recall at this time having any 11:00:59

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1 parent complaints. 11:01:00
 2 Q. Have you had any complaints from students 11:01:01
 3 regarding textbooks? 11:01:03
 4 A. No, I don't recall any. 11:01:14
 5 Q. So you are not aware of any instance where a 11:01:23
 6 teacher has lacked a textbook for class or for his 11:01:25
 7 student to take home? 11:01:29
 8 A. No. 11:01:29
 9 Q. Okay. Are you aware of any procedures that 11:01:33
 10 you would have to report -- if this were to ever 11:01:35
 11 happen -- to report this to the State of California? 11:01:39
 12 A. That's a supposition I don't even want to 11:01:46
 13 get into. 11:01:50
 14 Q. But do you know if there are any procedures 11:01:52
 15 available to you where you can submit a complaint to 11:01:53
 16 the State about things going on in your school? 11:01:57
 17 A. If anything, I would contact the assistant 11:02:00
 18 superintendent in charge of instruction. 11:02:03
 19 Q. Okay. Let's take this year. For example, 11:02:13
 20 can you go through the process about how the school 11:02:17
 21 gets its new books. 11:02:19
 22 If you have already given me some of the 11:02:20
 23 information, forgive me, but I want to get it all in 11:02:23
 24 order so I understand it. 11:02:26
 25 MR. FRIEDMAN: I'm sorry. This upcoming 11:02:27

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1 school year or past year? 11:02:29
 2 BY MS. CHECEL: 11:02:30
 3 Q. This school year, 2000/2001. 11:02:31
 4 A. I don't recall right now if we received any 11:02:34
 5 particular textbooks for any particular department, 11:02:36
 6 but if we did, it would have been based on the 11:02:41
 7 department chair requesting the funding for 11:02:46
 8 Mr. Gunderson and the order being placed, the 11:02:48
 9 textbook clerk receiving the books, and logging them, 11:02:52
 10 and then having the teachers request the number of 11:02:57
 11 books that they would need for the school year or -- 11:03:01
 12 excuse me -- for that mester, and then, of course, 11:03:12
 13 making sure that at the end of that mester the books 11:03:12
 14 are returned if it was not a continuous semester. 11:03:12
 15 Mesters -- there's three mesters in a 11:03:20
 16 semester. Okay. And they are aligned to how many 11:03:27
 17 openings and closings you have. So you have three 11:03:32
 18 opening and closing. 11:03:35
 19 So B and C track comes on, that's mester 1. 11:03:36
 20 Mester 2 is when B track leaves and A track comes on. 11:03:41
 21 So you have A and C on mester 2. 11:03:46
 22 Mester 3 is when C track leaves and A and B 11:03:50
 23 are on track. So three mesters make up one semester. 11:03:59
 24 Now A track and C track are continuous. 11:04:04
 25 They have two instructional cycles, two eight-week 11:04:09

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1 cycles together, and they are off one mester. 11:04:13
 2 B track is on and off again. They are on 11:04:18
 3 eight weeks and go off and on again. 11:04:22
 4 Q. I'm going to go into the tracks and when 11:04:26
 5 they start and stop and the break in a little bit. 11:04:28
 6 What does all this, as far as the mesters, 11:04:32
 7 have to do with the textbooks? 11:04:35
 8 A. Books may have to be returned by a track 11:04:37
 9 that's leaving so they can be provided to the track 11:04:39
 10 coming in so that, in the following year, following 11:04:42
 11 track change, you know, that can be taken care of so 11:04:45
 12 the students have books. 11:04:48
 13 Q. Going back to the beginning of this process 11:04:50
 14 where the department chair requests books from 11:04:52
 15 Mr. Gunderson -- 11:04:56
 16 A. That's only if they are new books; 11:04:58
 17 otherwise, they go straight -- 11:04:59
 18 Q. Straight to the -- 11:05:01
 19 A. -- straight to the book clerk. 11:05:03
 20 Q. Is it Mr. Gunderson that approves the 11:05:06
 21 purchase the new books, or is it the committee that 11:05:09
 22 you told me about, the budgetary committee? 11:05:12
 23 A. Basically it's the teachers who approve the 11:05:15
 24 purchase of the books, and all we are looking at to 11:05:18
 25 Mr. Gunderson is for funding. 11:05:20

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1 Q. To see if there's enough money to 11:05:22
 2 purchase -- 11:05:25
 3 A. Yes. 11:05:25
 4 Q. -- what they requested? 11:05:26
 5 This system that you've described to me, is 11:05:27
 6 this the same system that was in place the previous 11:05:29
 7 school year, 1999 through 2000? 11:05:32
 8 A. Yes. 11:05:32
 9 Q. Was this also in place 1998 through 1999? 11:05:38
 10 A. As I recall, yes. 11:05:44
 11 Q. Okay. Has it been -- has the system ever 11:05:45
 12 been different than what you have described to me 11:05:50
 13 since you've been at Huntington Park High School? 11:05:52
 14 A. I can't answer that right now. You are 11:06:01
 15 asking me to go back six years. 11:06:03
 16 Q. You don't remember if -- 11:06:04
 17 A. I don't remember. 11:06:06
 18 Q. -- it varied from this -- 11:06:07
 19 A. Or if I changed anything, I don't recall. 11:06:08
 20 Q. When did you get a textbook clerk at 11:06:11
 21 Huntington Park Senior High? 11:06:13
 22 A. She was there when I was assigned. 11:06:16
 23 Q. Back in 1995? 11:06:20
 24 A. She was there. 11:06:21
 25 Q. As far as the computer system, when was that 11:06:22

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1 put in place? 11:06:24
 2 A. I can't specifically give you a time as to 11:06:24
 3 when she put it in place. 11:06:27
 4 Q. Was it this school year? 11:06:32
 5 A. Oh, no. I would say two years ago she was 11:06:33
 6 asked to go downtown to work on their computer-based 11:06:37
 7 book system, and we were already in place then. 11:06:41
 8 Q. Is that a district policy that was put in 11:06:44
 9 place a couple of years ago? 11:06:47
 10 A. I can't answer that. 11:06:50
 11 Q. I'm going to introduce an exhibit, and I 11:07:00
 12 would like to turn now to the student population and 11:07:03
 13 issues concerning how many students attend Huntington 11:07:07
 14 Park. 11:07:10
 15 Please mark this as Exhibit 1. 11:07:15
 16 (Document referred to above was 11:07:15
 17 marked as Plaintiffs' Exhibit 1 11:07:15
 18 for identification by the reporter 11:07:40
 19 and is attached hereto.) 11:07:40
 20 MS. CHECEL: For identification purposes, 11:07:40
 21 the first page of this says "Huntington Park Senior 11:07:41
 22 High," and almost in the middle of the page, it says 11:07:44
 23 "An Annual Report to the Community." It's a 16-page 11:07:47
 24 document. 11:07:50
 25 Q. Mr. Garcia, is this something -- your name 11:07:52

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1 is on the bottom. It says "Emilio H. Garcia, 11:07:55
 2 Principal." 11:07:58
 3 Do you see that? 11:07:58
 4 A. Yes. 11:07:58
 5 Q. Is this a report you put together? 11:08:00
 6 A. It's put together with the school and the 11:08:02
 7 district. 11:08:05
 8 Q. Who did you work on this report with? 11:08:05
 9 A. The information comes to me from the 11:08:07
 10 district based on information that we have provided 11:08:09
 11 them through one of our reports. 11:08:11
 12 Q. Okay. If you would turn to page 12, I would 11:08:15
 13 like to look at sort of in the middle of the page. 11:08:19
 14 It says "School Facilities and Safety." 11:08:23
 15 In that section there is a chart that has on 11:08:32
 16 the left-hand side various years, and if I could 11:08:36
 17 direct your attention to the year 1999/2000, in 11:08:42
 18 column 3, it says "School Capacity, 4,368." 11:08:47
 19 What does that mean? 11:08:54
 20 A. That's the number of students that you can 11:08:56
 21 have enrolled in school. 11:08:58
 22 Q. If you look at the column directly to the 11:09:00
 23 left where it says "Norm Day Enrollment," it says 11:09:02
 24 "4,465." What does that number indicate? 11:09:06
 25 A. That's the number of names we have gotten 11:09:19

1 from the middle school, plus what we are assuming to 11:09:19
 2 be our continuous enrollment for that school year. 11:09:19
 3 Q. But the middle school students are not 11:09:30
 4 students who attend your school? 11:09:32
 5 A. No, they are the students that we are 11:09:34
 6 expecting. 11:09:35
 7 Q. So is that -- I'm confused about what that 11:09:37
 8 number represents. Is that the number -- 11:09:40
 9 A. That's the number -- 11:09:42
 10 Q. -- you are expecting for the following year? 11:09:42
 11 A. That's norm day. Let me backtrack a little 11:09:44
 12 bit. 11:09:47
 13 Norm day is when you present the information 11:09:47
 14 relative to how many students are enrolled in your 11:09:49
 15 school as of five weeks after the start of the school 11:09:52
 16 year. 11:09:55
 17 Now, remember we have two starts. 11:09:55
 18 Q. Yeah. 11:09:58
 19 So is it accurate to say this is the number 11:10:00
 20 of students enrolled in Huntington Park five weeks 11:10:03
 21 after the school starts? 11:10:06
 22 A. Yes. 11:10:06
 23 Q. Okay. And that is greater than the number 11:10:12
 24 of school capacity? 11:10:14
 25 A. Yes. 11:10:14

1 Q. Okay. Do you know how many students are at 11:10:20
 2 Huntington Park Senior High at a given time? 11:10:24
 3 I understand you have tracks. Is there an 11:10:28
 4 average number of students attending Huntington Park? 11:10:30
 5 A. We do have a number of students -- there 11:10:36
 6 are -- you have daily absences in school so that you 11:10:44
 7 are not 100 percent each day. Okay. So that could 11:10:48
 8 vary between a Monday and a Friday -- just like 11:10:54
 9 work -- and a Monday through Thursday. So I can't 11:10:57
 10 give you -- I don't know of a number right now. 11:11:00
 11 Q. Not even an estimate about how many students 11:11:03
 12 are there? 11:11:05
 13 A. That would be a guesstimate, no. 11:11:06
 14 Q. And where did these numbers come from, the 11:11:26
 15 4,465 and then the school capacity number? 11:11:29
 16 A. The school capacity number is given to us by 11:11:32
 17 the district. 11:11:35
 18 Q. Okay. 11:11:35
 19 A. The enrollment day figures are the number of 11:11:36
 20 students that actually came in and were enrolled in 11:11:39
 21 school as of norm day. 11:11:42
 22 Q. Which is, you said, the fifth week? 11:11:44
 23 A. Fifth week of school, yes. The number of 11:11:47
 24 students enrolled on the fifth week of school. 11:11:56
 25 Q. Does this mean that the school is 11:11:58

1 overcrowded because there are more students accounted 11:12:00
 2 for on norm day enrollment than the school has a 11:12:04
 3 capacity for? 11:12:07
 4 MR. CHOATE: Objection. Mischaracterizes 11:12:08
 5 the witness's testimony. 11:12:10
 6 BY MS. CHECEL: 11:12:10
 7 Q. I was asking a question that you can 11:12:11
 8 answer. 11:12:15
 9 A. It's less than a hundred students. And 11:12:15
 10 we're a community school. So I would like to have my 11:12:20
 11 kids stay in school. 11:12:24
 12 Q. When you say you are a community school, 11:12:26
 13 what does that mean? 11:12:27
 14 A. All of our students basically come from the 11:12:29
 15 city of Huntington Park. 11:12:31
 16 Q. Okay. So in order to ensure that they can 11:12:33
 17 all attend their local school, you permit more kids 11:12:36
 18 than the school has capacity for -- 11:12:40
 19 A. Well -- 11:12:44
 20 Q. -- even though you said it's less than a 11:12:44
 21 hundred? 11:12:46
 22 A. When you go for enrollment count, you ask 11:12:47
 23 for X number of students over your enrollment, and if 11:12:51
 24 they feel it's a possibility, they will give you that 11:12:55
 25 right to go beyond your capacity. 11:12:58

1 Q. And who gives you the right to do that? 11:13:00
 2 A. Which office is that downtown? School 11:13:03
 3 utilization. 11:13:11
 4 Q. So you are given the right to have, like in 11:13:13
 5 1999/2000, 97 kids over capacity? 11:13:16
 6 A. I don't know the exact number they gave us 11:13:22
 7 at the time, but I think what you also do is you know 11:13:25
 8 you are going to have students dropping out of 11:13:28
 9 school. So if you go a little over, based on 11:13:30
 10 requesting to go over, it's based on the fact you are 11:13:35
 11 going to lose some students. 11:13:39
 12 Q. But before the other students are lost at 11:13:41
 13 some point, you are over school capacity -- 11:13:43
 14 A. Yes. 11:13:43
 15 Q. -- by a certain number? 11:13:46
 16 A. And the following week, you can lose those 11:13:48
 17 students. 11:13:50
 18 Q. Does the number of kids depicted by the 11:13:51
 19 normal day enrollment affect class size? 11:13:55
 20 A. It can. It can. 11:14:01
 21 Q. And what about having enough seats for 11:14:07
 22 students in each of their classes? 11:14:09
 23 A. Initially you can have that problem, but 11:14:11
 24 then the classes are adjusted. 11:14:13
 25 Q. How long does it usually take to make this 11:14:15

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1 adjustment where things are finally stabilized? 11:14:18
 2 A. Probably about the end of the second week. 11:14:24
 3 Q. Okay. Have you ever had complaints from 11:14:28
 4 teachers that they have too many students in their 11:14:31
 5 classes? 11:14:33
 6 A. Yes. 11:14:33
 7 Q. Okay. Can you give me an example of when 11:14:36
 8 this has happened, let's say, this calendar year 11:14:38
 9 2000/2001? 11:14:41
 10 A. I can't give you anything specific, but for 11:14:44
 11 example, if the previous year you had 37 students in 11:14:47
 12 class and then the incoming year you have 40, then 11:14:50
 13 they are going to complain, "I don't have enough 11:14:53
 14 seats for my students." 11:14:56
 15 "Well, just bring in three more chairs." 11:14:58
 16 And that's it. 11:15:02
 17 Q. Where do they get the additional chairs? 11:15:03
 18 A. We have them -- either we have a storage 11:15:05
 19 area for them or we go to those classrooms that don't 11:15:08
 20 have need for all the chairs they may have. 11:15:12
 21 Q. Okay. So they will borrow from -- 11:15:15
 22 A. Right. 11:15:17
 23 Q. -- a close classroom? 11:15:18
 24 A. They don't do it. The custodians will move 11:15:28
 25 it. 11:15:28

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1 Q. Is there a period of time during the first 11:15:28
 2 couple of weeks when students might not have a desk 11:15:28
 3 to sit at? 11:15:30
 4 A. It's a possibility. 11:15:38
 5 Q. Are you aware of any instances where a 11:15:39
 6 student hasn't had a desk? 11:15:42
 7 A. I don't remember any right now. 11:15:44
 8 Q. And have you ever had complaints from 11:15:53
 9 parents about there being too many children in a 11:16:01
 10 particular classroom? 11:16:06
 11 A. No. 11:16:07
 12 Q. Have you ever received complaints from 11:16:08
 13 students about their being too many students in a 11:16:10
 14 particular classroom? 11:16:12
 15 A. I don't recall any right now, but I could 11:16:13
 16 assume there was. 11:16:15
 17 Q. Okay. Do you usually receive the 11:16:17
 18 complaints, or is there someone else who would 11:16:18
 19 receive complaints? 11:16:21
 20 A. They usually like to come to the principal. 11:16:25
 21 Q. Go right to the top? 11:16:27
 22 A. Go right to the top. 11:16:29
 23 Q. Okay. I'm going to introduce another 11:16:32
 24 exhibit. We are done with that one. 11:16:36
 25 Could you mark this as Exhibit 2, please. 11:16:55

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1 (Document referred to above was 11:16:55
 2 marked as Plaintiffs' Exhibit 2 11:16:55
 3 for identification by the reporter 11:17:13
 4 and is attached hereto.) 11:17:13
 5 BY MS. CHECEL: 11:17:13
 6 Q. I'll let you take a couple of minutes to 11:17:13
 7 review this. 11:17:15
 8 MR. FRIEDMAN: While he's looking at that, I 11:17:46
 9 will just note the exhibit appears to begin with 11:17:48
 10 page 3 of a Board of Education report. 11:17:51
 11 MS. CHECEL: For identification purposes, 11:18:02
 12 Exhibit 2 is entitled "Desegregation Impact 11:18:04
 13 Statement." It's a -- we have it as a two-page 11:18:08
 14 document. The second page is entitled "Los Angeles 11:18:11
 15 Unified School District, School Building Planning, 11:18:15
 16 Master Plan Priority List." 11:18:19
 17 Q. Mr. Garcia, if you could look on the second 11:18:21
 18 page and in the first row of schools which is high 11:18:24
 19 schools, it says Huntington Park. 11:18:30
 20 Do you see where -- 11:18:32
 21 A. Yes. 11:18:32
 22 Q. -- that is listed? 11:18:34
 23 And if you move to the right, it 11:18:36
 24 says "Capacity Peak 2,565." My question is -- on the 11:18:38
 25 third column, it says "Seats Short at Peak," and it 11:18:47

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1 gives the number 744. 11:18:50
 2 Do you know what that means? 11:18:55
 3 A. I don't know what that means. 11:18:56
 4 Q. Okay. Have you seen this document before? 11:19:10
 5 A. No, I haven't. 11:19:11
 6 MS. CHECEL: Please mark this as Exhibit 3. 11:19:29
 7 (Document referred to above was 11:19:29
 8 marked as Plaintiffs' Exhibit 3 11:19:29
 9 for identification by the reporter 11:19:40
 10 and is attached hereto.) 11:19:40
 11 BY MS. CHECEL: 11:19:40
 12 Q. Mr. Garcia, if you could take a minute to 11:19:40
 13 review this, and Huntington Park is listed sort of 11:19:43
 14 towards the bottom of the page. Seven schools up. 11:19:46
 15 A. I got it. 11:19:50
 16 Q. Okay. For identification purposes, this is 11:19:51
 17 a document entitled "Prioritization of New 11:19:57
 18 Construction Needs." Huntington Park is the seventh 11:20:00
 19 school up from the bottom, and I'm going to direct 11:20:05
 20 your attention to -- 11:20:08
 21 First of all, have you ever seen this 11:20:10
 22 document -- 11:20:11
 23 A. No -- 11:20:11
 24 Q. -- before? 11:20:13
 25 A. -- I haven't. 11:20:14

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1 Q. Have you had time to review it? 11:20:15
 2 A. Yes. 11:20:15
 3 Q. Do you know what -- let's see. The fifth 11:20:20
 4 column down, it says "IAU Rank," if you go up to the 11:20:25
 5 top of the page. 11:20:30
 6 A. Uh-huh. 11:20:31
 7 Q. Do you know what an IAU rank is? 11:20:32
 8 A. No. 11:20:35
 9 MR. FRIEDMAN: Can I just perhaps clarify? 11:20:35
 10 MS. CHECEL: Sure. 11:20:38
 11 MR. FRIEDMAN: It may -- underscore "may" -- 11:20:38
 12 be a reference to the district's independent analysis 11:20:42
 13 unit -- that's the only identification I have of the 11:20:46
 14 term -- which is an office in the district that 11:20:52
 15 engages in review of all kinds of different district 11:20:54
 16 activities. 11:20:58
 17 MR. CHOATE: Independent analysis unit? 11:20:59
 18 MR. FRIEDMAN: Correct. 11:21:01
 19 BY MS. CHECEL: 11:21:02
 20 Q. Mr. Garcia, have you heard of the 11:21:02
 21 independent analysis unit? 11:21:04
 22 A. Vaguely. 11:21:06
 23 Q. Do you have any idea what they do? 11:21:09
 24 A. No. I can only go by independent analysis. 11:21:12
 25 Q. Okay. We are done with this one then. 11:21:16

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1 I'm going to introduce one more document. 11:21:26
 2 Please mark this as Exhibit 4. 11:21:29
 3 (Document referred to above was 11:21:29
 4 marked as Plaintiffs' Exhibit 4 11:21:29
 5 for identification by the reporter 11:21:53
 6 and is attached hereto.) 11:21:53
 7 BY MS. CHECEL: 11:21:53
 8 Q. Why don't you take a couple of minutes to 11:21:53
 9 review this document. 11:21:55
 10 A. (Complies.) 11:21:55
 11 Which school year is this for? 11:22:13
 12 Q. It starts on the first page with '94, and 11:22:14
 13 it's a five-page document, and on the fifth page, it 11:22:17
 14 goes through August 2000. It looks like at the 11:22:23
 15 bottom of the fifth page it indicates that it was 11:22:27
 16 printed September 9th, 2000. 11:22:30
 17 This was one of the documents produced by 11:22:33
 18 the district, and that's the most recent date that I 11:22:36
 19 was given. 11:22:45
 20 A. Okay. 11:22:45
 21 Would it be wrong for me to assume that, 11:23:36
 22 since the dates at the bottom of the list are 11:23:38
 23 September 9th for 2000, that these reports are 11:23:41
 24 consecutive years '94 through 2000 all done in 11:23:46
 25 August? 11:23:50

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1 Q. What do you mean? All printed in September 11:23:51
 2 or -- 11:23:53
 3 A. Yeah, printed -- the inspection in August 11:23:55
 4 and printed in September? 11:23:58
 5 Q. Actually my understanding of this -- and I 11:24:00
 6 was going to ask you your understanding -- 11:24:10
 7 First of all, for identification purposes, 11:24:10
 8 this document is a five-page document entitled "Pest 11:24:10
 9 Control Service" for the Huntington Park Senior High 11:24:11
 10 School. 11:24:14
 11 Why don't you explain to me what your 11:24:15
 12 understanding of the document is. 11:24:17
 13 A. I checked the dates on it. It's a 11:24:18
 14 continuous calendar date from '94 through 8/2000. 11:24:20
 15 Q. Yes. It appears to be a log -- 11:24:27
 16 A. Right. 11:24:29
 17 Q. -- that's continuous? 11:24:29
 18 A. Right. 11:24:30
 19 Q. Have you ever seen this document before? 11:24:30
 20 A. No. 11:24:30
 21 Q. I would like to direct your attention to -- 11:24:49
 22 let's just go to page 3. I'm seeing some of the same 11:24:52
 23 employee names in -- it looks like the fifth column 11:25:00
 24 or the third column where there is writing. 11:25:05
 25 Just picking a couple of these names, one of 11:25:09

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1 them is Bailey Prickett, P-r-i-c-k-e-t-t. 11:25:13
 2 Do you know who Bailey Prickett is? 11:25:16
 3 A. No. 11:25:16
 4 Q. The other name that I'm seeing is Jerry 11:25:20
 5 Staten, S-t-a-t-e-n. Do you know who that is? 11:25:26
 6 A. No. 11:25:26
 7 Q. Have you had a chance to review this 11:25:36
 8 document? 11:25:38
 9 A. Yes. 11:25:38
 10 Q. Are you aware what complaints have been made 11:25:40
 11 about different pests at Huntington Park Senior High 11:25:42
 12 School? 11:25:49
 13 A. Yes. 11:25:49
 14 Q. What sort of complaints are you aware of? 11:25:50
 15 A. Rodents, cockroaches, ants. 11:25:53
 16 Q. Okay. And have these complaints been made 11:25:58
 17 to you? 11:26:00
 18 A. Not necessarily. They probably go straight 11:26:01
 19 to the plant manager. 11:26:04
 20 Q. Who is the plant manager? 11:26:05
 21 A. Theodore Dunn. 11:26:07
 22 Q. Is that a Huntington Park plant manager or 11:26:08
 23 just the district? 11:26:12
 24 A. Huntington Park plant manager Theodore Dunn, 11:26:16
 25 and previous to Theodore was Felix White. 11:26:22

1 MR. CHOATE: What was Felix's last name? 11:26:27
 2 THE WITNESS: White. 11:26:30
 3 BY MS. CHECEL: 11:26:34
 4 Q. Who has made complaints to you personally 11:26:36
 5 about vermin at Huntington Park High School? 11:26:41
 6 A. I can get a complaint from a teacher 11:26:44
 7 individually, student individually. I don't recall 11:26:46
 8 any specific names. 11:26:49
 9 Q. And what action is taken when a complaint is 11:26:51
 10 received? 11:26:54
 11 A. If it's given to me, I turn it over to my 11:26:56
 12 plant manager, and if it's something that he can do 11:26:59
 13 on campus, he will do it; otherwise, he will call 11:27:02
 14 down in to the maintenance office to do whatever is 11:27:06
 15 necessary to take care of the problem. 11:27:09
 16 Q. So when you receive a complaint, is it 11:27:11
 17 accurate to say you will discuss it with the plant 11:27:13
 18 manager what actions need to be taken or you will 11:27:16
 19 direct him to do something about it? 11:27:19
 20 A. I will direct him to do something about it, 11:27:20
 21 yes. 11:27:20
 22 Q. Can you estimate how many complaints you've 11:27:24
 23 had about vermin since you began working at 11:27:26
 24 Huntington Park High School? 11:27:29
 25 A. No, I can't. 11:27:30

1 Q. Have you ever seen mice droppings or rat 11:27:33
 2 droppings around the school? 11:27:38
 3 A. I can't say that right now. I don't recall. 11:27:41
 4 Q. Have you ever seen cockroaches at the 11:27:44
 5 school? 11:27:46
 6 A. No. 11:27:46
 7 Q. Have teachers complained to you about 11:27:50
 8 droppings in their classrooms? 11:27:52
 9 A. Yes. 11:27:52
 10 Q. Have they complained to you about seeing 11:27:55
 11 actual mice or rats? 11:27:58
 12 A. Yes. 11:27:58
 13 Q. Have students complained to you -- 11:27:59
 14 A. Yes. 11:27:59
 15 Q. -- about similar issues? 11:28:02
 16 A. Yes. 11:28:02
 17 Q. Is it fair to say that Huntington Park has a 11:28:04
 18 problem with vermin in the school facilities? 11:28:07
 19 MR. FRIEDMAN: I'll object as ambiguous to 11:28:11
 20 the term "problem." 11:28:13
 21 But you can respond. 11:28:14
 22 MR. CHOATE: I'll join in the objection. 11:28:16
 23 THE WITNESS: I think since the site next 11:28:18
 24 door was completed, we haven't had as many problems 11:28:22
 25 with rodents or mice. 11:28:25

1 BY MS. CHECEL: 11:28:26
 2 Q. What is next door to Huntington Park that 11:28:28
 3 was completed? 11:28:30
 4 A. There was abandoned -- not abandoned -- 11:28:32
 5 vacant facilities there for the longest time. I know 11:28:36
 6 when I arrived in '95, there were vacant buildings 11:28:39
 7 there, and there was maybe one building at the end 11:28:42
 8 where it was functional and then it stopped, and Home 11:28:44
 9 Depot recently put in their site right in the same 11:28:49
 10 physical layout that were empty buildings before, and 11:28:53
 11 they razed the buildings, and it went down and did 11:28:57
 12 some toxic work to remove whatever was there, and 11:29:00
 13 then they built their facilities. 11:29:03
 14 Q. And prior to that being completed, was there 11:29:06
 15 a problem with vermin at Huntington Park -- 11:29:09
 16 A. Yes. 11:29:09
 17 Q. -- High School? 11:29:13
 18 And it looks like from this log things were 11:29:15
 19 taken care of in various manners. 11:29:19
 20 Did you know that traps were placed in 11:29:21
 21 classrooms? 11:29:24
 22 A. I'm aware that currently basically the 11:29:25
 23 district only provides use of stickum. Okay. They 11:29:28
 24 are trying to be environmentally correct and help 11:29:35
 25 students. So they moved away from traps and 11:29:38

1 pesticides, et cetera. 11:29:44
 2 Q. When was the last time either your 11:29:45
 3 Huntington Park facilities manager or a district 11:29:50
 4 person came to the school to take care of a complaint 11:29:55
 5 of vermin? 11:29:58
 6 A. I can't recall right now. 11:30:06
 7 Q. When do you think the problem with vermin 11:30:07
 8 ceased? Because you said you didn't think it was a 11:30:11
 9 problem recently. 11:30:14
 10 A. I have not received complaints lately since 11:30:16
 11 that facility has been erected next to ours. There 11:30:27
 12 may be some, but I'm not aware of any right now. 11:30:27
 13 Q. When was that facility erected? 11:30:28
 14 A. It opened in January of this year. 11:30:29
 15 Q. January 2001? 11:30:32
 16 A. Right, because they were building it prior 11:30:33
 17 to that. 11:30:36
 18 Q. Have you had an exterminator come to the 11:30:44
 19 school, to Huntington Park Senior High School, since 11:30:48
 20 you have been there? 11:30:51
 21 A. Right now, I don't recall any exterminators, 11:30:51
 22 no. 11:30:54
 23 Q. Okay. 11:30:55
 24 A. And you are talking about exterminators 11:30:56
 25 relative to pesticides, traps, et cetera? 11:30:58

1 Q. Yes. 11:31:01
 2 A. Right. I don't recall it right now. 11:31:02
 3 Q. So the only people you are aware of coming 11:31:03
 4 to the school for this problem would be either the 11:31:05
 5 Huntington Park or a district personnel? 11:31:08
 6 A. To correct the facility? 11:31:12
 7 Q. To correct the facilities. 11:31:14
 8 A. Yes. 11:31:15
 9 Q. And does the district provide you with any 11:31:21
 10 guidance about how to deal with these problems with 11:31:23
 11 vermin? 11:31:26
 12 A. Right now I don't recall any. 11:31:31
 13 Q. What about any assistance from the State of 11:31:33
 14 California? 11:31:38
 15 A. I don't recall any. 11:31:39
 16 Q. I would like to turn now to the various 11:31:45
 17 bathroom facilities that you have on campus. 11:31:47
 18 A. Okay. 11:31:51
 19 Q. I think what would help, maybe if you can 11:31:51
 20 explain to me the layout of Huntington Park High 11:31:54
 21 School. How many buildings are there? 11:31:58
 22 A. Let's see. Approximately 24. 11:32:00
 23 Q. Can you tell me what those buildings are 11:33:56
 24 used for, each one of them. 11:33:58
 25 A. They are used for classrooms. They are used 11:34:00

1 for administrative offices. They are used for 11:34:02
 2 classrooms. They are used for storage. They are 11:34:05
 3 used for the cafeteria. They are used for athletic 11:34:09
 4 facilities. They are used for assembly procedures or 11:34:15
 5 assembly events. Parent center, a parent center; 11:34:21
 6 shop buildings; cafeteria. 11:34:36
 7 Q. Are there bathrooms located in these 11:34:45
 8 different buildings, or are they freestanding 11:34:49
 9 separate buildings? 11:34:52
 10 A. The bathrooms are in buildings. There is 11:34:53
 11 one, two, three -- there's three in freestanding 11:34:59
 12 buildings, three or four. 11:35:13
 13 Q. There is a building that is a bathroom 11:35:17
 14 facility? 11:35:19
 15 A. Well, yes and no. For example, one of the 11:35:20
 16 bathrooms -- you have the boys' bathroom on one side 11:35:23
 17 and the girls' on the other side, but there's an 11:35:27
 18 office in the middle. 11:35:30
 19 Q. That's the main purpose of the building? 11:35:31
 20 A. Yes. There are others. For instance, at 11:35:33
 21 one of the facilities for our gardeners, there's 11:35:36
 22 bathrooms there, but those are used for athletic 11:35:40
 23 events besides the ones in the gymnasiums. 11:35:44
 24 The other bathrooms would be in the 11:35:48
 25 buildings, regular education instructional buildings. 11:35:50

1 Q. This may require counting again. 11:35:54
 2 How many girls' rest room facilities do you 11:35:56
 3 have at Huntington Park? 11:35:59
 4 A. Let's see. Twelve. 11:36:02
 5 Q. Twelve rest room facilities? 11:37:53
 6 A. For girls. 11:37:55
 7 Q. For girls. 11:37:56
 8 How about for boys? 11:37:57
 9 A. Same comparable numbers. 11:37:59
 10 Q. So twelve for boys? 11:38:01
 11 A. Yes. 11:38:01
 12 Q. Do you know how many toilets are in each one 11:38:04
 13 of these facilities -- 11:38:08
 14 A. No, I don't. 11:38:10
 15 Q. -- approximately? 11:38:10
 16 A. No, I don't. 11:38:11
 17 Q. What about sinks? 11:38:12
 18 A. No. 11:38:12
 19 Q. Do you know if these facilities -- if all of 11:38:14
 20 these facilities are open to the students during the 11:38:17
 21 normal school day? 11:38:22
 22 A. All of them are not open during the normal 11:38:24
 23 school day. During the breakfast program, the 11:38:26
 24 mid-brunch program and lunch program and after 11:38:33
 25 school, they are open, but during the school class 11:38:37

1 time itself, only selective ones are opened. 11:38:41
 2 Q. So all of them are open for use at 11:38:45
 3 breakfast -- 11:38:48
 4 A. Lunch -- nutrition. 11:38:50
 5 Q. -- lunch? 11:38:51
 6 A. We call it nutrition, lunch. 11:38:51
 7 Q. The breaks when all the kids -- 11:38:53
 8 A. Right. 11:38:55
 9 Q. -- are out -- 11:38:55
 10 A. Right. 11:38:56
 11 Q. -- and around. 11:38:57
 12 But during class time -- 11:38:58
 13 A. Yes. 11:38:58
 14 Q. -- only selective bathrooms are open? 11:39:00
 15 How many are open during class time? 11:39:02
 16 A. All together? 11:39:04
 17 Q. Well, girls'. 11:39:05
 18 A. Girls'. Approximately five or six. 11:39:06
 19 Q. What about the boys bathrooms? How many -- 11:39:30
 20 A. Same. 11:39:34
 21 Q. Do you know if all of the toilets are in 11:39:42
 22 working order right now? 11:39:44
 23 A. They are -- not all of the toilets are in 11:39:46
 24 working order right now. 11:39:49
 25 Q. Do you know how many of the twelve bathrooms 11:39:51

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1 have toilets that are not in working order? 11:39:53
 2 A. That I don't know. 11:39:56
 3 Q. Since you've been at Huntington Park High 11:39:59
 4 School, have there been instances where -- aside from 11:40:01
 5 this year, where toilets have been broken and not in 11:40:04
 6 working order? 11:40:08
 7 A. Yes. 11:40:08
 8 Q. Have you gotten complaints about the toilets 11:40:10
 9 not functioning? 11:40:12
 10 A. Yes. 11:40:12
 11 Q. Who did you get those complaints from? 11:40:18
 12 A. Students. 11:40:20
 13 Q. Do you have a system in place where you can 11:40:28
 14 get the toilets fixed? 11:40:31
 15 A. Yes. 11:40:31
 16 Q. Can you explain that to me, the process. 11:40:32
 17 A. When I'm informed of it by students or even 11:40:35
 18 teachers, complaints from the students, I call our 11:40:38
 19 plant manager who, in turn, calls facilities to come 11:40:41
 20 and take care of that problem. 11:40:52
 21 Q. And do you know how long it takes between 11:40:52
 22 the time you get a complaint and the time the toilet 11:40:52
 23 is fixed? 11:40:53
 24 A. No, I don't. 11:40:54
 25 Q. Have you had complaints from students about 11:40:58

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1 there only being five or six bathrooms being opened 11:41:01
 2 during the school day? 11:41:05
 3 A. I can't recall right now. 11:41:10
 4 Q. Have you had complaints from parents about 11:41:13
 5 the rest room facilities at Huntington Park? 11:41:14
 6 A. Yes. 11:41:14
 7 Q. Tell me what sort of complaints you've 11:41:19
 8 received. 11:41:21
 9 A. They are not clean. 11:41:22
 10 Q. Can you be more specific than that. 11:41:25
 11 A. Graffiti, water, towels on the floor, odor, 11:41:27
 12 which the students also bring up. 11:41:43
 13 Q. Have you had complaints that there's not 11:41:45
 14 enough toilet paper? 11:41:47
 15 A. Yes. 11:41:47
 16 Q. Have you had complaints that there are no 11:41:50
 17 feminine hygiene products in the bathrooms? 11:41:53
 18 A. Those don't come to me. I think the girls 11:41:58
 19 stay away from me with that one. 11:42:00
 20 Q. Have you had complaints that some of the 11:42:03
 21 stalls don't have doors on them? 11:42:05
 22 A. No. 11:42:05
 23 Q. Have you had complaints that there's no soap 11:42:10
 24 in the bathrooms? 11:42:12
 25 A. Yes. 11:42:12

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1 Q. Have you had complaints that there are no 11:42:16
 2 paper towels or anywhere for them to wipe their 11:42:19
 3 hands? 11:42:22
 4 A. Yes. 11:42:22
 5 Q. Have you had complaints that the sinks are 11:42:23
 6 not functional? 11:42:25
 7 A. Yes. 11:42:25
 8 Q. Have you had complaints that -- maybe these 11:42:29
 9 don't come to you -- but there are no dispensers in 11:42:36
 10 the girls' stalls? 11:42:39
 11 A. Those don't come to me. 11:42:41
 12 Q. Can you think of any other complaints that 11:42:43
 13 you have had from students or parents about the 11:42:45
 14 bathrooms at Huntington Park Senior High? 11:42:47
 15 A. That's about it. 11:42:50
 16 Q. Okay. So has it always been the procedure 11:43:00
 17 that five to six bathrooms will remain open during 11:43:02
 18 class time but you'll lock the other six or seven 11:43:06
 19 bathrooms -- 11:43:10
 20 A. Uh-huh, yes. 11:43:11
 21 Q. -- since you've been there? 11:43:12
 22 If a bathroom is locked during class time 11:43:15
 23 and it's close to where a student is, is there any 11:43:19
 24 way for a student to get into the bathroom to use it? 11:43:23
 25 A. Right now I don't know there would be a 11:43:27

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1 possibility for that to happen. 11:43:30
 2 Q. Okay. Why are you locking some of the 11:43:34
 3 bathrooms during class time? 11:43:40
 4 A. Problem with graffiti, problems with 11:43:44
 5 damaging the rest rooms, lack of supervision in those 11:43:46
 6 bathrooms. 11:43:51
 7 Q. You said before that you have, I believe, 11:43:53
 8 eight security guards -- 11:43:56
 9 A. Yes -- 11:43:56
 10 Q. -- somewhere in that neighborhood. 11:43:58
 11 A. -- uh-huh. 11:43:59
 12 Q. Is part of their job to patrol the school, 11:44:00
 13 including the bathrooms? 11:44:04
 14 A. Yes. 11:44:04
 15 Q. And that's even when class is in session? 11:44:06
 16 A. Yes. 11:44:06
 17 Q. Would you be able to keep more bathrooms 11:44:10
 18 open if you had more security guards? 11:44:12
 19 A. It would seem to follow. 11:44:20
 20 Q. And returning to the issue of people 11:44:22
 21 complaining about cleanliness and odor, how often are 11:44:25
 22 the bathrooms cleaned? 11:44:29
 23 A. Bathrooms are cleaned every evening, every 11:44:31
 24 afternoon, evening for the following day where all 11:44:35
 25 the products that need to be put in dispensers are 11:44:38

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1 put in dispensers and they are ready for use the 11:44:41
 2 following day. 11:44:45
 3 If there is need during the day for the 11:44:46
 4 facility to be cleaned up for whatever reason, it's 11:44:50
 5 done. There has been some times when we have to 11:44:53
 6 close down a bathroom because of the damage done. 11:44:56
 7 Q. Okay. I know some of the complaints were 11:45:02
 8 about soap -- not having soap in the bathrooms. Do 11:45:04
 9 you know if all the bathrooms have soap dispensers 11:45:07
 10 now? 11:45:10
 11 A. Yes, they have soap dispensers, but one of 11:45:11
 12 the problems we have is, of course, vandalism where 11:45:14
 13 things are removed. So sometimes certain things 11:45:18
 14 aren't available because they have been removed. 11:45:23
 15 Q. And to the best of your knowledge, are those 11:45:26
 16 soap dispensers filled at the end of every day -- 11:45:28
 17 A. Yes. 11:45:28
 18 Q. -- with soap? 11:45:32
 19 Do you ever visit the bathrooms just to 11:45:38
 20 see -- 11:45:40
 21 A. Yes. 11:45:40
 22 Q. -- the condition they are in during the day? 11:45:41
 23 A. Boys' only. 11:45:42
 24 Q. Of course. 11:45:43
 25 A. Once in a while, I'll go into a girls' 11:45:44

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1 bathroom, but if that happens, I'll make sure that a 11:45:47
 2 female certificated person or clerk can go in and 11:45:50
 3 make sure there's no one in there. 11:45:53
 4 Usually when that comes about is when 11:45:55
 5 there's a complaint in a bathroom, or right now I'll 11:45:58
 6 go in there when this work is being done to upgrade 11:46:01
 7 the bathrooms. 11:46:06
 8 Q. What sort of work is being done to upgrade 11:46:07
 9 the bathrooms? 11:46:09
 10 A. Two of the bathrooms, they are being made 11:46:11
 11 smart bathrooms where they are easier to clean, where 11:46:13
 12 you use photosensitive equipment to flush the urinals 11:46:16
 13 and in the rest rooms where you have hand dryers 11:46:22
 14 instead of paper towels -- or with paper towels I 11:46:26
 15 should say. 11:46:29
 16 That's basically what is referred -- what I 11:46:30
 17 see referred to as a smart bathroom. 11:46:33
 18 Q. How many of the twelve girls' bathrooms are 11:46:36
 19 being made into these smart bathrooms? 11:46:39
 20 A. One. 11:46:42
 21 Q. How many of the boys' bathrooms? 11:46:42
 22 A. One. 11:46:45
 23 Q. So basically a smart bathroom is an 11:46:47
 24 automated flush after somebody is done and -- 11:46:58
 25 A. Yes. 11:46:58

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1 Q. -- then you are going to have the hot air 11:46:58
 2 for the hands? 11:46:58
 3 When you visited the bathrooms, what have 11:47:01
 4 you seen the in boys' bathrooms? 11:47:03
 5 A. Graffiti, either soft tissue -- toilet 11:47:06
 6 tissue plugging up a toilet or maybe paper towels 11:47:16
 7 plugging up the toilet. 11:47:20
 8 This is while we are moving towards the hand 11:47:22
 9 drying, but you still need toilet tissue for the 11:47:25
 10 students that need it. 11:47:28
 11 Water on the floor, which could be anything. 11:47:30
 12 Graffiti. I think I said that already. That's 11:47:35
 13 basically it. 11:47:39
 14 Q. And the water on the floor, do you know 11:47:40
 15 where that comes from? 11:47:41
 16 A. It could come from the sinks that are in the 11:47:43
 17 school in the bathrooms -- I should say in the 11:47:48
 18 urinals. I would like to think it wouldn't go the 11:47:51
 19 other way. 11:47:55
 20 Q. When you say it comes from the sink, is it 11:47:58
 21 because the sink is clogged -- 11:48:00
 22 A. It could be clogged. 11:48:01
 23 Q. -- or leaks -- 11:48:03
 24 A. It could be leaks. It could be the students 11:48:04
 25 are throwing the water in there. 11:48:07

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1 One of the things you do see is toilet paper 11:48:08
 2 rolled up wet and thrown up against the wall so it 11:48:11
 3 dries there. 11:48:15
 4 Q. I remember that one. 11:48:16
 5 A. Of course, we never did those things. 11:48:21
 6 Q. I never did. 11:48:24
 7 As far as when there is water on the floor, 11:48:25
 8 is that cleaned up regularly or just at the end of 11:48:27
 9 the day? 11:48:31
 10 A. If it comes to the attention of the 11:48:34
 11 custodians or whoever walks in there brings it to the 11:48:36
 12 attention of the custodians, it's cleaned up. 11:48:42
 13 MR. CHOATE: I'm sorry. Could you read back 11:48:45
 14 that answer. 11:48:47
 15 (Answer read by the reporter.) 11:48:58
 16 BY MS. CHECEL: 11:48:58
 17 Q. Who would bring -- let's say water on the 11:48:58
 18 floor since we are talking about that -- to the 11:49:02
 19 attention of the custodians? 11:49:04
 20 A. Myself or if a student went in there and saw 11:49:06
 21 a custodian and said the bathroom is dirty. There's 11:49:09
 22 water on the floor. A teacher may walk by and check 11:49:14
 23 the bathroom could have done this also. 11:49:16
 24 Q. How many custodians do you have at 11:49:18
 25 Huntington Park High School? 11:49:20

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1 A. Approximately ten. 11:49:50
 2 Q. And are they all full-time employees? 11:49:52
 3 A. Yes. 11:49:52
 4 Q. How many would be on campus at any 11:49:58
 5 particular time? 11:50:01
 6 A. Your main group is there in the evenings 11:50:03
 7 from 2:00 -- excuse me -- from 2:00 to 11:30 because 11:50:07
 8 that's when you do your major cleanups. 11:50:11
 9 You have approximately three in the morning 11:50:14
 10 to take care of any of the problems that may occur in 11:50:16
 11 the morning. 11:50:19
 12 Q. So that evening shift from about 2:00 to I 11:50:20
 13 think you said 11:00 -- 11:50:23
 14 A. 30. 11:50:25
 15 Q. -- is about -- is seven people the 11:50:26
 16 remainder of the group? 11:50:29
 17 A. Yeah, approximately seven. 11:50:31
 18 Q. Are you aware of anyone aside from yourself 11:50:36
 19 receiving complaints about the girls' bathrooms and 11:50:39
 20 some of the issues that don't go directly to you? 11:50:41
 21 A. I can't recall any right now. 11:50:51
 22 Q. So you haven't had teachers discuss the 11:50:52
 23 girls' bathroom with you? 11:50:55
 24 A. I don't recall right now. 11:50:58
 25 Q. Have you ever received any instruction from 11:51:04

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1 the district about the bathrooms as far as keeping a 11:51:08
 2 certain number open and closing others? 11:51:12
 3 A. No, I don't recall. 11:51:15
 4 Q. And did you ever receive instructions from 11:51:17
 5 the State about how many bathrooms you should have 11:51:19
 6 open, how many should be closed? 11:51:22
 7 A. I have never received that from the State. 11:51:25
 8 Q. Do you think you have enough rest room 11:51:29
 9 facilities for all of the students who attend 11:51:32
 10 Huntington Park High School? 11:51:34
 11 A. The district has a formula for how many 11:51:37
 12 bathrooms you have, depending on your population. So 11:51:41
 13 I let the district do that. 11:51:46
 14 If I have need or concern, I can advance it, 11:51:48
 15 but for the most part, the district handles that part 11:51:51
 16 of it. 11:51:55
 17 Q. Have you ever had need or concern about not 11:51:55
 18 having enough bathrooms for the students? 11:51:58
 19 A. That mostly comes up when you have to close 11:52:00
 20 a bathroom or two. For instance, the two bathrooms 11:52:03
 21 being worked on right now is a concern. 11:52:07
 22 Q. Is there anything you can do to provide more 11:52:09
 23 rest room facilities for the students, or do they 11:52:11
 24 just have to use the remainders? 11:52:14
 25 A. They have to use the remainder. 11:52:17

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1 Q. Can you explain other instances when 11:52:19
 2 bathrooms have been closed down. 11:52:21
 3 A. When facilities are broken, either the 11:52:27
 4 toilet bowl or the sink or the urinals; when somebody 11:52:29
 5 throws a stink bomb in a bathroom; when plumbing work 11:52:38
 6 has to be done by facilities; of course, some of them 11:52:42
 7 during class time. 11:52:53
 8 Q. Okay. And you've already explained -- 11:52:55
 9 A. Yes. 11:52:55
 10 Q. -- that the reason was because you lack 11:52:59
 11 supervision? 11:53:01
 12 A. Yes. 11:53:02
 13 MR. CHOATE: I'm going to object. That 11:53:02
 14 mischaracterizes the witness's testimony. 11:53:05
 15 BY MS. CHECEL: 11:53:07
 16 Q. How long has the girls' and boys' bathroom 11:53:08
 17 been closed down due to the implementation of the 11:53:12
 18 smart bathroom? 11:53:17
 19 A. Approximately two months. 11:53:18
 20 Q. How long is the bathroom closed when there 11:53:23
 21 is a broken facility or a broken toilet or a sink in 11:53:27
 22 the bathroom? 11:53:38
 23 A. A day, part of a day. Depends on what is 11:53:38
 24 broken. 11:53:38
 25 Q. How about if there's a stink bomb? 11:53:38

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1 A. Until we air it out. 11:53:40
 2 Q. How about if you have a problem with 11:53:42
 3 plumbing? How long would a bathroom be closed? 11:53:44
 4 A. Until it's fixed. 11:53:48
 5 Q. Can you give me a range of the time that it 11:53:49
 6 takes to fix a plumbing problem? 11:53:51
 7 A. Depends on the plumbing problem. I would 11:53:53
 8 say a day. 11:53:56
 9 Q. Have you ever had a plumbing problem that 11:53:57
 10 took longer than a day to fix since you have been 11:54:00
 11 there? 11:54:02
 12 A. Right now I don't recall one. 11:54:02
 13 Q. And can you give me an estimate of how many 11:54:12
 14 plumbing problems you've had during this 2000/2001 11:54:14
 15 school year? 11:54:18
 16 A. I'm sorry. I can't. I don't know. 11:54:20
 17 Q. How about an estimate of when a toilet or 11:54:21
 18 sink has been broken? 11:54:23
 19 A. No, couldn't give that to you. 11:54:26
 20 MS. CHECEL: Okay. I think this might be a 11:54:29
 21 good time for a lunch break, if you are all in 11:54:30
 22 agreement. 11:54:33
 23 MR. FRIEDMAN: That's fine. 11:54:33
 24 MS. CHECEL: And I don't think that I'll 11:54:34
 25 have -- don't hold me to this. I don't think I'll 11:54:37

1 have more than another hour and a half at the most, 11:54:41
2 and then I think Peter may have some questions for 11:54:44
3 you. 11:54:47

4 So can we reconvene at 1:00? 11:54:47
5 MR. FRIEDMAN: Perfect. 11:54:52
6 (Luncheon recess was taken at
7 11:54 A.M.)

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1 EMILIO GARCIA,
2 the witness, having been previously administered an oath
3 in accordance with CCP Section 2094, testified as
4 follows:

6 EXAMINATION

7 BY MS. CHECEL:
8 Q. Mr. Garcia, I would just like to remind you 13:08:52
9 we are back on the record and you are still under 13:08:55
10 penalty of perjury and the same rules apply as 13:08:57
11 applied to the beginning portion of the deposition. 13:09:00
12 At this point I wanted to go back to some of 13:09:03
13 the testimony that you gave earlier this morning 13:09:06
14 relating to vermin. 13:09:09
15 Is it accurate to say that you received -- 13:09:12
16 you, in the past, received some, but probably not 13:09:15
17 all, of the complaints about vermin at your school? 13:09:18
18 A. Yes. 13:09:18
19 Q. Is it accurate to say that there are some 13:09:23
20 complaints or incidents of vermin that you are not 13:09:25
21 aware of? 13:09:30
22 A. Yes. 13:09:30
23 Q. And you testified that -- I just want to 13:09:31
24 make sure I have this in my mind -- that prior to 13:09:37
25 2000, when the Home Depot or the site was built up, 13:09:41

1 APPEARANCES OF COUNSEL:
2 (P.M. SESSION)
3
4 CHRISTINA L. CHECEL, ESQ.
5
6 HOWARD A. FRIEDMAN, ESQ.
7
8 PETER L. CHOATE, ESQ.
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20 REPORTED BY:

22 RICKI Q. MELTON, CSR No. 1464, RPR No. 45429

1 there was a problem with vermin at Huntington Park 13:09:45
2 Senior High? 13:09:48
3 A. There was a problem. I don't know if you 13:09:49
4 want to call it a big problem, but there was a 13:09:50
5 problem, yes. 13:09:52
6 Q. Since the completion of Home Depot, do you 13:09:54
7 think that there is still a problems with rodents at 13:09:59
8 Huntington Park Senior High? 13:10:02
9 A. I don't think there is a rodent problem. 13:10:04
10 That is not to say we don't get one or two but not as 13:10:07
11 what was being complained to me about -- we don't 13:10:11
12 have that number anymore. 13:10:14
13 Q. So the complaints to you personally have 13:10:15
14 diminished? 13:10:18
15 A. Yes. 13:10:18
16 Q. Do you know if the complaints in general 13:10:20
17 have diminished to other sources? 13:10:21
18 A. I would have to guess at that. 13:10:26
19 Q. Okay. One of the things that came up from 13:10:28
20 one of your students is that there was a problem with 13:10:32
21 the school water fountains and the drinking water in 13:10:35
22 the pipes was contaminated and she thought that 13:10:40
23 happened in 1999 -- around July of 1999. 13:10:45
24 A. There was a problem with water in and around 13:10:49
25 that time, yes. 13:10:51

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1 Q. Okay. Can you explain the nature of the 13:10:52
 2 problem. 13:11:00
 3 A. Again, with the construction going on next 13:11:01
 4 to our site, the fire hydrant that was used to supply 13:11:03
 5 water to the company that was wrecking the buildings 13:11:07
 6 in the area where they would douse the dirt with 13:11:10
 7 water so there would not be any dust, they were 13:11:18
 8 pulling water from our water banks, fountains and 13:11:21
 9 bathrooms, and when it got low, the pumps started 13:11:25
 10 giving us what was also included in the sediments of 13:11:29
 11 the well at that time. 13:11:33
 12 Q. And what did Huntington Park High School do 13:11:34
 13 to fix the problem of having sediment in the drinking 13:11:37
 14 water? 13:11:41
 15 A. We arranged a meeting, when we found out 13:11:44
 16 what the problem was, with the district, with the 13:11:48
 17 City, and with the water company and with the 13:11:51
 18 construction company to ascertain why it was 13:11:55
 19 happening and what needed to be done to stop it and 13:11:59
 20 give us back our drinking water. 13:12:03
 21 Q. Okay. Were the water fountains at some 13:12:05
 22 point inoperable while this was going on? 13:12:09
 23 A. No. 13:12:09
 24 Q. Did the school notify the students that they 13:12:12
 25 should not be drinking the water from the water 13:12:16

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1 fountains? 13:12:19
 2 A. By the time we got that information and were 13:12:21
 3 able to call the meeting together, we were able to 13:12:24
 4 get bottled water for the students. 13:12:28
 5 Q. And the bottled water, where was that 13:12:30
 6 located, the bottled water for the students? 13:12:35
 7 A. The bottled water was put into our receiving 13:12:38
 8 dock area, and it was closed, locked. 13:12:41
 9 Q. Then how did the students have access to the 13:12:45
 10 bottled water? 13:12:48
 11 A. We provided water into each of the 13:12:49
 12 classrooms, and the teachers, as needed, would 13:12:51
 13 request more water, and we would supply the water to 13:12:54
 14 them. 13:12:56
 15 Q. How long were the teachers supplied with 13:12:57
 16 bottled water? 13:12:59
 17 A. I don't recall right now, but I remember 13:13:01
 18 when we got back on line, we had water left over, 13:13:02
 19 bottled water left over. 13:13:07
 20 Q. Do you know if any students complained of 13:13:08
 21 illness due to the drinking water that had sediment 13:13:11
 22 in them? 13:13:14
 23 A. No, I don't. 13:13:16
 24 Q. Did you ever speak with any students about 13:13:22
 25 the drinking water issue? 13:13:24

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1 A. I don't recall right now. 13:13:26
 2 Q. Okay. Do you know a student named Lizette 13:13:28
 3 Ruiz, the plaintiff in this case? 13:13:32
 4 A. I've heard the name, but I don't know her. 13:13:34
 5 Q. Okay. I don't remember if you just answered 13:13:43
 6 this, but how long did it take for the problem to be 13:13:45
 7 fixed as far as making sure that the water supply was 13:13:48
 8 free of sediments? 13:13:51
 9 A. I don't think I can remember a specific 13:13:54
 10 length of time, but we did try to work with it as 13:13:56
 11 quickly as possible once we found out what the 13:14:00
 12 problem was. 13:14:02
 13 Q. Do you think it took a month? 13:14:04
 14 A. I think it was less than that. 13:14:09
 15 Q. Three weeks? 13:14:11
 16 A. I would be guessing at that point. I don't 13:14:14
 17 know. 13:14:16
 18 Q. Okay. I would like to turn now to the issue 13:14:17
 19 of multitasking. And just for my own education, if 13:14:20
 20 you could explain to me how the multitasking system 13:14:23
 21 at Huntington Park works. 13:14:27
 22 A. There is a determination as to how many 13:14:30
 23 students you can have on campus. Let's say, for the 13:14:34
 24 sake of argument, you can hold 2,800 students. If at 13:14:45
 25 any given time you can only have two tracks on, then 13:14:45

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1 each track would have to be 1,400 students. 13:14:46
 2 So you develop your seating plan according 13:14:50
 3 to three plans with 1,400 students and that tells you 13:14:55
 4 how much of an expected enrollment you can have in a 13:15:00
 5 given year; however, only two thirds of the students 13:15:04
 6 at any given time are on-site. 13:15:08
 7 Q. Do you know the number of students that's 13:15:11
 8 permitted to be on campus at any given time, the 13:15:12
 9 maximum number? 13:15:16
 10 A. As was indicated in one of the other forms 13:15:17
 11 that you brought up, it showed that we had 4,300-plus 13:15:19
 12 students and only 200 was in capacity. It depends 13:15:25
 13 how much we are able to go over. 13:15:29
 14 Q. Does that mean that the 4,300 students are 13:15:31
 15 on campus all at the same time? 13:15:34
 16 A. No, take out a third of them. About 13:15:36
 17 1,400-plus, maybe 1,440 or -50 -- 1,433. That will 13:15:38
 18 tell you how many students are left. 13:15:44
 19 Q. Okay. So just using some basic math skills 13:15:48
 20 in rounding the numbers, is it accurate to say that 13:15:51
 21 approximately 3,900 students -- 13:15:54
 22 A. 42 -- excuse me 28. 13:15:58
 23 Q. -- at one time -- 13:16:00
 24 A. 2,800-plus. 13:16:01
 25 Q. So 2,800-plus students can be on campus -- 13:16:08

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1 A. On campus. 13:16:12
 2 Q. -- at one time? 13:16:18
 3 I know what you are talking about as far as 13:16:19
 4 the exhibit we looked at before. There were 13:16:21
 5 approximately -- 13:16:24
 6 A. 1,365 -- 4,365. 13:16:26
 7 Q. So a third of -- once again, using basic 13:16:42
 8 math, a third of 4,365 is approximately 1,455 13:16:45
 9 students. 13:16:52
 10 A. Yes. 13:16:52
 11 Q. So you can have two sets of -- well, 13:16:54
 12 actually you did have about two sets of 1,455 13:16:58
 13 students? 13:17:03
 14 A. Approximately. 13:17:03
 15 Q. So just as the numbers on the other page 13:17:09
 16 indicated, you are exceeding the maximum capacity by 13:17:12
 17 a certain number of students, approximately a hundred 13:17:17
 18 students? 13:17:20
 19 A. It was 100 for the total capacity. So I 13:17:21
 20 would say take a third from a hundred if they are 13:17:25
 21 divided equally. So you would say 66 students per 13:17:28
 22 any given time. 13:17:32
 23 Q. Okay. How is the maximum capacity 13:17:36
 24 determined? 13:17:39
 25 A. The building and facilities will come in and 13:17:43

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1 look at the size of your school -- I'm sorry. Not 13:17:46
 2 building and facilities, but school utilization 13:17:50
 3 office will come in and look at the size of your 13:17:52
 4 school, how many classrooms you have, how many rest 13:17:56
 5 rooms you have, et cetera, and then they will 13:17:59
 6 determine the number of students that can fit in 13:18:01
 7 there in a traditional calendar. 13:18:03
 8 Q. Now, is the school utilization office an 13:18:06
 9 L.A.U.S.D. office or a State office? 13:18:08
 10 A. L.A.U.S.D. office. 13:18:12
 11 Q. Okay. What sort of impact do an additional 13:18:16
 12 let's say between sixty and a hundred students have 13:18:19
 13 on how a school operates? 13:18:23
 14 A. Personally I don't think there's that many 13:18:29
 15 because, on any given day, you can have a number of 13:18:31
 16 students absent. 13:18:34
 17 Q. Okay. But assuming you have 60 additional 13:18:37
 18 students, does that impact the class size? 13:18:40
 19 A. It could depend on the program that they are 13:18:49
 20 all enrolled in, if they are taking the same class. 13:18:52
 21 If you look at them in terms of spreading them across 13:18:55
 22 the board the number of classes you have and the 13:18:59
 23 number of subjects you have and the like, it does not 13:19:01
 24 sound like it would be that big. 13:19:04
 25 Q. And thinking about the fact that you do 13:19:06

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1 offer intervention programs during the year and 13:19:08
 2 during normal school hours, where are those programs 13:19:11
 3 held? 13:19:14
 4 A. In the cafeteria. 13:19:15
 5 Q. How many students -- maybe we can take this 13:19:17
 6 year as an example, if you know this -- how many 13:19:20
 7 students are offered intervention services? 13:19:23
 8 A. Oh, I can't give you a guess right now. 13:19:26
 9 Q. Would you say it's more than a hundred? 13:19:31
 10 A. Yes. 13:19:31
 11 Q. Do you think it's 500? 13:19:37
 12 A. No. 13:19:37
 13 Q. Do you think it's about 200? 13:19:43
 14 A. It depends on the type of classes you are 13:19:46
 15 offering as to the number of students that will 13:19:49
 16 enroll and then the capacity you have to hold them, 13:19:53
 17 room capacity that you have to hold them. 13:19:58
 18 Q. Okay. Is it accurate to say, then, that all 13:20:01
 19 of the students who are in the intervention program 13:20:04
 20 meet in the cafeteria together? 13:20:09
 21 A. There may be at times a facility separate 13:20:12
 22 from the cafeteria is used and only because that 13:20:16
 23 track is off. 13:20:20
 24 Q. Can you give me an example of a separate 13:20:22
 25 facility that would be available. 13:20:24

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1 A. One of the shop buildings. 13:20:26
 2 Q. Okay. In the intervention or 13:20:31
 3 intersession -- excuse me -- are the hundred or so 13:20:34
 4 students -- I mean you said there were probably more 13:20:38
 5 than a hundred. 13:20:42
 6 A. Plus, yeah. 13:20:42
 7 Q. Are those students all studying the same 13:20:43
 8 subject matter? 13:20:45
 9 A. No, no. 13:20:47
 10 Q. Are they divided into groups within the 13:20:48
 11 cafeteria -- 13:20:54
 12 A. Yes. 13:20:54
 13 Q. -- with different teachers? 13:20:55
 14 A. Yes. 13:20:57
 15 Q. When you previously worked at a traditional 13:21:03
 16 school -- when I say "traditional," I mean 13:21:13
 17 traditional calendar school -- were there 13:21:13
 18 intervention programs such as summer school? 13:21:13
 19 A. Yes. 13:21:13
 20 Q. And is there a difference between being a 13:21:15
 21 multitrack school and offering intervention and 13:21:19
 22 working at a traditional calendar school and offering 13:21:22
 23 intervention courses? 13:21:26
 24 A. The length of a summer school program, the 13:21:27
 25 length of an intervention -- intersession program is 13:21:30

1 six weeks. They are the same. 13:21:34
 2 Q. So the length of the program is the same. 13:21:36
 3 What about where you would offer the 13:21:40
 4 classes? 13:21:42
 5 A. During -- in a traditional calendar school, 13:21:45
 6 you would use the classrooms available, of course, 13:21:48
 7 that were not being cleaned and prepared for the 13:21:50
 8 following school year. 13:21:53
 9 Because of being a year-round school, we use 13:21:54
 10 the largest facility that is available for the 13:21:58
 11 program. So we use the cafeteria. And when I stated 13:22:02
 12 one of the classrooms, that will not be used for the 13:22:05
 13 purposes of that. 13:22:08
 14 Q. Do you have enough seats in the cafeteria to 13:22:12
 15 accommodate the students that are in intersession? 13:22:14
 16 A. Yes. I have to smile because sometimes the 13:22:20
 17 teachers will take the chairs out, and we have to 13:22:22
 18 bring them to the -- 13:22:24
 19 Q. They take them to the cafeteria? 13:22:28
 20 A. From the cafeteria so the students can sit 13:22:33
 21 down that needed a little more intervention than 13:22:36
 22 others. 13:22:39
 23 Q. Let me make sure I'm clear on this. 13:22:39
 24 A. Instead of making them stand in front of the 13:22:41
 25 classroom, they make them sit. 13:22:44

1 Q. The chair taking is from the cafeteria to 13:22:46
 2 the classrooms there? 13:22:50
 3 A. Right. 13:22:52
 4 Q. They are a regular classroom? 13:22:53
 5 A. Yes. 13:22:53
 6 Q. And they bring them back -- 13:22:55
 7 A. Yes. 13:22:55
 8 Q. -- at the end of the period at the end of 13:22:58
 9 the day? 13:23:00
 10 A. Hopefully before the next class starts. 13:23:02
 11 When we haven't had a problem. So... 13:23:05
 12 Q. Let's go over -- I know you have -- is it 13:23:08
 13 true that you have an A track, a B track, and a C 13:23:10
 14 track? 13:23:13
 15 A. Yes. 13:23:13
 16 Q. Can you give me the time periods that the A 13:23:14
 17 track starts and stops and its breaks. And if you 13:23:17
 18 need help, I do have a calendar you can look at. 13:23:21
 19 A. A track is off for the first eight weeks of 13:23:24
 20 the school year. So they don't begin until late 13:23:27
 21 August. 13:23:30
 22 Q. So they begin late August? 13:23:30
 23 A. And they go through maybe the -- they quit 13:23:32
 24 about a week before the end of the calendar year, 13:23:40
 25 December 22nd, 23rd. 13:23:45

1 Q. So are they going to school continuously 13:23:49
 2 between August and December -- 13:23:52
 3 A. Yes -- 13:23:52
 4 Q. -- for five months? 13:23:54
 5 A. -- with the usual holiday breaks of -- let's 13:23:55
 6 see. What is in there? 13:23:59
 7 Q. Thanksgiving? 13:24:01
 8 A. Thanksgiving. 13:24:02
 9 Q. Winter break? 13:24:03
 10 A. Memorial Day -- not Memorial Day -- Labor 13:24:04
 11 Day. Those types of things. 13:24:08
 12 Q. So they go for five months, and then when -- 13:24:10
 13 A. Actually about 16 weeks. 16 weeks-plus on 13:24:13
 14 one mester and a little less than 16 weeks the second 13:24:17
 15 mester. 13:24:21
 16 Q. So they are going for approximately 16 13:24:22
 17 weeks. They begin their break in December? 13:24:23
 18 A. Late December. 13:24:26
 19 Q. Late December. And they are off until when? 13:24:26
 20 A. They come back late February, early March. 13:24:31
 21 Q. So they are off for eight weeks? 13:24:40
 22 A. Yes, approximately. 13:24:49
 23 Q. They come back to school late February, 13:24:50
 24 early March, and attend until when? 13:24:52
 25 A. June, the end of the school year. 13:24:54

1 Q. Then they are off again -- 13:24:59
 2 A. Yes. 13:24:59
 3 Q. -- July and August? 13:25:02
 4 A. Yes. 13:25:02
 5 Q. So is it accurate to say they are attending 13:25:04
 6 school 16 weeks, they are off for 8 weeks, they 13:25:06
 7 resume the same school year for 16 weeks, and then 13:25:11
 8 they have another -- 13:25:14
 9 A. Approximately. 13:25:17
 10 Q. -- 16 weeks -- 13:25:17
 11 A. Yes. 13:25:17
 12 Q. -- approximately? 13:25:19
 13 And this seems to be the track that 13:25:21
 14 parallels the traditional calendar the most; is that 13:25:27
 15 correct? 13:25:27
 16 A. Yes. 13:25:31
 17 Q. Why don't you -- let's go to the B track. 13:25:31
 18 When does that begin? 13:25:34
 19 A. B track begins July. The first school day 13:25:35
 20 in July. This year it's July 2nd. And it will go 13:25:38
 21 through August -- late August, early September. 13:25:42
 22 Q. How many weeks are they on? 13:25:47
 23 A. Approximately eight weeks. 13:25:49
 24 Q. So they are on for eight weeks. 13:25:50
 25 A. If you notice, their ending time is the time 13:25:54

1 of beginning for A track. 13:25:58
 2 Q. Okay. Then they go on a break in late 13:26:01
 3 August? 13:26:03
 4 A. Late August for two months approximately. 13:26:05
 5 September and October. Come back probably in late 13:26:08
 6 October. 13:26:12
 7 Q. So they come back late October, and when do 13:26:16
 8 they go through until? 13:26:19
 9 A. The same period of time that A track will 13:26:21
 10 end, which will be late December. 13:26:24
 11 Q. So December. So that's another 13:26:26
 12 approximately eight weeks? 13:26:28
 13 A. Uh-huh. 13:26:29
 14 Q. Then they go out of school beginning -- 13:26:33
 15 A. We call it a winter break. It used to 13:26:38
 16 correspond with what used to be called Christmas 13:26:42
 17 vacation time. 13:26:46
 18 Q. So they are off -- 13:26:47
 19 A. One week. 13:26:49
 20 Q. -- one week in December? 13:26:50
 21 A. And B track will come right back after -- 13:26:51
 22 Q. New Year's? 13:26:56
 23 A. -- New Year's, yes. 13:26:56
 24 Q. And then so they come back early January, 13:26:58
 25 and when do they go through? 13:27:10

1 A. Eight weeks. Again, once you establish the 13:27:10
 2 first semester, it's copied the second semester 13:27:10
 3 basically. 13:27:12
 4 Q. This track -- it looks like, instead of 13:27:13
 5 being 16 weeks on, 8 weeks off, 16 weeks on, 8 weeks 13:27:16
 6 off, it's 8 on, 8 off, 8 on, 8 off. Wait. There's 13:27:19
 7 two 8 on's together. 13:27:24
 8 A. 8 on, 8 off, 8 on. Then you have your 13:27:28
 9 Christmas break. 13:27:31
 10 Q. Right. Which is one week? 13:27:33
 11 A. Winter break. So you have on again. That's 13:27:34
 12 the second semester. 13:27:38
 13 Q. So you are on January and February? 13:27:38
 14 A. Yes. 13:27:38
 15 Q. And then you are off March and April? 13:27:41
 16 A. March and April. Come back late April. 13:27:45
 17 Q. And then the students resume May and June? 13:27:49
 18 A. Yes. 13:27:49
 19 Q. Okay. Now, is there a break -- let me make 13:27:56
 20 sure I get this straight. 13:27:59
 21 May and June they are on for about eight 13:28:00
 22 weeks. Is there a break between the last school day 13:28:03
 23 in June for B track and the first school day in July? 13:28:06
 24 A. For B track? 13:28:11
 25 Q. Yeah, in between -- 13:28:13

1 A. No. 13:28:13
 2 Q. -- their school year. 13:28:14
 3 A. No, just Saturday and Sundays sometimes. 13:28:16
 4 Q. So sometimes a student could finish -- let's 13:28:18
 5 use ninth grade -- finish ninth grade June 30th, have 13:28:20
 6 a weekend, come back July 2nd, and be in tenth grade? 13:28:25
 7 A. Yes. 13:28:25
 8 Q. Wow. Okay. 13:28:31
 9 Let's go to C track, then. When does the C 13:28:34
 10 track commence? 13:28:41
 11 A. C track will also start July 2nd, and they 13:28:43
 12 will go 16 weeks. So we are talking about what? 13:28:47
 13 Q. Maybe October? 13:28:50
 14 A. October. 13:28:51
 15 Q. So they are on, and then do they get the 8 13:28:53
 16 weeks off? 13:28:56
 17 A. They get the 8 weeks off, including the 13:28:57
 18 winter break. 13:28:59
 19 Q. Do they resume in January -- 13:29:04
 20 A. January. 13:29:06
 21 Q. -- for 16 weeks? 13:29:07
 22 A. 16 weeks. Late April. 13:29:08
 23 Q. And then May and June they are off? 13:29:14
 24 A. This is C track, yes. 13:29:18
 25 Q. C track. 13:29:21

1 A. C track, yes. 13:29:22
 2 Q. Okay. Do you know when Huntington Park went 13:29:23
 3 on this multitrack Concept 6 schedule? 13:29:40
 4 A. It's my understanding in 1982. 13:29:43
 5 Q. And was the reason to accommodate the 13:29:49
 6 community children? 13:29:52
 7 A. That would be a guess. 13:29:54
 8 Q. Okay. So is it accurate to say that, on 13:29:59
 9 this calendar, I think you said 4,300 students can be 13:30:02
 10 accommodated? 13:30:09
 11 A. Yes. 13:30:09
 12 Q. How are students assigned to the various 13:30:23
 13 tracks, either A, B, or C? 13:30:25
 14 A. Since the community has been in a year-round 13:30:28
 15 calendar for a good period of time now, some of the 13:30:31
 16 students may not know anything other than a 13:30:34
 17 year-round schedule, and some of them will follow a 13:30:37
 18 track from the elementary school through the high 13:30:40
 19 school. 13:30:44
 20 There may be changes for various reasons -- 13:30:44
 21 to change a track at either place, and that would be 13:30:48
 22 determined by the parents, the school, and the 13:30:51
 23 student. So it varies for reasons, but for the most 13:30:53
 24 part, once they are on the track, they stay on it 13:30:56
 25 throughout their school career. 13:31:00

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1 Q. Okay. And so assuming that a child is put 13:31:02
 2 on a track when he or she is in elementary school, do 13:31:05
 3 you know how it's determined which will be put on A, 13:31:09
 4 which will be put on B, and which will be put on C? 13:31:13
 5 A. It could be determined in terms of areas 13:31:16
 6 where now you have the whole family on one track. It 13:31:19
 7 could be determined in terms of -- what was the other 13:31:24
 8 one that I was looking at one time? 13:31:28
 9 That's the only one I can think of right 13:31:35
 10 now. So that families could attend -- so they can be 13:31:37
 11 off at the same time and on at the same time. 13:31:41
 12 Q. Right. That makes sense. 13:31:43
 13 Is there any factoring in of a child's 13:31:45
 14 ability as far as being gifted or needing special 13:31:47
 15 education classes? 13:31:55
 16 A. For the most part, what we try to do is 13:32:00
 17 offer the same type of program across the board 13:32:03
 18 except for some of those specialized classes where 13:32:05
 19 there isn't that many students to have one on each 13:32:09
 20 track. 13:32:12
 21 Q. So ability doesn't play into which track a 13:32:14
 22 student is placed on? 13:32:18
 23 A. No. 13:32:20
 24 Q. Do you know who handles the assignment of 13:32:23
 25 children to different tracks? 13:32:26

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1 A. That would be the -- I want to say head 13:32:28
 2 counselors, but they don't call them that anymore. 13:32:33
 3 The assistant principal in charge of counseling 13:32:35
 4 programs. 13:32:38
 5 Q. Is that Ms. Ronquillo? 13:32:45
 6 A. Yes. And she works with the middle school 13:32:53
 7 counterpart to establish the tracks and who is on 13:32:58
 8 what track. 13:33:03
 9 Q. How many middle schools feed into Huntington 13:33:04
 10 Park Senior High School? 13:33:08
 11 A. 99 percent of them come from Gage Middle 13:33:09
 12 School. 13:33:15
 13 Q. Is there another middle school that -- 13:33:16
 14 A. We have approximately 100 students that come 13:33:19
 15 from Edison Middle School. 13:33:21
 16 Q. Any other students? 13:33:24
 17 A. The other students that would come to us are 13:33:26
 18 from maybe an opportunity transfer. 13:33:29
 19 Q. What does that mean? 13:33:31
 20 A. Basically if a student has a discipline 13:33:32
 21 problem with a school, they give them the opportunity 13:33:36
 22 to start again at another school. So it's an 13:33:38
 23 opportunity transfer so that they could leave 13:33:41
 24 whatever they had at the previous school and move on 13:33:46
 25 to improve -- there's another intervention program -- 13:33:59

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1 to improve whatever they were doing before. 13:33:59
 2 Q. They might not necessarily be a 13:33:59
 3 ninth-grader? 13:33:59
 4 A. It would be across the board. 13:34:00
 5 Q. So does Ms. Ronquillo basically just keep 13:34:03
 6 the kids who are on track A at Gage and put them at 13:34:07
 7 track A at Huntington Park? 13:34:12
 8 A. Yes. 13:34:12
 9 Q. Can students opt to change tracks if they 13:34:21
 10 want to at Huntington Park Senior High? 13:34:24
 11 A. We have had students that have changed 13:34:27
 12 tracks, yes. 13:34:29
 13 Q. Since you've been there, do you know how 13:34:31
 14 many students have changed tracks? 13:34:33
 15 A. I couldn't answer that. 13:34:34
 16 Q. Is that something that Ms. Ronquillo deals 13:34:35
 17 with? 13:34:38
 18 A. Yes, she does. 13:34:39
 19 Q. What are some of the reasons that a student 13:34:41
 20 would request to change a track? 13:34:43
 21 A. I can't think of many. One I can think of 13:34:48
 22 right now is parents' request, and if a student 13:34:50
 23 requests it for maybe a reason that would -- the 13:34:58
 24 counselor would say yes, you can move to this track. 13:35:06
 25 Sometimes we moved them for perhaps safety. 13:35:16

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1 Q. Can you explain what safety reasons you 13:35:23
 2 would move a child? 13:35:26
 3 A. Well, if a student has a problem with a 13:35:27
 4 group of kids in a particular track, what you do is 13:35:30
 5 try to change the track for the student, and even 13:35:34
 6 though they will be there for eight weeks together, 13:35:36
 7 because they do eventually, for the most part that 13:35:39
 8 kind of breaks up whatever type of situation the kid 13:35:41
 9 could be under all the time. 13:35:45
 10 Q. And has there been a situation when a 13:35:46
 11 student is asked to switch tracks and they haven't 13:35:49
 12 been permitted to switch tracks? 13:35:52
 13 A. You would have to ask someone else that 13:35:55
 14 question. 13:35:57
 15 Q. Would that be Ms. Ronquillo? 13:35:58
 16 A. Probably. 13:36:00
 17 Q. How does a student who is on a sports team 13:36:13
 18 that meets during a particular season -- how does he 13:36:17
 19 or she participate in the sport if they are off 13:36:23
 20 track? 13:36:29
 21 A. They usually come back after school. All of 13:36:29
 22 our athletic programs are extracurricular, which 13:36:33
 23 means they start after 3:00 o'clock. 13:36:39
 24 Q. So that's permitted for a student who is on 13:36:41
 25 a track that doesn't coincide with a particular 13:36:44

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1 activity to come to school -- 13:36:47
 2 A. Yes. 13:36:47
 3 Q. -- on their off track time? 13:36:49
 4 A. Yes. 13:36:49
 5 Q. What about certain AP classes that are 13:36:56
 6 offered on some tracks but not on others? How does 13:36:59
 7 that work? 13:37:02
 8 A. Same thing there. We call it 13:37:03
 9 cross-tracking. 13:37:05
 10 Q. Can you explain the cross-tracking concept 13:37:06
 11 to me. 13:37:09
 12 A. If, for example, we offer the Calculus 1 13:37:11
 13 class on C track and B track -- excuse me -- and A 13:37:14
 14 track doesn't start until two months later, that 13:37:18
 15 student that wants that class can take that AP class 13:37:21
 16 off their track time. So it would be off track. 13:37:24
 17 And the same thing if you have some of those 13:37:29
 18 calculus students who are B track, when their eight 13:37:31
 19 weeks are over, they can still remain in the class. 13:37:35
 20 Q. So have kids ever asked to switch tracks so 13:37:38
 21 they could be on track with the AP course offering? 13:37:44
 22 A. I would imagine so, but you would have to 13:37:48
 23 ask somebody else. 13:37:50
 24 Q. Okay. Do you know which AP classes are 13:38:03
 25 cross-tracked? 13:38:05

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1 A. No, I don't. 13:38:08
 2 MS. CHECEL: Let me see. This is Exhibit 5. 13:38:12
 3 (Document referred to above was 13:38:12
 4 marked as Plaintiffs' Exhibit 5 13:38:12
 5 for identification by the reporter 13:38:39
 6 and is attached hereto.) 13:38:39
 7 BY MS. CHECEL: 13:38:39
 8 Q. Why don't you take a moment to look at this. 13:38:39
 9 This is a document entitled "Cross-Tracked Classes, 13:38:42
 10 Fall 2000." 13:38:46
 11 Have you seen this document before -- 13:38:52
 12 A. Yes. 13:38:52
 13 Q. -- Mr. Garcia? 13:38:54
 14 Are all of these classes that are listed on 13:38:56
 15 here, are these all cross-tracked classes in fall 13:39:00
 16 2000? 13:39:06
 17 A. These -- I don't know if they are all 13:39:07
 18 cross-tracked classes. There may be students in here 13:39:10
 19 who aren't cross-tracked. There are some programs 13:39:13
 20 identified in there as a C/A and B/A-type situation, 13:39:16
 21 which are identification as to who is in there, but 13:39:20
 22 kids can be cross-tracked. 13:39:23
 23 Q. So, for example, let's just take the C/A 13:39:25
 24 that you pointed out. There's a C/A that's beginning 13:39:28
 25 orchestra. 13:39:32

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1 A. Uh-huh. 13:39:33
 2 Q. Does that mean that that class is offered on 13:39:34
 3 the A track and the C track? 13:39:36
 4 A. Yes. 13:39:36
 5 Q. So students desiring to take that class who 13:39:39
 6 are B track students have the opportunity to take it 13:39:43
 7 as long as they come to school during their off time? 13:39:46
 8 A. Yes. And if you notice, C and A track will 13:39:50
 9 overlap B track. 13:39:53
 10 Q. At some point -- 13:39:55
 11 A. Yes. 13:39:55
 12 Q. -- they overlap a portion -- 13:39:57
 13 Have you -- forgive me if I have already 13:40:00
 14 asked this. 13:40:04
 15 Have you received complaints from parents 13:40:05
 16 whose children want to take certain classes but they 13:40:07
 17 are not offered when they are on their track? 13:40:11
 18 A. Yes. 13:40:11
 19 Q. What were those complaints specifically? 13:40:15
 20 A. Well, I guess they basically stem from "Why 13:40:22
 21 can't you begin each class every school semester?" 13:40:25
 22 Q. And the reason that you cannot do that is? 13:40:28
 23 A. There are times when you don't have enough 13:40:31
 24 students each mester, each track to use one full 13:40:34
 25 teacher's time for that position. So you offer it on 13:40:40

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1 one track and students will cross-track. 13:40:44
 2 Q. Do you have enough teachers, though, to 13:40:48
 3 teach each of these classes on every single track? 13:41:01
 4 A. That's another area that you have to go to 13:41:01
 5 in terms of finding qualified teachers who can teach 13:41:01
 6 the advanced placement programs. 13:41:02
 7 You have to remember the advanced placement 13:41:03
 8 programs are college programs, and teachers have to 13:41:06
 9 have the background and/or training in that area to 13:41:08
 10 do those. 13:41:11
 11 Some kids coming straight out of college can 13:41:12
 12 be going to these classes because they have finished. 13:41:16
 13 Others will have to go back and take courses, 13:41:19
 14 something the districts provide so they can go into 13:41:23
 15 these classes. 13:41:27
 16 Q. Do you know of students who have been unable 13:41:28
 17 to enroll in a cross-tracked class maybe because they 13:41:31
 18 have a conflict with a commitment that's not school 13:41:35
 19 related and they are not able to come on their off 13:41:39
 20 time? 13:41:43
 21 A. Right now I'm not aware of any. 13:41:43
 22 Q. Has that happened in the past since you've 13:41:45
 23 been at Huntington Park? 13:41:48
 24 A. I can't recall. 13:41:50
 25 Q. How are teachers assigned to the different 13:41:53

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1 tracks? 13:41:55

2 A. Usually it's a contractual situation with 13:41:57

3 the local teachers' union. This year they have even 13:42:02

4 stipulated more so relative to how many new teachers 13:42:06

5 you can have per track, how many room changes a new 13:42:09

6 teacher can have, which, to me, helps the new 13:42:13

7 teacher. 13:42:16

8 Previously usually the more experienced 13:42:17

9 teacher requested that schedule which was most 13:42:21

10 similar -- A track -- to the regular summer or 13:42:25

11 traditional calendar; however, a principal, the 13:42:28

12 department chair, and the -- what did I -- head 13:42:32

13 counselor, assistant principal in charge of 13:42:37

14 counseling, did determine what tracks the teacher 13:42:40

15 could be put on to best serve the students. 13:42:44

16 Q. So since you've been there, have you noticed 13:42:46

17 a -- you said this is a contractual issue, and I 13:42:50

18 suppose that there's just one collective bargaining 13:42:53

19 agreement for all the teachers -- 13:42:56

20 A. Yes. 13:42:56

21 Q. -- that work at your school. 13:42:59

22 When did that agreement go into effect? Was 13:43:02

23 it for this calendar year? 13:43:05

24 A. The one I just explained -- 13:43:06

25 Q. Yes. 13:43:08

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1 A. -- in terms of the new teachers? 13:43:08

2 Q. Yes. 13:43:10

3 A. This calendar year -- no, wait a minute. 13:43:10

4 Was it -- next calendar year, July 2nd. 13:43:13

5 Q. It will go into effect -- 13:43:16

6 A. For the new teachers. 13:43:18

7 Q. -- July 2nd, 2001? 13:43:19

8 Up until that point, how are teachers 13:43:21

9 assigned to tracks? 13:43:26

10 A. The -- Ms. Ronquillo would meet with the 13:43:29

11 department chairpersons and indicate the classes that 13:43:34

12 needed to be taught, their track, and the departments 13:43:38

13 will sit down to meet as to see which teachers will 13:43:40

14 teach which subjects on which tracks. 13:43:44

15 Q. And have you noticed, since you've been at 13:43:49

16 Huntington Park, that -- I know you mentioned that a 13:43:51

17 lot of teachers prefer the A track because it 13:43:56

18 parallels the traditional school year the most. 13:43:59

19 A. Uh-huh. 13:44:02

20 Q. Have you noticed that the more senior 13:44:02

21 teachers were requesting and being put on that track? 13:44:04

22 A. We had situations, yes, where the most 13:44:10

23 seniors requested and got that track. 13:44:12

24 Q. And do you think it's beneficial or 13:44:15

25 detrimental to have most of your senior teachers on 13:44:19

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1 the same track? 13:44:23

2 A. Well, I think that question was answered 13:44:24

3 when the district and the union agreed that the 13:44:26

4 number of inexperienced teachers, or new teachers, be 13:44:29

5 put across the track and not necessarily on one given 13:44:35

6 track thereafter overloading track A with your most 13:44:38

7 experienced teachers. They wanted more equality 13:44:43

8 distributed amongst the tracks. 13:44:46

9 Q. Did you agree with this position? 13:44:49

10 A. Most definitely. 13:44:51

11 Q. Why does it help to have a mixture of senior 13:44:54

12 and, let's say, junior, or inexperienced, teachers on 13:44:57

13 the same track? 13:45:02

14 A. You run your school by departments, and you 13:45:03

15 have departmental meetings. There's an information 13:45:07

16 period time within each meeting such that the younger 13:45:11

17 teacher can gain from experience from the older one, 13:45:16

18 maybe even establishing some sort of cooperation, and 13:45:20

19 where this could lead to a class being observed, 13:45:26

20 teaching methods being observed, and the like, and 13:45:30

21 also to hear from the new kids what is happening, 13:45:33

22 what is coming through. 13:45:35

23 Q. Do you think that students benefit from a 13:45:37

24 teacher with more experience than a teacher who has 13:45:43

25 less experience? 13:45:46

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1 MR. CHOATE: Objection. Vague and ambiguous 13:45:47

2 as to "more experience and less experience." 13:45:49

3 BY MS. CHECEL: 13:45:51

4 Q. You can still answer the question. 13:45:52

5 A. A good teacher is a good teacher regardless 13:45:55

6 of the number of years they have under their belt. 13:45:59

7 Q. So it just depends on the individual 13:46:01

8 teacher? 13:46:03

9 A. Yes. 13:46:03

10 Q. What are the benefits of having a multitrack 13:46:13

11 school, the Concept 6 school? 13:46:17

12 A. When you look at the fact that your advanced 13:46:27

13 placement exams are given in May, any of your 13:46:30

14 advanced placement programs on C track will be able 13:46:33

15 to complete the course and given time for review to 13:46:36

16 take the advanced placement exam in May. 13:46:40

17 Q. And what happens to an AP class that's 13:46:47

18 offered on, let's say, B track where I think they 13:46:54

19 start in July and -- 13:47:05

20 A. End in -- 13:47:06

21 Q. -- end in May? Is that the end of their 13:47:10

22 school year as well? 13:47:15

23 A. No, June. 13:47:16

24 Q. June is the end of their school year? 13:47:17

25 A. Yes. That's the same difficulty faced on 13:47:20

1 traditional calendar programs because their programs 13:47:23
 2 go through June also. So they have to finish their 13:47:26
 3 program earlier. 13:47:29
 4 Q. And then the same would hold true for the A 13:47:33
 5 track students -- 13:47:35
 6 A. Yes. 13:47:35
 7 Q. -- is that correct? 13:47:37
 8 Due to the fact that the C track seems to be 13:47:40
 9 most beneficial and fits very well with the AP 13:47:44
 10 schedule, do you try and schedule all your AP classes 13:47:48
 11 on the C track? 13:47:52
 12 A. I'm smiling right now because teachers won't 13:47:55
 13 let me do that. They want it across the board, and 13:47:57
 14 we have, like in the English department, enough 13:48:01
 15 teachers to provide advanced placement classes on all 13:48:04
 16 three tracks. Same with Spanish on all three tracks. 13:48:08
 17 Those where we have the limitation factor like the 13:48:12
 18 advanced placement in calculus. 13:48:15
 19 Q. And what do teachers do to get around that 13:48:18
 20 limitation, the teachers who are on the A and B 13:48:20
 21 track? I mean it says -- 13:48:23
 22 A. Limitation of? 13:48:25
 23 Q. Well, you said of not finishing the course. 13:48:27
 24 A. Remember that's the same as traditional 13:48:29
 25 calendar schools. They have to exact their program 13:48:31

1 and aim at what they feel would be on your advanced 13:48:34
 2 placement program test. 13:48:38
 3 Q. And you mentioned calculus. Is that why the 13:48:39
 4 AP calculus course is only offered on C track? 13:48:42
 5 A. It's offered on C track, but the teacher 13:48:46
 6 spends really A, B, and C track at school. 13:48:49
 7 Q. Why? 13:48:54
 8 A. To bring in those kids that are off track, 13:48:55
 9 whether it's A track students or B track students. 13:48:59
 10 Give them the opportunity to take this class. 13:49:03
 11 Q. Then where do they meet if he is off track 13:49:05
 12 during the period that he is supposed to be off? 13:49:09
 13 A. Carlos starts his classes at 7:00 in the 13:49:13
 14 morning. So his kids are in there with him. 13:49:17
 15 Q. In his classroom? 13:49:20
 16 A. Yes. 13:49:20
 17 Q. Does he get to keep his classroom throughout 13:49:22
 18 the entire year? 13:49:25
 19 A. Yes -- no, he's on a rotation. 13:49:27
 20 Q. Can you explain the rotation system. 13:49:30
 21 A. You rotate three teachers in two 13:49:34
 22 classrooms -- 13:49:36
 23 Q. Okay. 13:49:38
 24 A. -- okay? 13:49:39
 25 Q. Uh-huh. 13:49:39

1 A. So at the end of a track, one teacher will 13:49:40
 2 move out, and that off track teacher will come in. 13:49:44
 3 Let's assume we have a B and C track 13:49:48
 4 situation. When the B track teacher goes off, the A 13:49:52
 5 track teacher comes on board. C track is allowed to 13:49:56
 6 have their classroom for the whole 16 weeks and so 13:50:00
 7 will A track because, when C track goes off, B track 13:50:03
 8 will come back. 13:50:06
 9 Q. So the B track -- so let me get this clear. 13:50:07
 10 The B track teacher who finishes in June and 13:50:10
 11 has sometimes only a couple of days off before they 13:50:15
 12 start the new academic year, they have to move out of 13:50:18
 13 their classroom, and then they get moved into a 13:50:21
 14 different one? 13:50:24
 15 A. Not necessarily. They may still remain in 13:50:24
 16 the same classroom. 13:50:26
 17 Q. And sometimes are they moved into different 13:50:27
 18 classrooms? 13:50:30
 19 A. Usually. We don't want them moving that 13:50:31
 20 much. So you try keeping them in their classroom. 13:50:33
 21 Q. So let's use a B track teacher that's in a 13:50:40
 22 classroom -- and I guess I don't understand because 13:50:44
 23 it sounded like one of the teachers -- that three 13:50:49
 24 teachers share two classrooms. 13:50:52
 25 A. Right. 13:50:54

1 Q. Where does that third teacher go? 13:50:54
 2 A. They are never on there all together. Okay. 13:50:57
 3 So two are only on at a given time. So we have A, B, 13:51:01
 4 and C. B is in one. C is in two. B leaves. C 13:51:06
 5 still is in two. A comes to one. 13:51:13
 6 Q. Right. 13:51:15
 7 So then where does that B person go? 13:51:15
 8 Because he or she has to come back a couple of days 13:51:18
 9 later. 13:51:21
 10 A. No, no. Wait a minute. 13:51:22
 11 I think you are thinking about the end of 13:51:25
 12 the school year. 13:51:27
 13 Q. That's what I'm thinking about. 13:51:28
 14 A. At the end of the school year, A track and B 13:51:29
 15 track are currently on room one and two again. A 13:51:32
 16 track will leave. B track will now come into room 13:51:35
 17 one. So now you have room one and two, B track, C 13:51:39
 18 track. 13:51:43
 19 B track leaves. A track comes back into 13:51:44
 20 room one. Okay. 13:51:48
 21 Q. Okay. 13:51:50
 22 A. C track leaves. B comes into room two. 13:51:51
 23 Q. So they are just -- 13:51:54
 24 A. Now, second semester, C could still remain 13:51:56
 25 in room two. So they don't have to move. So it's 13:51:59

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1 the same thing now with -- 13:52:03
 2 Q. Because it's the same school year -- 13:52:06
 3 A. Right. 13:52:07
 4 Q. -- even though -- 13:52:08
 5 A. Even a different school year. B track could 13:52:09
 6 be in room two right now, and when they open up July 13:52:11
 7 2nd, it could still be room two, A and C track. 13:52:14
 8 Q. When teachers are required to move out of 13:52:20
 9 their rooms, what do they do with all of their 13:52:22
 10 things? 13:52:25
 11 A. They are instructed to pack up, and the 13:52:26
 12 district provides movers to move them to the 13:52:28
 13 classroom they are going to or put them in an area 13:52:31
 14 where they can hold them until they return to be 13:52:40
 15 moved into their classroom. 13:52:40
 16 Q. And I think you explained to me earlier this 13:52:40
 17 morning that it usually takes a couple of weeks to 13:52:44
 18 break down a classroom and kind of close up the end 13:52:47
 19 of the year. 13:52:49
 20 Are teachers doing this after school or 13:52:50
 21 during school hours? 13:52:54
 22 A. Doesn't take two weeks to close down a 13:52:56
 23 classroom. You can close down pretty fast. I think 13:52:59
 24 the question was how long does it take for students 13:53:02
 25 to get processed in. 13:53:05

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1 Q. Right. 13:53:07
 2 A. But closing a classroom doesn't take that 13:53:08
 3 long. The thing that teachers have to be concerned 13:53:10
 4 about is making sure they pack, and given our 13:53:14
 5 school's scheduled with minimum and shortened days 13:53:17
 6 and teachers knowing in advance which shortened days, 13:53:22
 7 we can use them. Whether they use them or not, it's 13:53:25
 8 another day. They can use those shortened days to 13:53:27
 9 pack. 13:53:31
 10 Q. Okay. Turning to kind of away from the AP 13:53:48
 11 classes we were talking about before and moving on to 13:53:51
 12 honors classes, are honors classes offered on every 13:53:54
 13 single track? 13:53:58
 14 A. We try to do it, yes. 13:53:59
 15 Q. What happens if -- I'll use an example. 13:54:01
 16 Let's say tenth grade honors English and a student is 13:54:03
 17 on C track and that class is offered on A and B, is 13:54:08
 18 that student simply unable to take the honors English 13:54:12
 19 class? 13:54:17
 20 A. I haven't heard of that particular 13:54:17
 21 situation, but what would be done with the AP 13:54:19
 22 classes, I imagine they would be given time to go off 13:54:23
 23 track. 13:54:27
 24 Q. Could a student switch tracks due to those 13:54:27
 25 circumstances if they wanted to take the class? 13:54:30

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1 A. It's a possibility. 13:54:32
 2 Q. Is there a school -- like a written school 13:54:36
 3 policy about being permitted to take classes that are 13:54:38
 4 not on your track, or is it just a spoken policy? 13:54:41
 5 A. No, you can take the classes that are 13:54:46
 6 available at the school. So if you have to go off 13:54:48
 7 track, you can take that class. 13:54:50
 8 Q. Have students ever complained to you about 13:54:55
 9 not being able to get -- I don't want to say summer 13:54:57
 10 because it might not be summer -- a job during their 13:55:01
 11 off time because they have to come and take a class 13:55:04
 12 that's not on their track? 13:55:06
 13 A. No. 13:55:06
 14 Q. Are you aware of any complaints of that 13:55:10
 15 nature being made? 13:55:13
 16 A. No, but I have to bring up the fact that, 13:55:14
 17 remember, these kids have been on this year-round 13:55:17
 18 schedule since elementary school. So whatever they 13:55:21
 19 have done to work their schedule out to include 13:55:24
 20 whatever extracurricular activities -- be it work or 13:55:29
 21 fun or play -- in their schedules, they have already 13:55:32
 22 done this. So it's a set pattern for them of them. 13:55:35
 23 Sometimes, yes, I imagine that they have a 13:55:38
 24 problem with working and going to school at the same 13:55:41
 25 time, but that happens in traditional calendar 13:55:43

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1 schools also. 13:55:46
 2 Q. Are you aware of different students having 13:55:47
 3 like internship opportunities being limited because a 13:55:51
 4 student is on a particular track and the internship 13:55:56
 5 is only offered in the summertime and they are in 13:55:58
 6 school during that time? 13:56:01
 7 A. No, I'm not aware of that. 13:56:03
 8 Q. Do you know how many days of instruction are 13:56:11
 9 offered on a multitrack program such as the one at 13:56:14
 10 Huntington Park? 13:56:17
 11 A. Approximately 162. 13:56:18
 12 Q. And do you know how many days of instruction 13:56:20
 13 are offered on a traditional? 13:56:22
 14 A. 180 approximately. 13:56:24
 15 Q. Is a multitrack school such as Huntington 13:56:27
 16 Park able to compensate for the -- I don't know -- 13:56:33
 17 approximately 15 fewer days -- 13:56:36
 18 A. 18 days. And yes, we have a longer school 13:56:39
 19 day for the students. 13:56:42
 20 Q. So the instructional time is based on 13:56:44
 21 minutes and not school days? Is that your 13:56:49
 22 understanding? 13:56:52
 23 A. Yes, yes. 13:56:53
 24 Q. Do you think that a student having 18 fewer 13:56:58
 25 days, even though they have the same time as a 13:57:02

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1 student in a traditional calendar school, is a 13:57:05
 2 detriment to the student in any way? 13:57:08
 3 A. The district sets up the instructional 13:57:11
 4 program as to what they would like the students to 13:57:13
 5 cover. 13:57:16
 6 In fact, we just received one yesterday 13:57:17
 7 about the standards that the district wants to use in 13:57:19
 8 its instructional programs, and we are asked to 13:57:22
 9 implement those programs, be you a year-round school 13:57:24
 10 or be you a traditional calendar school. 13:57:28
 11 Q. So you don't think that having fewer days of 13:57:31
 12 instruction negatively impacts the students that are 13:57:34
 13 in a multitrack school? 13:57:37
 14 A. If they use the time, it's the same, but in 13:57:40
 15 Japan they go to school all year long. They go to 13:57:46
 16 school after school and before school. It just 13:57:50
 17 depends on who establishes the number of minutes in a 13:57:53
 18 school day, and education is a function of the State. 13:57:57
 19 Q. Are teachers trained any differently how to 13:58:04
 20 teach at a Concept 6 school? 13:58:08
 21 A. Not that I'm aware of. 13:58:11
 22 MR. CHOATE: Could you please read back the 13:58:14
 23 question. I didn't hear the end of it. 13:58:15
 24 (Question read by the reporter.) 13:58:25
 25 BY MS. CHECEL: 13:58:25

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1 Q. So you don't know if they are instructed 13:58:30
 2 about how to provide the same instructional material 13:58:33
 3 in 18 fewer days? 13:58:36
 4 MR. CHOATE: Objection. Lacks foundation, 13:58:47
 5 assumes facts not in evidence. 13:58:47
 6 BY MS. CHECEL: 13:58:47
 7 Q. You can answer the question. 13:58:47
 8 A. The department knows what they would like to 13:58:47
 9 have the students finish with and based on input from 13:58:49
 10 the district, what the administration says we are 13:58:53
 11 looking at doing, and it's mostly what the district 13:58:56
 12 says. 13:59:00
 13 So the teachers have to establish their 13:59:00
 14 guidelines as to the materials they are going to 13:59:03
 15 cover along the way, given the off track time, given 13:59:05
 16 vacation time, et cetera. 13:59:09
 17 Q. Okay. And you've been in a Concept 6 school 13:59:11
 18 since '95 now, and I think the year before; right? 13:59:13
 19 A. Three years. 13:59:18
 20 Q. What is your opinion of a Concept 6 school 13:59:19
 21 versus a traditional school, because you have been at 13:59:22
 22 both of them? 13:59:24
 23 A. One of the things that I was -- when we went 13:59:30
 24 first into year-round school when I was at Sun Valley 13:59:34
 25 was the facilities, out-of-school services, that were 13:59:37

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1 available to students who didn't have the normal 13:59:41
 2 summer. What can the City provide for that 13:59:44
 3 recreational time that they would normally use the 13:59:49
 4 pool, the tennis courts, et cetera? 13:59:52
 5 In terms of the after-school programs, we 13:59:56
 6 provide those programs, and now we are able to do it 13:59:59
 7 on a year-round basis -- tutorial programs, library 14:00:02
 8 use programs, et cetera. 14:00:09
 9 The disadvantage, if I saw one, was that the 14:00:14
 10 students who were already in Concept 6 had to come to 14:00:19
 11 that sort of thinking, but when you look at a school 14:00:23
 12 like Huntington Park that has been doing it for 14:00:27
 13 approximately 19 to 20 years, it's already a built-in 14:00:29
 14 factor for the kids from kindergarten all the way 14:00:33
 15 through. 14:00:37
 16 Q. So aside from being a built-in factor and 14:00:41
 17 kids being used to it and maybe even the teachers 14:00:44
 18 getting used to it, what are some of the benefits to 14:00:47
 19 having a Concept 6 school, in your opinion? 14:00:50
 20 A. Well, I already mentioned what the AP could 14:00:58
 21 do for AP courses in terms of being able to complete 14:01:01
 22 the programs. 14:01:04
 23 We are able to provide tutorial programs 14:01:07
 24 throughout the year, use of the library throughout 14:01:09
 25 the year, although the respective counselor for the 14:01:11

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1 teachers that are off track is gone, they can come in 14:01:18
 2 and request assistance, and if we can provide it, for 14:01:21
 3 instance like the college counselor, we can provide 14:01:25
 4 it. 14:01:27
 5 Q. Where are the tutorial programs that you are 14:01:28
 6 referring to offered? 14:01:30
 7 A. We -- as a school, we offer them in the 14:01:34
 8 library, in the computer lab, and depending on 14:01:36
 9 whether we have enough students per subject, we will 14:01:40
 10 get another extra classroom near the library after 14:01:46
 11 school for, let's say, just math programs or English 14:01:48
 12 programs. 14:01:52
 13 Q. These tutorials are after-school programs? 14:01:52
 14 A. Yes. 14:01:52
 15 Q. Do you know approximately how many students 14:01:56
 16 were involved in the tutorial program this calendar 14:01:58
 17 year? 14:02:01
 18 A. No, I don't. 14:02:02
 19 Q. Have you ever looked at any research that 14:02:08
 20 discusses the multitrack program and the extended 14:02:11
 21 school year? 14:02:17
 22 A. Could you explain "extended school." 14:02:18
 23 Q. The entire year that expanded over the whole 14:02:22
 24 calendar versus tracks that begin in September and 14:02:25
 25 end in June. 14:02:28

1 A. The first one you said year-round school. 14:02:30
 2 Q. Have you looked into any research or studies 14:02:32
 3 about year-round schools? 14:02:35
 4 A. The only thing I can recall is my research 14:02:37
 5 with loss of instructional knowledge when you go off 14:02:41
 6 track, but the study -- I forget it. It's been so 14:02:44
 7 long -- shows there was no significant loss by kids 14:02:49
 8 going off track and picking up again. What study 14:02:54
 9 that was, I don't remember right now. 14:02:57
 10 Q. But that's one that you looked at? 14:02:59
 11 A. I think that was provided to us in one of 14:03:01
 12 our meetings. 14:03:03
 13 Q. Okay. Have the teachers at any time 14:03:05
 14 discussed with you that issue of loss of knowledge 14:03:08
 15 when a student is in for, let's say, eight weeks, off 14:03:12
 16 for eight weeks, and comes back to the same class? 14:03:17
 17 Is there a period of time within which the teacher 14:03:19
 18 has to build another foundation or remind students of 14:03:22
 19 things and use instructional time in that way versus 14:03:26
 20 moving on? 14:03:29
 21 A. I'm smiling again only because it's 14:03:31
 22 something as administrator "Now you guys are going to 14:03:33
 23 have to" -- they are conscious of it if they have 14:03:36
 24 been at the school for a period of time, and in 14:03:40
 25 year-round schools, they know what is expected of 14:03:43

1 them. 14:03:46
 2 Q. So that's something that occurs when a 14:03:46
 3 student is in a particular class and there's a 14:03:49
 4 break -- significant break of, let's say, eight weeks 14:03:51
 5 between the class, when they come back, they will 14:03:55
 6 spend a certain amount of time bringing the kids up 14:03:58
 7 to speed; is that correct? 14:04:01
 8 A. I would guess so, yes. 14:04:05
 9 MR. CHOATE: I'm objecting to the question 14:04:17
 10 to the extent it's vague and ambiguous. 14:04:19
 11 BY MS. CHECEL: 14:04:24
 12 Q. You went into the rotation process a little 14:04:24
 13 bit. 14:04:28
 14 Are the teachers -- do they have a permanent 14:04:29
 15 classroom during their entire track, or it might just 14:04:33
 16 be during a semester of their track? 14:04:37
 17 A. Could be for a semester of their track. 14:04:48
 18 Q. Okay. Are there teachers at Huntington Park 14:04:48
 19 who don't have a classroom at all and just go from 14:04:48
 20 classroom to classroom because there's not enough 14:04:49
 21 space for them? 14:04:52
 22 A. Per period, no, but we do have traveling 14:04:55
 23 teachers. 14:04:57
 24 Q. Can you give me a traveling teacher where 14:05:02
 25 they would work? 14:05:05

1 A. For example, if a teacher had four classes 14:05:06
 2 in the morning, conference period in the afternoon, 14:05:08
 3 and one period in the -- and only teach one period in 14:05:12
 4 the afternoon, then they may go traveling for their 14:05:16
 5 sixth period, while another teacher uses that 14:05:18
 6 classroom for those two periods and vice versa in the 14:05:22
 7 morning situation. It could be that a teacher will 14:05:25
 8 spend three periods in one classroom and then two 14:05:32
 9 periods in another classroom. So that one teacher 14:05:36
 10 can at least have one classroom for three periods. 14:05:39
 11 Q. How many periods of instruction are offered 14:05:42
 12 at Huntington Park High School? 14:05:45
 13 A. Gee. 14:05:47
 14 Q. I mean during the day. 14:05:48
 15 Do the students take five classes, six 14:05:51
 16 classes? 14:05:53
 17 A. They take six classes. 14:05:53
 18 Q. And usually is it accurate that teachers 14:05:55
 19 usually teach five and have a preparation period? 14:05:58
 20 A. Yes. 14:06:02
 21 Q. I want to use the B track as an example 14:06:28
 22 because I think that's the track where the students 14:06:30
 23 are on eight weeks, off eight, on eight, and that's 14:06:33
 24 all in the same semester. 14:06:37
 25 A. Yes. 14:06:37

1 Q. At the end of the first eight-week period, 14:06:39
 2 are the books collected, or do the students keep 14:06:42
 3 their books? 14:06:45
 4 A. Books are collected. 14:06:46
 5 Q. Okay. And are those books reassigned to 14:06:47
 6 other classes? 14:06:50
 7 A. Yes. 14:06:50
 8 Q. When the students on the B track come back 14:06:53
 9 for that second portion that second eight-week 14:06:56
 10 period, do they get the same -- not the same exact 14:06:59
 11 book, but do they get the same edition and author 14:07:03
 12 that they were using the first part of the semester? 14:07:09
 13 A. They should. 14:07:11
 14 Q. Have you ever had complaints that a teacher 14:07:13
 15 on B track -- that he was not able to get the same 14:07:15
 16 book they began with? 14:07:19
 17 A. I think the only complaint was in literature 14:07:20
 18 classes where this one wants to the use it again and 14:07:24
 19 the other teacher said, "No, I'm using it," and they 14:07:27
 20 were able to reach a compromise. 14:07:31
 21 Q. And just staying on the B track, for 14:07:43
 22 example. Are students on B track, for example, given 14:07:47
 23 homework or packages of work to do during that 14:07:51
 24 eight-week period when they are off or -- sorry -- or 14:07:55
 25 are they just dismissed and then expected to return 14:07:59

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1 eight weeks later? 14:08:02

2 A. It could depend on the teacher. If it's one 14:08:03

3 of the honors or advanced placement programs, the 14:08:06

4 teacher could conceivably give them additional work 14:08:11

5 or assignments to bring back as soon as school starts 14:08:13

6 again, and yes, there are some teachers that wouldn't 14:08:16

7 expect them to do anything during that time and 14:08:20

8 expect them to pick up when the students came back 14:08:22

9 in. 14:08:26

10 Q. In your opinion, what are the advantages to 14:08:26

11 the traditional schedule that begins in September and 14:08:29

12 ends in June as opposed to -- a traditional calendar 14:08:33

13 as opposed to a multitrack school? 14:08:50

14 A. Maybe for parents the fact that, if they are 14:08:59

15 going to take a summer vacation, the kids are also 14:09:02

16 taking a summer vacation. That would be available to 14:09:05

17 A track kids. And if parents took a late summer 14:09:09

18 vacation, that would be available to the B track 14:09:13

19 kids. 14:09:16

20 Q. But aside from vacation, is there a benefit 14:09:22

21 in having continuity throughout the year and less 14:09:29

22 interruption between classes and semesters? 14:09:34

23 MR. CHOATE: Objection. Vague and 14:09:37

24 ambiguous. 14:09:37

25 THE WITNESS: I'll go back to what I 14:09:39

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1 indicated before, to a study they gave us a while 14:09:41

2 back. It shows that going off track doesn't show any 14:09:44

3 significance of loss of instruction -- loss of 14:09:47

4 knowledge from instruction. 14:09:51

5 Again, I don't know which one that was, but 14:09:53

6 this was a while back. 14:09:56

7 BY MS. CHECEL: 14:09:58

8 Q. Do you think it's easier for a teacher to 14:09:58

9 teach on a traditional calendar versus multitrack 14:10:01

10 calendar? 14:10:04

11 A. You would have to ask that of the teacher. 14:10:05

12 Q. Okay. And what about space issues and 14:10:08

13 classroom issues, being able to stay in the same 14:10:11

14 place for the entire year versus possibly having to 14:10:13

15 pick up and move and come back a couple of days later 14:10:16

16 and be in a new classroom? Is there an advantage to 14:10:19

17 be able to stay in the same classroom for a year? 14:10:23

18 A. I don't know because there could be a 14:10:30

19 classroom that you would like to have that, on a 14:10:31

20 rotational basis, you'll get that room at least for a 14:10:34

21 short period of time. 14:10:37

22 Q. That's what I was going to say. It won't be 14:10:38

23 theirs indefinitely. 14:10:43

24 If space weren't an issue and Huntington 14:10:54

25 Park Senior High had enough space to go traditional 14:10:54

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1 or opt to keep it multitrack, what would you do? 14:10:55

2

3 A. I would have to ask parents and teachers. I 14:11:01

4 don't think that's a question that a principal should 14:11:11

5 answer by him or herself. 14:11:13

6 Q. How is it different running a multitrack 14:11:15

7 Concept 6 school as a principal versus running a 14:11:19

8 traditional September-to-June school as a principal? 14:11:24

9 A. Working 260 days as opposed to working 180 14:11:29

10 days. 14:11:33

11 Q. When do you go on vacation? 14:11:33

12 A. Accrue vacation time as most people do in 14:11:36

13 the work force and then you take your vacation time 14:11:38

14 accordingly. Usually you try and do that around 14:11:42

15 periods like AP testing periods, like State testing 14:11:47

16 periods where you feel you need to be there as a 14:11:51

17 principal to see how things are going. Even though, 14:11:53

18 if you left, you know things can go well. It's like 14:11:56

19 that parent at home right now. You are that way 14:11:59

20 about it. 14:12:03

21 Q. You just take it whenever you can fit it in 14:12:04

22 and feel comfortable leaving. 14:12:06

23 Who is in charge in your absence? 14:12:08

24 A. Usually it's one of the assistant 14:12:11

25 principals, and in my case, I used to go with the 14:12:15

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1 assistant principal who had been there the longest; 14:12:20

2 that knew the staff, the programs, and the situations 14:12:24

3 at the school a little more -- a little more than the 14:12:27

4 newly assigned assistant principal. 14:12:32

5 Q. Okay. And so you would base it on the 14:12:35

6 experience of the different assistant principals and 14:12:39

7 the time they had been at the school? 14:12:42

8 A. Yes, but sometimes you have to put the 14:12:45

9 youngsters in there. 14:12:47

10 Q. Assuming that you had a high school-aged 14:12:50

11 child, would you want your child to attend a 14:12:53

12 traditional school that starts in September and ends 14:12:56

13 in June, or would you want your child to be on a 14:13:00

14 multitrack program? 14:13:02

15 A. They both graduated from a traditional 14:13:04

16 calendar school. So I don't think at this point it 14:13:07

17 would be fair to ask me that question. I don't have 14:13:12

18 that decision to make. 14:13:14

19 Q. Was it your preference at the time that they 14:13:19

20 be in a traditional calendar school? 14:13:20

21 A. There was no choice. It was only a 14:13:22

22 traditional calendar school. 14:13:25

23 Q. Were you happy with that? 14:13:27

24 A. Again, my kids had come through in a 14:13:29

25 traditional calendar program. The kids at Huntington 14:13:33

1 Park are coming through there in a year-round program 14:13:36
 2 since kindergarten. 14:13:39
 3 Q. Going back to the students who attend 14:13:45
 4 intersession, how are those students selected to 14:13:48
 5 attend? 14:13:53
 6 I know you mentioned some of them need to 14:13:54
 7 repeat courses. 14:13:56
 8 Is that the only criteria? 14:13:57
 9 A. We have -- the counselors will work with the 14:13:59
 10 students that need to take these courses, and it 14:14:02
 11 could -- it's based on the fact that they didn't pass 14:14:08
 12 the course and they needed the units to graduate 14:14:12
 13 sometime hence. 14:14:16
 14 Some students may want to take the course 14:14:19
 15 over again because they will just say "I know I'm not 14:14:22
 16 doing well during the regular semester. Let me take 14:14:26
 17 it at this time, and I can do better." We have 14:14:29
 18 students that do that. 14:14:33
 19 Q. So it's a combination of students being 14:14:34
 20 assigned to go to intersession and self-selection by 14:14:36
 21 the students? 14:14:40
 22 A. Self-selection usually means they are not 14:14:42
 23 going to pass the class. They know they are not 14:14:44
 24 going to pass the class. 14:14:46
 25 Q. Do you have a maximum number of students 14:14:48

1 that are allowed to participate in the intersession? 14:14:49
 2 A. We are going to be moving towards more of 14:14:55
 3 that where we are limiting the size of the 14:14:57
 4 intersession programs' classes to 35 students. Maybe 14:15:01
 5 one or two classes to 40, but we are trying to make 14:15:04
 6 it as normal a size classroom as possible. 14:15:07
 7 Q. What size have they been up to this point? 14:15:10
 8 A. 40, 45. 14:15:13
 9 Q. And the groups of 40 to 45 students are all 14:15:15
 10 in the cafeteria but in different areas? 14:15:19
 11 A. Yes. 14:15:19
 12 Q. Who is instructing them? 14:15:23
 13 A. Off track teachers. 14:15:25
 14 Q. Are those teachers that have a credential in 14:15:28
 15 that particular subject matter area? 14:15:31
 16 A. Yes. They are their own teachers. 14:15:36
 17 Q. The students are? 14:15:39
 18 A. Yes. Remember, the B track students. That 14:15:40
 19 would be B track teachers -- 14:15:42
 20 Q. Okay. 14:15:44
 21 A. -- they are off with them. 14:15:44
 22 Q. Do you offer any school programs on 14:15:54
 23 Saturdays, tutorial programs? 14:15:55
 24 A. I know, when we are getting close to the AP 14:16:05
 25 exams, the teachers will come in and bring their 14:16:08

1 classes for extra tutoring. 14:16:11
 2 When we go to the academic decathlon 14:16:14
 3 program, he will bring in his kids on Saturdays and 14:16:17
 4 sometimes Sunday. 14:16:20
 5 If we have a band competition-type thing or 14:16:24
 6 instrumental orchestra competition, the kids will 14:16:27
 7 come in and do their thing. Most -- well, I can't 14:16:35
 8 say most. 14:16:39
 9 My school, we are basically open six days a 14:16:40
 10 week, sometimes seven. 14:16:44
 11 Q. How come the tutorial programs are offered 14:16:46
 12 on Saturday? 14:16:48
 13 A. We also offer them after school -- 14:16:50
 14 Q. Right. 14:16:52
 15 A. -- during the week, and then we just provide 14:16:53
 16 more tutorial time on the weekends. 14:16:55
 17 Q. Now, is the Saturday tutorial for kids that 14:17:05
 18 have been in tutoring during the week or kids that 14:17:05
 19 couldn't get into the weekly? 14:17:05
 20 A. Anyone. 14:17:06
 21 Q. Can you explain how, as a principal, the 14:17:26
 22 administration of a multitrack school is different 14:17:31
 23 from the administration of a traditional school? 14:17:33
 24 A. Your problem is year-round, okay, and also 14:17:41
 25 your successes are year-round. You have to think in 14:17:44

1 terms of the whole year instead of a 40-week program. 14:17:49
 2 So that includes instructional services to 14:17:57
 3 kids; support services to kids; making sure that, 14:18:03
 4 when your nurse goes on vacation, you have a nurse, 14:18:09
 5 and that's usually taken care of by nursing services; 14:18:13
 6 that, when your school psychologist isn't there, 14:18:17
 7 there is someone you can call should you have need 14:18:19
 8 for your school psychologist; pupil services and 14:18:22
 9 attendance workers, which used to be the old hooky 14:18:26
 10 cops, to have those services available when you are 14:18:31
 11 running the whole year-round school program. 14:18:34
 12 Of course, cleanliness of the campus, you 14:18:37
 13 have to think about that full time. You have to look 14:18:40
 14 in terms of when major maintenance can be done, which 14:18:42
 15 is scheduled by the district when students are not in 14:18:46
 16 school or on weekends. Any construction work, you 14:18:49
 17 try to have that done, again, after school or on 14:18:53
 18 Saturdays. Sometimes it will hit you during the 14:18:56
 19 school day that that happens. Then you have to work 14:18:58
 20 around. 14:19:01
 21 For example, they were digging trenches, and 14:19:04
 22 we had to provide routes for the students so they 14:19:06
 23 don't have to jump over a trench; if they had to walk 14:19:09
 24 over a trench, that there was some solid foundation 14:19:14
 25 for them to walk over. 14:19:18

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1 So whatever you think of for 40 weeks, you 14:19:19
 2 have to think of now for 51 weeks. 14:19:22
 3 Q. So, for example, when maintenance is done, 14:19:25
 4 have there been occasions when it's done during the 14:19:29
 5 school day, since you have been principal? 14:19:32
 6 A. Mostly that which is emergency that you have 14:19:35
 7 to take care of. 14:19:40
 8 Q. And I know there was an issue with one of 14:19:42
 9 the buildings being reroofed -- 14:19:47
 10 A. Yes. 14:19:47
 11 Q. -- or there was something going on with the 14:19:49
 12 roof. 14:19:51
 13 Was that work done during the school day? 14:19:52
 14 A. No, that wasn't done -- yes, it was done 14:19:54
 15 during the school day. 14:19:57
 16 Q. Okay. You mentioned earlier that part of 14:20:00
 17 the administration of the school is making sure that 14:20:03
 18 you have the appropriate staff members there. 14:20:05
 19 Have you ever been in the situation where 14:20:08
 20 you were not able to get a replacement nurse for when 14:20:10
 21 the school nurse was on her vacation? 14:20:13
 22 A. When you are not -- when you don't have a 14:20:17
 23 school nurse there, there's always a school nurse 14:20:19
 24 available at the next school site, which, for us, is 14:20:22
 25 about two blocks down the road. So we can have 14:20:25

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1 services provided by that nurse to the school. 14:20:29
 2 Q. Is that what usually happens when the 14:20:32
 3 Huntington Park school nurse goes out? 14:20:34
 4 A. No. We usually get the schedule in advance 14:20:36
 5 as to what periods of time she is funded for and 14:20:38
 6 those she is not funded for where we are going to 14:20:42
 7 have -- who will be our substitute or that we will 14:20:46
 8 have a substitute. 14:20:48
 9 What may happen is that, if the school nurse 14:20:50
 10 is out, you know, then we will have to go to the 14:20:53
 11 other school because sometimes an extra school nurse 14:20:56
 12 is not available from nursing services. So they make 14:21:01
 13 sure our school nearby has a nurse on campus. 14:21:04
 14 Q. On how many occasions since 1995 have you 14:21:10
 15 had to rely on a school nurse that's close but at 14:21:14
 16 another campus? 14:21:18
 17 A. I don't recall. 14:21:20
 18 Q. Has it happened? 14:21:21
 19 A. Oh, yes, it's happened. 14:21:22
 20 Q. How does the multitrack system work with you 14:21:31
 21 being able to communicate with your teachers since 14:21:34
 22 some of the teachers are off, others are on? 14:21:38
 23 You are there most of the time. How does 14:21:42
 24 the communication -- 14:21:45
 25 A. I'm there all the time. 14:21:46

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1 Q. You are there all the time. 14:21:47
 2 How does the communication work between you 14:21:48
 3 and your teachers and your staff? 14:21:50
 4 A. For those teachers that are off who I do 14:21:53
 5 need to communicate with, I'll send memos to them as 14:21:58
 6 to what is happening on campus or what is expected 14:22:01
 7 from them when they return from vacation, what 14:22:04
 8 programs are going on, concerns there may be at the 14:22:08
 9 school at the time that they may be looking at when 14:22:12
 10 they return. 14:22:15
 11 So it's done by letters or memos sent home. 14:22:16
 12 Q. Okay. Have you ever been in a situation 14:22:23
 13 where you've had to hold the same meeting about the 14:22:24
 14 same issue more than once because you wanted to make 14:22:27
 15 sure it wasn't just in a letter but you communicated 14:22:30
 16 it orally to the teachers? 14:22:32
 17 A. I can't recall of any one specific, but I 14:22:34
 18 imagine it has happened. Yes, I do remember one. 14:22:39
 19 We were assigned a new mini district 14:22:54
 20 superintendent, and I had him come out and speak to 14:22:58
 21 the tracks that were on, and when the track that was 14:23:09
 22 off came back, they were able also to hear the new 14:23:09
 23 superintendent speak. 14:23:09
 24 Q. Okay. And your staff -- was that at a staff 14:23:14
 25 meeting or a special meeting? 14:23:16

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1 A. Probably a faculty meeting. 14:23:19
 2 Q. How often are the faculty meetings held? 14:23:21
 3 A. We can hold a maximum of three faculty 14:23:25
 4 meetings a month. 14:23:31
 5 Q. After school hours? 14:23:33
 6 A. After school hours. 14:23:34
 7 Q. Kind of turning to student testing like the 14:23:40
 8 Stanford 9, how is that test administered when you 14:23:45
 9 have students on at different times? 14:23:49
 10 A. The State of California decides how many 14:23:51
 11 minutes of instruction should be held before you give 14:23:54
 12 the test. 14:23:58
 13 Q. Uh-huh. 14:23:59
 14 A. And they provide you a window of a period of 14:24:00
 15 time in which you can give that test. 14:24:03
 16 For students that are in year-round schools, 14:24:07
 17 some of them will be taking their Stanford 9 before 14:24:10
 18 another group will, and then when that group returns, 14:24:15
 19 they will take it. 14:24:18
 20 For example, I think this year, Stanford 9, 14:24:19
 21 C track took it before they left, but because of the 14:24:23
 22 number of instructional minutes that had to be had by 14:24:28
 23 both A and B track, they took it together. 14:24:31
 24 Q. Does the State ensure that those 14:24:34
 25 instructional minutes are met before the test is 14:24:36

1 administered? 14:24:41
 2 A. I don't know, but we are given a window of a 14:24:43
 3 period of time that we can test. 14:24:46
 4 Q. Are you required to communicate with the 14:24:47
 5 State and let them know "We have provided this amount 14:24:49
 6 of instructional time"? 14:24:54
 7 A. We don't do that directly. 14:24:56
 8 Q. Okay. Do you know if anybody in the 14:24:58
 9 district has communication? 14:24:59
 10 A. I would say that would fall back to the 14:25:01
 11 instructional superintendent and one of the 14:25:03
 12 departments within his or her staff. 14:25:06
 13 Q. And so, then, is there a communication 14:25:09
 14 between the superintendent -- in your district -- of 14:25:11
 15 instruction and you or somebody at your school 14:25:15
 16 regarding the instructional time? 14:25:17
 17 A. Yes. 14:25:17
 18 Q. Okay. And who does the superintendent 14:25:20
 19 communicate with? 14:25:22
 20 A. Usually pink memos come to me. 14:25:23
 21 Q. What are the pink memos? 14:25:27
 22 A. Basic letter. They are instructional memos 14:25:29
 23 that the teacher is supposed to carry out during the 14:25:32
 24 school year. 14:25:37
 25 Q. So you will communicate back with the 14:25:39

1 superintendent, letting him know this has been done 14:25:42
 2 or the other thing has been done? 14:25:45
 3 A. Usually anything what has to be given back 14:25:46
 4 to the superintendent is information -- a blank form 14:25:49
 5 comes with it that we have to fill out, and it's sent 14:25:52
 6 back to the office that sent it. 14:25:55
 7 Q. Okay. Did you get a blank form regarding 14:25:58
 8 the amount of instructional time that was provided 14:26:00
 9 before administering the Stanford 9 test? 14:26:03
 10 A. I don't think that we have one for that. 14:26:08
 11 It's just that window, a period of time that we had 14:26:10
 12 to give the test in. 14:26:12
 13 Q. Was there a blank form asking: "Did you 14:26:13
 14 give the test during this time?" 14:26:15
 15 A. There are forms that you have to verify the 14:26:17
 16 test was given, that the number of booklets that were 14:26:20
 17 handed out are the number of booklets received. 14:26:23
 18 So the documentation is there for ones 14:26:26
 19 giving the test and also to the security of the test. 14:26:30
 20 Q. Okay. Do you know if -- you said there's an 14:26:49
 21 amount of instructional time that's a prerequisite to 14:26:52
 22 giving the test. 14:26:56
 23 Do you know if that's the same on a 14:26:57
 24 traditional school calendar? 14:26:58
 25 A. I don't know. I can only assume that's the 14:27:02

1 same amount of instructional time. 14:27:05
 2 Q. Do you know the amount of time that's 14:27:10
 3 required before the test can be administered? 14:27:11
 4 A. I knew you were going to ask that question. 14:27:14
 5 No, I don't. 14:27:16
 6 Q. Because I don't know. 14:27:16
 7 A. No, I don't. 14:27:18
 8 Q. Okay. But I mean the basic premise is all 14:27:23
 9 of the kids on all the tracks will have been provided 14:27:25
 10 with the same amount of instructional time before 14:27:28
 11 they take the test? 14:27:30
 12 A. Yes. 14:27:30
 13 Q. And that's happening at Huntington Park High 14:27:32
 14 School? 14:27:36
 15 A. Yes. 14:27:36
 16 Q. You testified earlier that the school days 14:27:45
 17 in a multitrack school have more minutes than the 14:27:47
 18 school days in a traditional calendar school -- 14:27:51
 19 A. Yes. 14:27:51
 20 Q. -- to make up for the lesser number of days. 14:27:55
 21 And I know the kids are used to it, but how 14:27:59
 22 long is the day? 14:28:02
 23 A. Instructional time starts at 7:30 in the 14:28:03
 24 morning and is over at 3:10 in the afternoon. 14:28:07
 25 Q. What sort of breaks are in between? 14:28:11

1 A. Break midmorning called nutrition for 15 14:28:13
 2 minutes, and then you have your lunch break -- 14:28:16
 3 Q. Uh-huh. 14:28:18
 4 A. -- in the middle of the afternoon, and then 14:28:18
 5 two hours later the kids go home. 14:28:20
 6 Q. How long is the lunch break? 14:28:23
 7 A. 35 minutes at my school, and for some kids 14:28:24
 8 it's not long enough. 14:28:32
 9 Q. Probably not. It's not long enough. 14:28:33
 10 You said that maintenance -- you try to get 14:28:39
 11 the maintenance done outside of the school hours as 14:28:41
 12 far as not during the school day unless it's an 14:28:44
 13 emergency. 14:28:47
 14 A. Those programs are set up for us by another 14:28:48
 15 school agency. So that they have identified the 14:28:54
 16 year-round schools and what their calendars are like 14:28:57
 17 so they can schedule their crews to go into the 14:29:02
 18 various year-round schools at night, evenings to do 14:29:06
 19 whatever maintenance they do. 14:29:20
 20 Q. Okay. And who decides when the maintenance 14:29:20
 21 is done? Is it this group that you are talking 14:29:20
 22 about? 14:29:20
 23 A. Yes. 14:29:20
 24 Q. What is the name of that group, if you know? 14:29:20
 25 A. I don't know. 14:29:21

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1 MS. CHECEL: Can we take a quick break. Off 14:29:31
 2 the record. 14:29:33
 3 (Off the record.) 14:37:56
 4 MS. CHECEL: Back on the record. 14:37:56
 5 Q. Mr. Garcia, does Huntington Park undergo an 14:38:02
 6 annual fiscal audit? 14:38:06
 7 A. No. 14:38:07
 8 Q. Do you know what the coordinated compliance 14:38:13
 9 review is? 14:38:17
 10 A. It's a State review program on your 14:38:19
 11 programs, State programs, Title I and bilingual 14:38:22
 12 programs. 14:38:28
 13 Q. When was the last time Huntington Park 14:38:29
 14 Senior High was reviewed as part of the coordinated 14:38:32
 15 compliance review? 14:38:35
 16 A. That's -- I have to answer it this way. The 14:38:42
 17 State has accepted the WASC accreditation, Western 14:38:46
 18 Association of Schools and Colleges, as the 14:39:06
 19 instrument that can be utilized in place of the 14:39:09
 20 coordinated compliance review, given favorable 14:39:13
 21 responses for your program. 14:39:22
 22 Q. So is that what happened at Huntington Park 14:39:24
 23 Senior High? 14:39:28
 24 A. Yes, we received a six-year accreditation 14:39:29
 25 with a one-day review. 14:39:31

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1 Q. Was that six-year accreditation through WASC 14:39:34
 2 or through the CCR? 14:39:40
 3 A. WASC. 14:39:42
 4 Q. What is the one-day review? 14:39:44
 5 A. If they feel that there's a program that 14:39:46
 6 they would like to look at in three years, they will 14:39:48
 7 come back and maybe look at that one program or other 14:39:52
 8 programs to see what you have done in those areas if 14:39:56
 9 they found them lacking or they feel maybe a little 14:40:00
 10 more should be done there. 14:40:02
 11 Q. So you are saying WASC has the option of 14:40:04
 12 coming back to look at a particular program? 14:40:08
 13 A. The accreditation can be for -- 14:40:11
 14 accreditation can be for six years with one-day 14:40:19
 15 review. Three years or one year. Or no 14:40:22
 16 accreditation at all. 14:40:26
 17 Q. I'm trying to understand what the one-day 14:40:32
 18 review is. 14:40:34
 19 A. Six year says you are perfect. 14:40:37
 20 Q. Okay. Six years with the one-day review 14:40:43
 21 says there's something they want to come back and 14:40:45
 22 look at within the six-year period? 14:40:48
 23 A. I look at it in terms of they really are 14:40:50
 24 looking forward to, you know -- is any school that 14:40:56
 25 perfect? 14:41:01

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1 Q. Do they let you know -- 14:41:02
 2 A. Yes. 14:41:02
 3 Q. -- the area that they want to come back and 14:41:04
 4 review? 14:41:06
 5 A. That one I answered too fast. 14:41:07
 6 I'm sure they did. I don't recall it right 14:41:10
 7 now. 14:41:12
 8 Q. Okay. Is it -- tell me how WASC conducts 14:41:13
 9 their review at your school. 14:41:22
 10 A. Basically they send you a program to 14:41:24
 11 indicate the areas they will be checking on, and it's 14:41:28
 12 across the board in terms of teacher education, 14:41:31
 13 student education programs. 14:41:35
 14 You are also dealing with attendance, safety 14:41:38
 15 of students in school, how you meet with parents. 14:41:40
 16 It's just more or less a totality of what you are 14:41:47
 17 doing in a school. 14:41:51
 18 Q. And they send you this program, and after 14:41:52
 19 they send you the program, do they tell you when they 14:41:56
 20 are going to come out to the school? 14:41:59
 21 A. Yes, they do. 14:42:01
 22 Q. When was the last time that WASC came out to 14:42:02
 23 look at your school? 14:42:05
 24 A. Last -- I think it was March. March was our 14:42:06
 25 second year. So the third year will be this coming 14:42:13

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1 March 2002. 14:42:16
 2 Q. So your third year is going to be 14:42:18
 3 March 2002. So was it March of 1999 -- 14:42:20
 4 A. Yes. 14:42:20
 5 Q. -- when they came out? 14:42:26
 6 And they have not yet been back for that 14:42:27
 7 one-day review they are going to do? 14:42:30
 8 A. They only come after the third year. 14:42:32
 9 Q. So sometime after March -- 14:42:34
 10 A. Yes. 14:42:34
 11 Q. -- 2001? 14:42:36
 12 Will they let you know the date they are 14:42:38
 13 going to come and visit your school? 14:42:40
 14 A. Yes. 14:42:40
 15 Q. Will they tell you what they are going to 14:42:42
 16 look at on that date? 14:42:45
 17 A. I think they will. 14:42:47
 18 Q. Will? 14:42:48
 19 A. Yes. 14:42:48
 20 Q. I can't remember if I asked this. 14:42:54
 21 Did WASC provide you with a report after 14:42:56
 22 they reviewed your school of their finding? 14:43:00
 23 A. Yes. 14:43:00
 24 Q. Did you have an opportunity to review the 14:43:03
 25 report? 14:43:04

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1 A. Yes. 14:43:04
 2 Q. And what areas, if any, were noted for 14:43:05
 3 improvement? 14:43:08
 4 A. I don't recall right now, but overall, it 14:43:10
 5 was met. It met the compliance areas. 14:43:13
 6 Q. You went through some of the compliance 14:43:18
 7 areas, and I think they were school safety, meeting 14:43:21
 8 with parents, student attendance -- 14:43:25
 9 A. Tests. 14:43:29
 10 Q. -- educational programs offered. 14:43:30
 11 A. Evaluations, et cetera. 14:43:33
 12 Q. Do you remember out of those categories any 14:43:34
 13 that needed improvement? 14:43:36
 14 A. I can't recall. 14:43:42
 15 Q. Do you have a copy of that report? 14:43:44
 16 A. It should be at the school, yes. 14:43:45
 17 Q. Okay. So let me make sure I'm correct. 14:43:47
 18 In lieu of the coordinated compliance 14:44:03
 19 committee coming to review your school, they accepted 14:44:14
 20 the WASC review that occurred in 1999? 14:44:14
 21 A. Yes. 14:44:14
 22 Q. WASC is a State agency that comes out? 14:44:17
 23 A. It's the Western Colleges. Western 14:44:20
 24 Association of Schools and Colleges. So it 14:44:26
 25 encompasses all the Western states, including Hawaii, 14:44:28

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1 that would encompass the WASC evaluation committee. 14:44:31
 2 Q. Then is it a federal committee? 14:44:35
 3 A. I think it's an independent organization for 14:44:38
 4 colleges. 14:44:41
 5 Q. Okay. Did you find the WASC accreditation 14:44:44
 6 program helpful? 14:44:47
 7 A. It validated some of the things we have been 14:44:50
 8 doing. 14:44:53
 9 Q. Can you tell me the things it validated. 14:44:54
 10 A. Oh, I imagine parent involvement, safety, 14:44:57
 11 instructional program, clean campus. 14:45:11
 12 I think that's all I remember at this time. 14:45:26
 13 Q. What kind of parent involvement programs do 14:45:28
 14 you have at Huntington Park Senior High? 14:45:30
 15 A. There are programs on campus that are part 14:45:33
 16 of an ongoing funding program that we have like 14:45:37
 17 Title I and bilingual from their own bilingual and 14:45:45
 18 parents advisory committee meetings for students in 14:45:50
 19 those particular programs. 14:45:53
 20 We have the school advisory council. We 14:45:54
 21 also include them in our shared decision making. By 14:45:59
 22 contract, there are 16 members in the shared 14:46:04
 23 decision-making committee. Half of them are 14:46:10
 24 teachers. 14:46:12
 25 Of the remaining half, one is a student; one 14:46:14

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1 is an administrator, usually the principal; one is a 14:46:17
 2 classified representative; one is a community 14:46:22
 3 representative; and the other three can be parents. 14:46:27
 4 Q. And what exactly does the shared 14:46:30
 5 decision-making committee do? What sort of decisions 14:46:32
 6 do they make? 14:46:37
 7 A. Their function is across the board, 14:46:37
 8 including budgets we talked about earlier. We 14:46:39
 9 present information to them about programs going on. 14:46:43
 10 We talk about what? Budgets, we talk about 14:46:46
 11 equipment, we talk about discipline, we talk about 14:46:49
 12 students' concerns, we talk about -- if I don't go 14:46:51
 13 that fast, I'll forget them -- any new business and 14:46:55
 14 old business, and that's all I can remember right 14:47:02
 15 now. 14:47:08
 16 Q. I can't remember which administrator you 14:47:09
 17 said was on this committee. 14:47:11
 18 A. The principal is. 14:47:13
 19 Q. What are some of the students' concerns that 14:47:16
 20 have been raised at the shared decision-making 14:47:18
 21 meetings? 14:47:22
 22 A. Clean bathrooms. They have sometimes 14:47:23
 23 brought to us concerns about funding a particular 14:47:30
 24 thing like, for instance, they wanted to have the new 14:47:38
 25 logo painted on the water tank across the football 14:47:40

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1 campus. They can come and act on behalf of a club 14:47:45
 2 that they belong to that they would like some funds 14:47:54
 3 for. 14:47:57
 4 For example, the ballet folkloric, although 14:47:58
 5 it was an after-school class, they came and requested 14:48:02
 6 and did it in a very proper way. They gave us a 14:48:05
 7 performance and said, "We need more uniforms." It 14:48:09
 8 was a seller. It was a seller. 14:48:13
 9 Q. Do you remember specifically what the 14:48:16
 10 complaints were that were raised by the students to 14:48:17
 11 the shared decision-making committee? 14:48:22
 12 A. In the bathrooms -- things we have 14:48:24
 13 discussed -- not enough toilet paper, not enough 14:48:26
 14 paper towels, maybe no soap, sometimes bathrooms 14:48:29
 15 being closed. 14:48:34
 16 Q. Are you aware of something called the 14:48:43
 17 Immediate Intervention Underperforming Schools 14:48:46
 18 Program? 14:48:49
 19 A. Yes. 14:48:49
 20 Q. Can you explain to me what that is. 14:48:51
 21 A. It's basically schools that have not met 14:48:54
 22 standards provided by the -- identified by the State 14:48:59
 23 and schools that have to reach a certain goal to not 14:49:03
 24 be identified as an immediate intervention school. 14:49:08
 25 Q. As an immediate intervention? 14:49:11

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1 A. Yes. 14:49:11

2 Q. Is Huntington Park evaluated as part of this 14:49:14
3 program? 14:49:18

4 A. Yes, we have been one of the schools 14:49:19
5 identified. 14:49:21

6 Q. Do you know when Huntington Park was 14:49:23
7 identified? 14:49:25

8 A. This school year. 14:49:26

9 Q. 2001? 14:49:28

10 A. I'm sorry. '99/2000. 14:49:32

11 Q. Now, is that a State program? 14:49:38

12 A. That's a State identification program. 14:49:41

13 Q. Do you know what specifically classified 14:49:45
14 Huntington Park to be identified as an immediate 14:49:49
15 intervention? 14:49:49

16 A. Test scores. 14:49:57

17 Q. Which test scores are specifically looked 14:49:59
18 at? 14:50:01

19 A. Stanford 9. 14:50:02

20 Q. And do they perform an audit on your school? 14:50:03

21 A. It's basically based on whatever they have 14:50:11
22 set up as the guidelines for evaluating the scores of 14:50:13
23 each school and establishing a performance level that 14:50:21
24 they expect for all schools across the state, and 14:50:24
25 they identify where you stand in relationship to all 14:50:27

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1 the schools in the state. 14:50:31

2 Q. So is it accurate to say that, if you fall 14:50:36
3 below a certain line that's drawn -- 14:50:38

4 A. Yes. 14:50:38

5 Q. -- you will be identified as one of these 14:50:41
6 schools? 14:50:43

7 A. Yes. 14:50:43

8 Q. And then after you are identified, what 14:50:45
9 exactly happens with this program? 14:50:48

10 A. You are asked to identify the factors that 14:50:53
11 have caused you to have these low test scores and 14:50:58
12 what you can do to improve. 14:51:02

13 We went at it from the standpoint of 14:51:12
14 providing teacher in-services for instruction in 14:51:12
15 their areas of instruction, sending them to 14:51:13
16 conferences, in-services, et cetera, for updating of 14:51:16
17 skills. 14:51:23

18 Q. To update teaching skills? 14:51:24

19 A. Yes. Knowledge. 14:51:27

20 Q. And you said you are required to identify 14:51:34
21 factors that you thought caused the school to be 14:51:36
22 classified as -- 14:51:38

23 A. They more or less identify it for us in 14:51:40
24 terms of low test scores. 14:51:42

25 Q. Is that the only factor they identified? 14:51:45

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1 A. Yes. 14:51:45

2 Q. Is there anything else that the Immediate 14:51:49
3 Intervention Underperforming Schools Program does? 14:51:54

4 A. It gave us accessibility to grants to 14:51:54
5 improve our status by either coming up with 14:52:00
6 instructional programs, in-services for teachers, and 14:52:08
7 the like, so that we can improve our scores. 14:52:11

8 Q. Anything else you want to add about this 14:52:15
9 immediate intervention program? 14:52:19

10 A. Not that I can think of right now. 14:52:21

11 Q. I know we went into this a little bit before 14:52:25
12 as far as who you had spoken to to prepare for this 14:52:27
13 deposition, but I want to inquire more about after 14:52:31
14 the lawsuit was filed. 14:52:35

15 Did you get communication from anybody in 14:52:38
16 the State Board of Education? 14:52:41

17 A. I don't recall any. 14:52:46

18 Q. Okay. Did you receive any communication 14:52:49
19 from the California Department of Education about 14:52:51
20 this lawsuit? 14:52:56

21 A. I don't recall any. 14:52:58

22 Q. How about from the State Superintendent of 14:52:59
23 Public Instruction? 14:53:02

24 A. I don't recall any. 14:53:03

25 Q. Did you ever -- after the lawsuit was filed, 14:53:06

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1 did you discuss it with anybody from the State Board 14:53:08
2 of Education? 14:53:13

3

4 A. I don't think I did. 14:53:13

5 Q. How about from the California Department of 14:53:17
6 Education? 14:53:19

7 A. I don't think I did. 14:53:19

8 Q. And anyone from the State Superintendent of 14:53:20
9 Public Instructions office? 14:53:23

10 A. I don't think I did. 14:53:23

11 Q. Did you have meetings with anybody from the 14:53:30
12 State Board of Education after the lawsuit was filed? 14:53:31

13 A. No. 14:53:31

14 Q. Did you have meetings with anybody from the 14:53:35
15 California Department of Education? 14:53:36

16 A. No. 14:53:36

17 Q. And did you have meetings with anybody from 14:53:38
18 the State Superintendent of Education or her office? 14:53:40

19 A. No. 14:53:40

20 Q. Aside from the settlement discussions that 14:53:50
21 you had with O'Melveny & Myers attorneys, have you 14:53:52
22 discussed this case aside from that with any of the 14:53:55
23 attorneys at O'Melveny & Myers? 14:53:59

24 A. I don't recall any. 14:54:03

25 Q. You don't remember ever meeting with any of 14:54:06

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1 the attorneys? 14:54:08
 2 A. No. 14:54:08
 3 Q. Have you given a declaration to anybody in 14:54:11
 4 this case? 14:54:13
 5 A. I have. 14:54:17
 6 Q. Who did you give that to? 14:54:18
 7 A. O'Melveny & Myers. 14:54:21
 8 Q. And what is the content of your declaration? 14:54:24
 9 A. The -- the items that were brought forth by 14:54:29
 10 Lizette Ruiz concerning Huntington Park High School. 14:54:35
 11 Q. Your declaration has statements about 14:54:46
 12 Huntington Park High School? 14:54:46
 13 MR. FRIEDMAN: I'm sorry to interrupt. Let 14:54:50
 14 me go off the record for a second to confer with my 14:54:52
 15 client. 14:54:57
 16 MS. CHECEL: Sure. 14:54:58
 17 (Off the record.) 15:24:10
 18 MS. CHECEL: Back on the record. 15:24:10
 19 I just want to note for the record that 15:24:12
 20 there was a question pending and that Mr. Garcia and 15:24:15
 21 his attorney and Mr. Choate went outside and held a 15:24:18
 22 discussion outside of the room. 15:24:22
 23 Q. Mr. Garcia, can you tell me what was 15:24:24
 24 discussed between yourself, your attorney, and 15:24:26
 25 Mr. Choate outside of the room? 15:24:28

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1 MR. FRIEDMAN: Thanks for looking at me. 15:24:38
 2 I'm going to object. It calls for a legal 15:24:49
 3 conclusion on the part of the witness. 15:24:51
 4 I frankly can disclose there was discussion 15:24:54
 5 about -- 15:24:56
 6 MS. CHECEL: I'll let your client answer. 15:24:57
 7 THE WITNESS: Whether it can be disclosed -- 15:25:03
 8 whether it can be given, the declaration statement, 15:25:07
 9 to you, unless they wanted to confer with upper 15:25:11
 10 level, next level regarding that. 15:25:16
 11 BY MS. CHECEL: 15:25:20
 12 Q. Okay. What factual information is contained 15:25:21
 13 within the declaration that you prepared in 15:25:25
 14 conjunction with the O'Melveny attorneys? 15:25:28
 15 MR. CHOATE: I'm going to object on the 15:25:30
 16 grounds that all discussions between Principal Emilio 15:25:34
 17 Garcia and attorneys from O'Melveny & Myers were in 15:25:42
 18 connection with the stipulations entered into by the 15:25:46
 19 Los Angeles Unified School District and the State of 15:25:49
 20 California for the purposes of settlement 15:25:53
 21 negotiations and that the declaration provided by 15:25:55
 22 Mr. Garcia is protected by the settlement discussion 15:26:02
 23 negotiation privilege and is also protected by the 15:26:11
 24 attorney work product. 15:26:14
 25 On that ground, I'll instruct the witness 15:26:17

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1 not to answer. 15:26:19
 2 MR. FRIEDMAN: I'll join in the objection. 15:26:20
 3 Since he's my client, I will instruct him 15:26:21
 4 not to answer the questions regarding the discussions 15:26:25
 5 that occurred in the course of the settlement 15:26:27
 6 negotiations nor the content of any documents that 15:26:29
 7 were exchanged in connection therewith. 15:26:33
 8 MS. CHECEL: Do you have a copy of the 15:26:35
 9 stipulation that's been entered into with L.A.U.S.D. 15:26:36
 10 and the O'Melveny attorneys? 15:26:40
 11 MR. FRIEDMAN: I don't have one with me. I 15:26:42
 12 do not have it with me. 15:26:44
 13 MS. CHECEL: For the record, settlement 15:26:46
 14 discussions are discoverable. They are not 15:26:47
 15 admissible at trial, but they are discoverable 15:26:50
 16 information. 15:26:53
 17 And so once again, I will ask -- what I'm 15:26:54
 18 asking for is the factual information that's 15:26:57
 19 contained within the declaration that has, from what 15:27:07
 20 I know, nothing to do with settlement of the lawsuit. 15:27:07
 21 It's simply facts about the school that Mr. Garcia 15:27:07
 22 works at. 15:27:10
 23 Q. I will inquire once again: What sort of 15:27:11
 24 factual information is contained in your declaration 15:27:13
 25 regarding Huntington Park High School? 15:27:16

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1 MR. CHOATE: Same objection. 15:27:18
 2 MR. FRIEDMAN: I'm directing my client not 15:27:19
 3 to respond or answer that question. 15:27:20
 4 BY MS. CHECEL: 15:27:20
 5 Q. Is the declaration in final form, 15:27:25
 6 Mr. Garcia? 15:27:27
 7 MR. CHOATE: Same objection. 15:27:31
 8 MR. FRIEDMAN: I'll object as vague and 15:27:34
 9 ambiguous. 15:27:35
 10 BY MS. CHECEL: 15:27:39
 11 Q. Who did you speak with at O'Melveny 15:27:39
 12 regarding the declaration that is being prepared on 15:27:41
 13 your behalf? 15:27:46
 14 MR. FRIEDMAN: Pointing to Mr. Choate. 15:27:50
 15 THE WITNESS: Mr. Choate. 15:27:52
 16 BY MS. CHECEL: 15:27:53
 17 Q. Did you speak with anybody else regarding 15:27:55
 18 this declaration? 15:27:57
 19 A. Mr. Friedman. 15:27:59
 20 MS. CHECEL: I'm going reserve my right to 15:28:00
 21 move to compel at this point. 15:28:02
 22 Q. During your meetings with Mr. Choate, did 15:28:11
 23 you provide him with any documents? 15:28:13
 24 A. I don't think so. 15:28:19
 25 Q. Did you review any documents prior to 15:28:20

1 meeting with Mr. Choate? 15:28:21
 2 A. I can't recall right now. 15:28:31
 3 Q. Did you look at the First Amended Complaint 15:28:33
 4 and the allegations regarding Huntington Park Senior 15:28:37
 5 High School? 15:28:40
 6 A. At that time I did, yes, but whether it was 15:28:41
 7 right before I met with Mr. Choate, I don't remember. 15:28:44
 8 Q. But it was between the time the lawsuit was 15:28:47
 9 filed and you met with Mr. Choate? 15:28:50
 10 A. Yes. 15:28:50
 11 Q. Was it a few months before you met with 15:28:52
 12 Mr. Choate? 15:28:54
 13 A. I don't remember. 15:28:55
 14 Q. Have you reviewed the declaration of Lizette 15:28:57
 15 Ruiz, the student who attends Huntington Park Senior 15:29:01
 16 High School? 15:29:04
 17 A. If that's what the statement was relative to 15:29:05
 18 what she is claiming at the school, yes, I did. 15:29:07
 19 Q. Who provided you with a copy of that 15:29:09
 20 statement? 15:29:11
 21 A. Right now, I don't recall. 15:29:11
 22 Q. Was it your attorney? 15:29:14
 23 A. I don't recall. 15:29:16
 24 MR. CHOATE: Objection. Lacks foundation, 15:29:17
 25 assumes facts not in evidence. 15:29:18

1 BY MS. CHECEL: 15:29:21
 2 Q. When you reviewed the declaration or 15:29:23
 3 statement of Lizette Ruiz, were there facts contained 15:29:26
 4 within that declaration that you agreed with? 15:29:33
 5 A. At this point in time, I don't think so. 15:29:46
 6 Q. Do you recall that she made an allegation 15:29:48
 7 about having seen vermin, rodents and cockroaches, at 15:29:49
 8 Huntington Park? 15:29:56
 9 A. Yes. 15:29:57
 10 MR. CHOATE: I would object on the grounds 15:29:58
 11 that mischaracterizes the contents of Lizette Ruiz's 15:29:59
 12 declaration. 15:30:06
 13 BY MS. CHECEL: 15:30:08
 14 Q. And you previously testified that there have 15:30:09
 15 been and may still be vermin at Huntington Park High 15:30:13
 16 School; is that correct? 15:30:16
 17 A. There could be, yes. 15:30:18
 18 Q. And there has been in the past; is that 15:30:19
 19 correct? 15:30:19
 20 A. From the reports that have been given to me, 15:30:22
 21 yes. 15:30:22
 22 Q. So that statement in her declaration with 15:30:26
 23 respect to the allegation about vermin is a statement 15:30:29
 24 that you would concur with; is that true? 15:30:32
 25 MR. FRIEDMAN: I'm going to object because I 15:30:36

1 think it misstates the contents of the declaration. 15:30:38
 2 If somebody has her declaration, why don't we look at 15:30:40
 3 it. 15:30:43
 4 MR. CHOATE: I will join in the objection. 15:30:44
 5 THE WITNESS: Are we off the record? 15:31:12
 6 MS. CHECEL: We will go off the record, 15:31:14
 7 yeah. 15:31:16
 8 (Off the record.) 15:40:21
 9 MS. CHECEL: I'm going to withdraw the 15:40:21
 10 question, and I don't have any further questions for 15:40:23
 11 you today. 15:40:25
 12 Mr. Choate, did you have questions? 15:40:26
 13 MR. CHOATE: I have some, but can we take 15:40:29
 14 about a ten-minute break? 15:40:31
 15 MS. CHECEL: That's fine. 15:40:33
 16 (Off the record.) 15:56:29
 17 MR. CHOATE: Back on the record. 15:56:29
 18 15:56:29
 19 EXAMINATION 15:56:30
 20 BY MR. CHOATE: 15:56:30
 21 Q. Principal Garcia, I'm going to ask you a few 15:56:33
 22 questions, and then we can end this today. 15:56:35
 23 Do you understand you are still under oath? 15:56:38
 24 A. Yes. 15:56:38
 25 Q. I think you testified earlier that -- that 15:56:44

1 teachers can request extra desks or chairs for 15:56:48
 2 students if the need arises. 15:56:51
 3 A. Yes. 15:56:51
 4 Q. Do the teachers make the request to the 15:56:57
 5 custodians or to the -- 15:57:00
 6 A. We have a procedure where there's a slip of 15:57:02
 7 paper in the main office where they can fill out the 15:57:05
 8 paper request and put it in the plant manager's 15:57:08
 9 box -- mailbox. 15:57:11
 10 Q. Do you know how long it takes to find the 15:57:13
 11 chair or the desk for the teacher? 15:57:18
 12 A. Never longer than two days. At most, one 15:57:20
 13 day. 15:57:23
 14 Q. During the last week of school before 15:57:34
 15 students go off track, are they still receiving 15:57:38
 16 instructions in their classes? 15:57:41
 17 A. Yes. 15:57:41
 18 Q. Let me ask you some questions about the rest 15:57:49
 19 rooms. 15:57:51
 20 Do you know why students vandalize the rest 15:57:52
 21 rooms at Huntington Park Senior High School? 15:57:55
 22 MS. CHECEL: Objection. Calls for 15:57:58
 23 speculation. 15:57:59
 24 MR. FRIEDMAN: You can go ahead and answer 15:58:01
 25 if you can. 15:58:02

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1 THE WITNESS: I wouldn't know. Rights of 15:58:03
 2 passage, you know, boredom. I don't think I've ever 15:58:05
 3 gotten a definite answer from a student as to why. 15:58:12
 4 They just do that. 15:58:14
 5 BY MR. CHOATE: 15:58:16
 6 Q. I want to ask you some questions about the 15:58:20
 7 procedure for repairing things like toilets in the 15:58:22
 8 bathroom that may be broken. 15:58:26
 9 If it's discovered that a toilet in the 15:58:28
 10 bathroom is broken, the plant manager is notified? 15:58:31
 11 A. Yes. 15:58:31
 12 Q. Then does a plant manager notify the 15:58:35
 13 district? 15:58:38
 14 A. Yes. 15:58:38
 15 Q. After the plant manager notifies the 15:58:39
 16 district, do district maintenance personnel come out 15:58:43
 17 and repair the problem within a reasonable time? 15:58:47
 18 MS. CHECEL: Objection. Vague and ambiguous 15:58:52
 19 as to the term "reasonable." 15:58:52
 20 MR. FRIEDMAN: You can respond. 15:58:54
 21 THE WITNESS: Within a week. I don't know. 15:59:04
 22 Probably yes. I would say as quick as they can. 15:59:04
 23 Because I know I would get on the phone to find out 15:59:04
 24 why the bathrooms are still -- the bathroom is not 15:59:05
 25 functioning, that particular unit is not functioning. 15:59:08

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1 BY MR. CHOATE: 15:59:12
 2 Q. Would it be fair to say that, when a problem 15:59:12
 3 is called in to the district such as a broken toilet, 15:59:19
 4 that somebody from the district would come out to fix 15:59:23
 5 it within a couple of days? 15:59:25
 6 MS. CHECEL: Objection. Asked and answered. 15:59:27
 7 THE WITNESS: I would say so. 15:59:30
 8 BY MR. CHOATE: 15:59:31
 9 Q. Are classes at Huntington Park Senior High 15:59:35
 10 School subject to enrollment caps? 15:59:40
 11 A. In the sense that, depending how many chairs 15:59:43
 12 you can fit in comfortably for the construction to be 15:59:47
 13 conducted, yes. 15:59:51
 14 Q. Are there collective bargaining -- 15:59:52
 15 A. No, there's nothing on there. There are 15:59:56
 16 program stipulations where, for example, the ninth 15:59:58
 17 grade English and math classes cannot be more than 16:00:04
 18 20-to-1 ratio, 20 students to 1 adult. 16:00:07
 19 There are some grant programs that limit the 16:00:11
 20 size of eleventh grade English classes to a certain 16:00:16
 21 enrollment. 16:00:19
 22 Which one is that one? I just had the name 16:00:21
 23 at the tip of my tongue. 16:00:26
 24 I'll remember it, but there are some 16:00:29
 25 stipulations that limit the size of program-specified 16:00:33

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1 classes. 16:00:37
 2 MR. FRIEDMAN: I'm sorry. Just to confirm, 16:00:38
 3 the 20-to-1 ratio applies to what class? 16:00:41
 4 THE WITNESS: Ninth grade English and ninth 16:00:45
 5 grade math, if possible. 16:00:48
 6 BY MR. CHOATE: 16:00:51
 7 Q. I wanted to ask you some questions about the 16:01:01
 8 period of time before which the Home Depot was 16:01:03
 9 constructed next door. 16:01:07
 10 Prior to that time, I think you indicated 16:01:10
 11 that there were abandoned buildings -- 16:01:13
 12 A. Yes. 16:01:13
 13 Q. -- on the property adjacent to Huntington 16:01:16
 14 Park Senior High School. 16:01:21
 15 A. Yes. 16:01:21
 16 Q. During that period of time prior to which 16:01:22
 17 the Home Depot was constructed, was there a procedure 16:01:24
 18 in place at Huntington Park Senior High School for 16:01:28
 19 dealing with the occasional problem regarding vermin 16:01:32
 20 that may arise? 16:01:37
 21 A. Not initially. What was normally done was 16:01:38
 22 to call maintenance to come and look at the problem. 16:01:42
 23 Q. And calling maintenance, are you referring 16:01:48
 24 to the district -- 16:01:50
 25 A. The district's maintenance and operation 16:01:52

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1 branch. 16:01:56
 2 Q. Prior to the time that the Home Depot was in 16:01:57
 3 place, if a problem was discovered -- 16:01:59
 4 A. Yes. 16:01:59
 5 Q. -- it would be called in -- 16:02:02
 6 A. Yes. 16:02:02
 7 Q. -- to the district pest control? 16:02:04
 8 A. Yes. 16:02:04
 9 Q. They would come out and try to solve the 16:02:07
 10 problem? 16:02:09
 11 A. Yes. 16:02:09
 12 Q. To your knowledge, has the pest control 16:02:38
 13 people from the district -- have they recommended 16:02:43
 14 that in terms of dealing with vermin that harborages 16:02:47
 15 be cleaned out? 16:02:56
 16 A. Harbor with an H. 16:03:00
 17 Could you repeat your question, please. 16:03:08
 18 Q. Have district -- the district pest control 16:03:10
 19 people, have they made recommendations that 16:03:14
 20 harborages at the school be cleaned out in order 16:03:17
 21 to -- 16:03:20
 22 A. I don't know if that was done. It could 16:03:21
 23 have been made to the plant manager. 16:03:23
 24 Q. Okay. If a recommendation were made by the 16:03:34
 25 pest control people to the plant manager, would those 16:03:37

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1	recommendations be passed on to teachers?	16:03:41
2	A. Yes.	16:03:41
3	Q. Do you believe that students at Huntington	16:04:09
4	Park Senior High School have an opportunity to	16:04:13
5	receive an adequate education?	16:04:15
6	A. I would like to think more than an adequate	16:04:19
7	education.	16:04:22
8	Q. Do you think they --	16:04:23
9	A. Yes.	16:04:23
10	Q. They do have that opportunity?	16:04:25
11	A. Yes.	16:04:25
12	Q. Does that apply to students on A track?	16:04:27
13	A. On all tracks.	16:04:29
14	Q. Are classrooms at Huntington Park Senior	16:04:51
15	High School equipped with air-conditioning?	16:04:54
16	A. Yes -- wait. There may be a shop class or	16:04:57
17	two that do not have air-conditioning. The gyms --	16:05:02
18	which are classrooms, in effect -- don't have	16:05:05
19	air-conditioning.	16:05:08
20	Q. Other than the shop classrooms and the gym,	16:05:09
21	do the other classrooms at Huntington Park Senior	16:05:11
22	High School have air-conditioning?	16:05:15
23	A. Yes.	16:05:15
24	Q. Does it ever happen that the	16:05:17
25	air-conditioning in a particular classroom will break	16:05:19

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1	down?	16:05:23
2	A. Yes.	16:05:23
3	Q. When that happens, is there a procedure or	16:05:24
4	practice in place at Huntington Park Senior High	16:05:26
5	School for having the property repaired?	16:05:29
6	A. If it's nothing that the plant manager could	16:05:30
7	do quickly, then it's called in to the maintenance	16:05:32
8	branch.	16:05:38
9	Q. Do people from the maintenance branch then	16:05:38
10	respond to the problem?	16:05:42
11	A. Yes.	16:05:42
12	Q. Do they respond in a reasonably prompt	16:05:44
13	manner?	16:05:47
14	A. Depending on how long it has been warm	16:05:48
15	depends whether that's long or not, but they come	16:05:52
16	within a reasonable time.	16:05:56
17	Q. Generally how long does it take for them to	16:05:58
18	come to fix a problem?	16:06:00
19	A. I would think maybe one, two, at most three	16:06:01
20	days.	16:06:06
21	MR. FRIEDMAN: Can I ask a question relative	16:06:11
22	to repairs of air-conditioning.	16:06:22
23	Is there some priority maintenance in	16:06:22
24	servicing air-conditioning problems?	16:06:22
25	THE WITNESS: In terms of who is first, they	16:06:22

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1	always give priority first to the elementary schools.	16:06:23
2	If there's any problems in the school, elementary	16:06:26
3	students usually get first priority.	16:06:30
4	BY MR. CHOATE:	16:06:30
5	Q. Is that a district policy?	16:06:34
6	A. I don't know.	16:06:37
7	Q. Are there any computer labs at Huntington	16:06:44
8	Park Senior High School?	16:06:49
9	A. Yes.	16:06:49
10	Q. How many are there?	16:06:51
11	A. Three computer labs, one computer repair	16:06:54
12	lab, and in each classroom is -- either has four or	16:06:57
13	five computers in the classroom.	16:07:03
14	Q. You indicated that there are three computer	16:07:08
15	labs and one computer repair lab.	16:07:13
16	A. Yes.	16:07:13
17	Q. What is a computer repair lab?	16:07:16
18	A. Basically a program to provide students with	16:07:19
19	background how to repair computers, be they PC's or	16:07:21
20	Apples, and depending on the program when they finish	16:07:29
21	it, they should be able to pass the State	16:07:32
22	certification test to work as computer repair	16:07:37
23	individuals.	16:07:40
24	Q. Is there a computer lab in -- I'll withdraw	16:07:54
25	that.	16:07:56

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1	Is there a math science building --	16:07:57
2	A. Yes.	16:07:57
3	Q. At Huntington Park Senior High School,	16:08:01
4	there's a math science building?	16:08:04
5	A. Yes.	16:08:04
6	Q. Is there a computer lab in the math science	16:08:06
7	building?	16:08:09
8	A. Two.	16:08:10
9	Q. Do you recall at any time during the year of	16:08:12
10	2000 that the roofs or ceilings collapsed in the math	16:08:17
11	science building or in any classrooms or computer	16:08:22
12	labs located in the that building?	16:08:25
13	A. I don't recall.	16:08:27
14	Q. Do you recall if at any time one of the	16:08:34
15	computer labs in the math science building was closed	16:08:38
16	for a period of time?	16:08:45
17	A. I don't recall.	16:08:48
18	Q. Do you recall whether a computer lab in the	16:08:52
19	math science building at Huntington Park Senior High	16:08:56
20	School was closed because computers got wet?	16:08:59
21	A. Right now, I don't recall.	16:09:04
22	Q. At Huntington Park Senior High School, is	16:09:39
23	there a practice in place for supplying the need for	16:09:43
24	lab equipment which is used in science classes?	16:09:48
25	A. Yes.	16:09:48

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1 Q. Can you describe what that procedure is. 16:09:53
 2 A. When the shortage is found, the teacher is 16:09:55
 3 to contact the department chair and then is to fill 16:09:59
 4 out a request for equipment and submit it. 16:10:02
 5 Q. A teacher would fill out a request for 16:10:11
 6 equipment and submit it to the department chair? 16:10:14
 7 A. Yes. 16:10:14
 8 Q. Then what would happen? 16:10:18
 9 A. The department chair reviews, and if they 16:10:18
 10 have it within their budget to buy it, yes. If not, 16:10:21
 11 they would pass it on to, say, Mr. Gunderson for 16:10:25
 12 funding from an outside source, out of their 16:10:27
 13 department source. 16:10:31
 14 Q. If a science teacher needed science 16:10:35
 15 equipment to perform a lab in class and needed some 16:10:39
 16 type of equipment, could the science teacher make a 16:10:44
 17 request to the head of the -- 16:10:48
 18 A. Yes. 16:10:48
 19 Q. -- science lab for equipment? 16:10:52
 20 A. Yes. 16:10:52
 21 Q. Would the school be able to obtain the 16:10:54
 22 equipment that was needed? 16:10:59
 23 A. If the department has no funding within 16:11:02
 24 their budget, a teacher can go out and buy the item, 16:11:05
 25 if it's less than a certain amount of money, and get 16:11:09

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1 reimbursed for it, or if the department doesn't have 16:11:11
 2 the budget, they can go to the SDM people and request 16:11:32
 3 funding, and if it's something that's within the 16:11:40
 4 range of pocket expenditure, it would be approved and 16:11:43
 5 the teacher could go buy it and be reimbursed. 16:11:50
 6 Q. Has it ever come to your attention that a 16:11:54
 7 science teacher didn't have any science equipment 16:11:56
 8 that was needed to perform labs in their classes? 16:11:59
 9 A. I don't recall right now, but if they have 16:12:02
 10 the budgeting and if they go to SDM for it -- yes, we 16:12:05
 11 run out of money in SDM, but that's anywhere from 16:12:11
 12 April on to the end of the school year. 16:12:14
 13 Q. But you are not aware of any -- 16:12:24
 14 A. No, I'm not. 16:12:24
 15 Q. -- occasion -- 16:12:28
 16 To your knowledge, are there any policies or 16:12:34
 17 standards that govern when and how often science labs 16:12:37
 18 or experiments are supposed to be performed in 16:12:43
 19 science classes? 16:12:45
 20 A. There is lab work attached to certain 16:12:48
 21 science classes that have to be done in order to 16:12:55
 22 comply with State requirements. As to what those 16:12:59
 23 particular ones are, I can't tell you. 16:13:03
 24 Q. Has it ever come to your attention that a 16:13:09
 25 science class at Huntington Park Senior High School 16:13:11

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1 was unable to perform the lab work? 16:13:16
 2 A. I don't recall right now. 16:13:19
 3 Q. Do you believe that students on each track 16:14:14
 4 at Huntington Park Senior High School have access to 16:14:20
 5 good teachers? 16:14:24
 6 A. Yes. 16:14:24
 7 Q. I think you indicated earlier that some 16:14:39
 8 teachers move between different classrooms throughout 16:14:51
 9 the course of the -- or at certain times during the 16:14:51
 10 school year. 16:14:51
 11 A. Yes. 16:14:51
 12 Q. Do you think that the fact that teachers 16:14:53
 13 move throughout different classrooms at different 16:14:55
 14 times -- does that prevent students at Huntington 16:14:58
 15 Park Senior High School from obtaining an adequate 16:15:06
 16 education? 16:15:08
 17 A. I don't think so. 16:15:08
 18 Q. You also indicated that Huntington Park 16:15:28
 19 Senior High School is participating in the Immediate 16:15:31
 20 Intervention Underperforming Schools Program. 16:15:36
 21 A. Yes. 16:15:36
 22 Q. Has Huntington Park Senior High School hired 16:15:38
 23 an external evaluator? 16:15:41
 24 A. Yes. 16:15:43
 25 Q. Do you know who that external evaluator is? 16:15:44

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1 A. UCLA. 16:15:46
 2 Q. Has Huntington Park Senior High School 16:15:47
 3 submitted an action plan? 16:15:50
 4 A. Yes. 16:15:50
 5 Q. Do you know when -- I'll withdraw that. 16:15:53
 6 Has Huntington Park Senior High School 16:15:57
 7 submitted an action plan to the Department of 16:15:59
 8 Education? 16:16:01
 9 A. Yes. 16:16:01
 10 Q. Do you know when that action plan was 16:16:02
 11 submitted? 16:16:03
 12 A. We had a certain deadline date to make, and 16:16:04
 13 I think we submitted it by that deadline date. 16:16:09
 14 Q. Is it your understanding that the IIUSP 16:16:18
 15 program, the Immediate Intervention Underperforming 16:16:22
 16 Schools Program is a program designed to help 16:16:30
 17 schools -- 16:16:33
 18 A. Yes. 16:16:33
 19 Q. -- get better? 16:16:34
 20 A. Most definitely. 16:16:35
 21 Q. I think you indicated at one time you taught 16:17:07
 22 on an emergency permit. 16:17:10
 23 A. It was called a provisional credential at 16:17:12
 24 the time, but it amounted to the same thing. 16:17:15
 25 Q. Do you recall when about that was? 16:17:17

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1 A. That was probably my first -- first five 16:17:18
 2 years, first few years. Yeah, first five years in 16:17:23
 3 the district. 16:17:26
 4 Q. I'm sorry. Did you indicate it was called a 16:17:28
 5 provisional permit? 16:17:30
 6 A. Well, it was -- I'm sorry. I received -- I 16:17:32
 7 don't know what the credential was called at that 16:17:36
 8 time, but I was given a provisional contract because 16:17:38
 9 I didn't have a full credential. 16:17:40
 10 Q. Okay. Is that the type of credential that 16:17:46
 11 you had? Even though it wasn't full, was that 16:17:54
 12 similar to an emergency permit? 16:17:57
 13 A. Probably comparable to an emergency in those 16:18:00
 14 days. 16:18:02
 15 Q. And what subject did you teach for those 16:18:03
 16 five years? 16:18:06
 17 A. At the -- Lincoln High School was a six-year 16:18:08
 18 school that went grade seven through twelve. I could 16:18:12
 19 have seventh grade arithmetic with calculation in the 16:18:16
 20 same day. And I did. 16:18:20
 21 Q. Did you feel that you were able to do a good 16:18:31
 22 job teaching at that time during those five years? 16:18:33
 23 A. I wouldn't have been asked to teach the 16:18:37
 24 advanced placement calculus if someone didn't feel I 16:18:40
 25 knew my subject matter and knew how to present it. 16:18:44

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1 Q. Do you think that there are teachers with 16:18:52
 2 emergency permits who are good teachers? 16:18:53
 3 A. Yes. 16:19:39
 4 MR. FRIEDMAN: While you are looking, Peter, 16:19:39
 5 can I ask a question? 16:19:40
 6 MR. CHOATE: Yes. 16:19:42
 7 MR. FRIEDMAN: I'm referring to Exhibit 1, 16:19:42
 8 which is the annual report to the community, and on 16:19:44
 9 page 15, the next to the last page, there's a section 16:19:55
 10 that refers to instructional minutes. 16:19:59
 11 Do I understand that chart to represent that 16:20:02
 12 the school's calendar at Huntington Park High School 16:20:08
 13 actually provides more instructional minutes than are 16:20:12
 14 required by the State? 16:20:15
 15 THE WITNESS: Yes. 16:20:18
 16 MR. FRIEDMAN: Thank you. 16:20:18
 17 BY MR. CHOATE: 16:20:18
 18 Q. Principal Garcia, I want to ask you some 16:20:20
 19 questions about some of the teachers at your school. 16:20:23
 20 I just want to see if you know whether any of these 16:20:26
 21 teachers are fully credentialed teachers. 16:20:29
 22 Are you familiar with a teacher named 16:20:39
 23 Mr. Miekosz? 16:20:41
 24 A. "Miekosz," yes. 16:20:41
 25 Q. Is he fully credentialed? 16:20:47

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1 A. Yes, he is. 16:20:50
 2 Q. Are you familiar with a teacher named 16:20:50
 3 Mr. Waller -- 16:20:52
 4 A. Yes. 16:20:52
 5 Q. -- chemistry teacher? 16:20:54
 6 A. Yes. 16:20:54
 7 Q. Is he fully credentialed? 16:20:55
 8 MR. FRIEDMAN: Spelling? 16:20:57
 9 THE WITNESS: W-a-l-l-e-r. 16:20:59
 10 BY MR. CHOATE: 16:21:07
 11 Q. Are you familiar with a teacher named 16:21:08
 12 Mr. "Weise" or "Weiss"? 16:21:11
 13 MS. CHECEL: Miss, I think. 16:21:14
 14 THE WITNESS: Yes. 16:21:16
 15 BY MR. CHOATE: 16:21:16
 16 Q. Is he a math teacher? 16:21:16
 17 A. He's a computer science teacher. 16:21:19
 18 Q. Has he ever taught math? 16:21:22
 19 A. Yes. 16:21:22
 20 Q. Do you know whether he's fully credentialed? 16:21:25
 21 A. He is fully credentialed. 16:21:28
 22 Q. Are you familiar with a teacher named 16:21:31
 23 Mr. Radomski? 16:21:33
 24 A. Yes. 16:21:33
 25 Q. He teaches American literature? 16:21:37

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1 A. Yes. 16:21:37
 2 Q. Is Mr. Radomski fully credentialed? 16:21:40
 3 A. Yes. 16:21:40
 4 Q. Are you familiar with a teacher named 16:21:52
 5 Miss Mezuna, a Spanish teacher? 16:21:54
 6 A. That's not the correct pronunciation. It's 16:22:02
 7 "Mrs. Lazuna." Yes, she is fully credentialed. 16:22:05
 8 Q. She is fully credentialed? 16:22:11
 9 A. Yes. 16:22:11
 10 Q. Do you know a teacher named Mr. Wolf who 16:22:15
 11 teaches -- 16:22:15
 12 A. Yes. 16:22:18
 13 Q. -- world history? 16:22:19
 14 A. Yes. 16:22:21
 15 Q. I'm going to ask the question again just so 16:22:22
 16 I can get it all asked before you answer. 16:22:24
 17 Do you know a teacher named Mr. Wolf who 16:22:27
 18 teaches world history? 16:22:29
 19 A. Yes. 16:22:29
 20 Q. Is Mr. Wolf fully credentialed? 16:22:32
 21 A. Yes. 16:22:32
 22 Q. Do you know a teacher named Mr. Conley who 16:22:34
 23 teaches intercoordinated science? 16:22:46
 24 A. Yes. 16:22:46
 25 Q. Is Mr. Conley fully credentialed? 16:22:46

1 A. And retired. Yes. Or he's not at the 16:22:47
 2 school. I'll take that back. He's either retired or 16:22:49
 3 transferred schools. I think he transferred. 16:22:53
 4
 5 Q. Do you know a teacher named Mrs. Parry who 16:23:03
 6 teaches world history? 16:23:07
 7 A. Yes. 16:23:07
 8 Q. Is she fully credentialed? 16:23:09
 9 A. Yes. 16:23:09
 10 Q. Do you know a teacher named Mr. Moody who 16:23:12
 11 teaches intercoordinated science? 16:23:17
 12 A. I think he retired. He was fully 16:23:27
 13 credentialed. 16:23:30
 14 Q. Do you know when he retired? 16:23:31
 15 A. No, I don't. 16:23:33
 16 Q. Is it sometime, do you think, within the 16:23:39
 17 last year? 16:23:42
 18 A. I don't recall Mr. Moody. I can't recall 16:23:44
 19 him right now. 16:23:46
 20 Q. Do you know a teacher named Ms. Wills who 16:23:52
 21 teaches -- 16:23:55
 22 A. Yes. 16:23:55
 23 Q. -- math? 16:23:57
 24 A. Yes. 16:23:57
 25 Q. Is she fully credentialed? 16:23:58

1 A. Yes, she is. 16:24:00
 2 Q. Is she a good teacher? 16:24:01
 3 A. Outstanding. She is retiring. 16:24:03
 4 Q. Sounds like you have a lot of teachers who 16:24:14
 5 spent a lot of time at Huntington Park Senior High 16:24:17
 6 School. 16:24:21
 7 A. We have our fair share of teachers who have 16:24:21
 8 been there for a period of time. Three years ago we 16:24:24
 9 had a teacher there for 44 years with 4 years at 16:24:29
 10 another school. 16:24:31
 11 The three of them were there 34, 37, and 40 16:24:31
 12 years, but 4 years were at another school. So it was 16:24:40
 13 44 years all together. 16:24:44
 14 Q. Are you familiar with a teacher named 16:24:45
 15 Miss Fernandez who teaches French? 16:24:47
 16 A. Yes. 16:24:47
 17 Q. Is Ms. Fernandez fully credentialed? 16:24:51
 18 A. Yes. 16:24:51
 19 Q. Are you familiar with a teacher named 16:24:56
 20 Mr. Kraft who teaches English? 16:24:58
 21 A. Yes. 16:24:58
 22 Q. Is Mr. Kraft fully credentialed? 16:25:01
 23 A. Yes. 16:25:07
 24 Q. Are you familiar with a teacher named 16:25:07
 25 Mr. Nordhee? 16:25:09

1 A. Yes. 16:25:09
 2 Q. Is Mr. Nordhee fully credentialed? 16:25:11
 3 A. Yes. 16:25:11
 4 Q. Are you familiar with a teacher named 16:25:14
 5 Dr. Justice? 16:25:18
 6 A. Yes. 16:25:18
 7 Q. Is Dr. Justice fully credentialed? 16:25:19
 8 A. Yes. 16:25:23
 9 Go back to Ms. Fernandez. 16:25:24
 10 Q. Yes. 16:25:27
 11 A. There's a question whether she is fully 16:25:27
 12 credentialed, but I think she is. I think she is. 16:25:32
 13 Q. Okay. Are you familiar with a teacher named 16:25:41
 14 Mrs. -- I may pronounce this wrong -- Ms. Valenzuela? 16:25:44
 15 A. Could you spell that? 16:25:53
 16 Q. V-a-l-u-e-n-z-a. 16:25:57
 17 A. That's Mrs. Valenzuela. 16:26:02
 18 Q. Does she teach -- 16:26:06
 19 A. Yes -- 16:26:06
 20 Q. -- geography? 16:26:14
 21 A. -- but also social sciences. 16:26:18
 22 Q. I'll try not to interrupt your answer. 16:26:28
 23 Does Ms. Valenzuela teach geography? 16:26:31
 24 A. Yes. 16:26:31
 25 Q. Is Ms. Valenzuela fully credentialed? 16:26:35

1 A. Yes. 16:26:35
 2 Q. Are you familiar with a teacher named 16:26:38
 3 Mrs. Perry? 16:26:40
 4 A. Ms. Perry, yes. 16:26:41
 5 Q. Does she teach intercoordinated science? 16:26:42
 6 A. Yes. 16:26:42
 7 Q. Is she fully credentialed? 16:26:48
 8 A. Yes, she is. 16:26:50
 9 Q. What about a teacher named Mr. Muller? Are 16:26:51
 10 you familiar with him? 16:26:54
 11 A. Moller. 16:26:55
 12 Q. M-u-l-l-e-r? 16:26:56
 13 A. Muller? Moller. 16:26:58
 14 Q. Mr. Moller. What -- 16:27:03
 15 A. Mr. Moller, yes. English, fully 16:27:05
 16 credentialed. 16:27:08
 17 Q. Mr. Moller teaches English and is fully 16:27:13
 18 credentialed? 16:27:16
 19 A. Yes. You have M-u. It's M-o. 16:27:17
 20 Q. Are you familiar with a teacher named 16:27:23
 21 Mr. Hernandez? 16:27:25
 22 A. We have two. 16:27:27
 23 Q. Does one of those teachers teach 16:27:28
 24 intercoordinated science? 16:27:31
 25 A. Yes. 16:27:31

1 Q. Is he fully credentialed? 16:27:33
 2 A. Yes. 16:27:33
 3 Q. And the other Mr. Hernandez, what does he 16:27:35
 4 teach? 16:27:38
 5 A. Mathematics. 16:27:39
 6 Q. Is he fully credentialed? 16:27:40
 7 A. Yes -- I think he is fully credentialed. 16:27:42
 8 Q. Are you familiar with a teacher named 16:27:46
 9 Mr. Pakraduni? 16:27:48
 10 A. If it's the French teacher, yes, but he's 16:27:54
 11 retired. He was fully credentialed. 16:27:58
 12 Q. Do you recall when he retired? 16:28:01
 13 A. Maybe about a year and a half ago. 16:28:04
 14 MR. CHOATE: I have no further questions at 16:28:25
 15 this time. 16:28:26
 16 MS. CHECEL: I have no further questions. 16:28:27
 17 MR. CHOATE: See, I finished earlier. 16:28:30
 18 MS. CHECEL: I can't believe it. 16:28:33
 19 MR. FRIEDMAN: Would you like me to recite a 16:28:34
 20 stipulation? 16:28:36
 21 MS. CHECEL: Let's go off the record, 16:28:36
 22 please. 16:28:38
 23 (Off the record.) 16:31:23
 24 MR. FRIEDMAN: The stipulation in part will 16:31:24
 25 be that we will relieve the reporter of her 16:31:26

1 responsibility of obtaining Mr. Garcia's signature on 16:31:29
 2 the original transcript of the deposition. 16:31:32
 3 In lieu thereof, the original transcript can 16:31:34
 4 be sent to me at my business address, and I will be 16:31:37
 5 responsible for obtaining Mr. Garcia's changes to the 16:31:40
 6 deposition, his signature on the original of the 16:31:45
 7 deposition within 15 days after I received it. In 16:31:47
 8 lieu of which, the parties may use a copy of the 16:31:52
 9 deposition as if signed. 16:31:54
 10 MS. CHECEL: So stipulated. 16:31:56
 11 MR. CHOATE: So stipulated. 16:31:58
 12 THE REPORTER: Would you like a copy? 16:31:59
 13 MR. CHOATE: Yes. 16:32:01
 14 MR. FRIEDMAN: Copy, yes. 16:32:04
 15 (TIME NOTED: 4:32 P.M.)
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 I declare under penalty of perjury
 2 under the laws of the State of California
 3 that the foregoing is true and correct.
 4 Executed on _____, 20____,
 5 at _____, _____.

 SIGNATURE OF THE WITNESS

1 STATE OF CALIFORNIA) ss:
 2 COUNTY OF LOS ANGELES)
 3
 4 I, RICKI Q. MELTON, CSR No 9400, RPR No. 45429 Do
 5 herein certify:
 6
 7 That the foregoing deposition testimony of
 8 was taken before me at the time and EMILIO GARCIA
 9 place therein set forth, at which time the witness
 10 was placed under oath and was sworn by me to tell
 11 the truth, the whole truth, and nothing but the
 12 truth;
 13 That the testimony of the witness and all
 14 objections made by counsel at the time of the
 15 examination were recorded stenographically by me,
 16 and were thereafter transcribed under my direction
 17 and supervision, and that the foregoing pages
 18 contain a full, true and accurate record of all
 19 proceedings and testimony to the best of my skill
 20 and ability.
 21 I further certify that I am neither counsel for
 22 any party to said action, nor am I related to any
 23 party to said action, nor am I in any way interested
 24 in the outcome thereof.
 25

1 IN WITNESS WHEREOF, I have subscribed my name
2 this 25th day of June 2001.

3
4
5
6
7 _____
8 RICKI Q. MELTON, CSR No. 9400,
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1 PLAINTIFFS' EXHIBITS
2 EMILIO GARCIA
3

4	NUMBER	DESCRIPTION	IDENTIFIED
5	1	An Annual Report to the Community; 6 16 exhibit pages.	68
8	2	Desegregation Impact Statement; 9 2 exhibit pages.	76
10	3	Prioritization of New Construction 11 Needs; 1 exhibit page.	77
13	4	Pest Control Service; 5 exhibit pages.	79
15	5	Fall 2000 Cross-Tracked Classes; 16 1 exhibit page.	127

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3

4 THURSDAY, JUNE 21, 2001
5

6 WITNESS EXAMINATION
7

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