

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

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

Plaintiffs,)

vs.) No. 312236

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

Defendants.)

-----)

DEPOSITION OF
MARIA DE LOS ANGELES GONZALEZ

(Pages 1 through 167)
November 19, 2001

REPORTED BY: JOHNNA FORD CSR 11268 JOB 5-113967

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ACLU FOUNDATION OF SOUTHERN CALIFORNIA, 1616 Beverly Boulevard, Los Angeles, California 90026-5752, represented by CATHERINE E. LHAMON, Attorney at Law, appeared as counsel on behalf of the Plaintiffs.

O'MELVENY & MYERS LLP, 400 South Hope Street, Los Angeles, California 90071-2899, represented by JENNIFER VANSE, Attorney at Law, appeared as counsel on behalf of the Defendant, State of California.

ALSO PRESENT: Rosa Elena Elder, State Certified Interpreter, Coto, Inc.

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EXAMINATION BY MS. VANSE

MS. VANSE: Good morning, Ms. Gonzalez. My name is Jennifer Vanse. I'm an attorney with O'Melveny & Myers and I represent the State of California in this matter.

Q. Would you please state and spell your full name for the record?

A. Maria De Los Angeles Gonzalez.

Q. Can you spell that, please?

A. M-a-r-i-a, D-e, L-o-s, A-n-g-e-l-e-s, G-o-n-z-a-l-e-z.

Q. Thank you. Have you ever had your

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BE IT REMEMBERED that, pursuant to notice and on Monday, November 19, 2001, commencing at 9:29 a.m. at O'Melveny & Myers LLP, 275 Battery Street, Conference Room 26 West, San Francisco, California, before me, JOHNNA FORD, a Certified Shorthand Reporter, personally appeared

MARIA DE LOS ANGELES GONZALEZ

called as a witness by the Defendant State of California, who, having been first duly sworn, was examined and testified as follows:

deposition taken before?

A. No.

Q. Okay. Let me explain this a little bit about what we're doing here today. Obviously you've just been sworn in. We have a court reporter here and she is going to be taking down both what you say, I say, what anyone in the room says, so it is important that we're clear and that we don't try and talk over each other.

When we're done today, she will take what we've all said and put it into a booklet and you'll have a chance to look over that booklet and review it and make any changes if you need to. And I should let you know, if you decide to make changes, that is fine, but any of the attorneys in this matter can comment on the changes that you make at that time. Do you understand that?

A. Uh-huh; yes.

Q. It is also important that we say "yes" or "no" instead of shaking a head or saying "huh-huh" or "uh-huh" like we all do during conversation.

And even though we are in a conference room and it seems pretty informal, the testimony you are giving today is going to have the same force and effect as if this was a courtroom and you were testifying in

1 court. Do you understand that?
 2 A. Yes.
 3 Q. It is important that you listen carefully to
 4 my questions and if you don't understand them, please
 5 let me know. I'll either try and rephrase it or help
 6 you out so you do understand the question. If you
 7 don't tell me that you don't understand the question,
 8 I'm going to assume that you do. Do you understand
 9 that?
 10 A. Yes.
 11 Q. If I've asked you something you don't know
 12 the answer, I don't want you to guess. But if you do
 13 have a best estimate, I would like to have that answer.
 14 Do you understand that?
 15 A. Yes.
 16 Q. If you need a break for any reason, please
 17 let me know. There are restrooms nearby or if you need
 18 some water and I'll be happy to take those breaks. I
 19 would ask that you wait to answer a question before
 20 taking a break. Do you understand that?
 21 A. Yes.
 22 Q. If at any point during today you remember
 23 something about something you testified to earlier,
 24 please feel free to let me know and we can supplement
 25 your answer and we can get that on the record. Do you

1 understand that?
 2 A. Yes.
 3 Q. Do you have any questions?
 4 A. No.
 5 Q. Okay. Is there any reason why you might be
 6 unable to give your best testimony today?
 7 A. No.
 8 Q. Have you had any medication or alcohol in
 9 the last 24 hours?
 10 A. No.
 11 Q. Okay. What did you do to prepare for your
 12 deposition today?
 13 A. Meet with my lawyer on Friday. That is it.
 14 Q. Anything else?
 15 A. No.
 16 Q. Did you look over any documents or speak to
 17 anyone else?
 18 A. Friends.
 19 Q. Friends that are involved in the lawsuit?
 20 A. No, they are not. They just my neighbors.
 21 Q. And what did you tell them?
 22 A. What am I doing about trying to get Fremont
 23 High School better for them.
 24 Q. Was this -- I'm sorry. Was this in
 25 preparing for your deposition or was that just in

1 general conversations?
 2 A. No. No, just like a comment.
 3 Q. So that wasn't to prepare for your
 4 deposition?
 5 A. No.
 6 Q. Anything you did specifically to prepare for
 7 today?
 8 A. No.
 9 Q. Did you review your declaration?
 10 A. No.
 11 Q. Okay. Have you spoken with anyone about
 12 taking your deposition today other than your attorneys?
 13 Told anyone you were going to have your deposition
 14 taken?
 15 A. Huh-uh; no.
 16 Q. I want to talk now a little bit about how
 17 you got involved with the lawsuit. When did you first
 18 become aware that there was a lawsuit Williams vs.
 19 State of California?
 20 A. Well, one of the teachers that I was working
 21 at the school, he told me about it and he asked me if I
 22 can help in like to get parents together to talk about
 23 the conditions of Fremont High School and I told him
 24 yes.
 25 Q. And do you remember what teacher that was?

1 A. Toai Dao.
 2 Q. Do you want to spell that for the court
 3 reporter?
 4 A. D-o-i-t, T-o-i.
 5 Q. And when did you speak with -- is it Mr.
 6 Dao?
 7 A. He works with me, but when I speak, last
 8 year.
 9 Q. Last year?
 10 A. Uh-huh; I don't remember the date.
 11 Q. And was this something he spoke to you about
 12 just one on one or was it in a group meeting?
 13 A. He knew I was worried about it. Maybe that
 14 is why he asked me if I can help -- you know.
 15 Q. And what did you say to Mr. Dao?
 16 A. For what?
 17 Q. When he asked you if you wanted to become
 18 involved in the lawsuit.
 19 A. I say if it is going to be for the good of
 20 my kids or other students, I said yes, I will.
 21 Q. What did you do after that?
 22 A. After that, first, I think it over because
 23 he said that there is a company and he has a friend and
 24 she is trying to gets parents and students just to tell
 25 what is going on around Fremont High School, not only

1 in Fremont, actually, in all unified schools and I have
 2 two boys. And I said yeah, I would be glad. If it is
 3 going to be for the good of the students, I will be
 4 glad.
 5 And he said, "Can you get parents together?"
 6 Most of them have the same worries that I
 7 have.
 8 Q. And so did you speak with Mr. Dao again?
 9 A. When?
 10 Q. About being involved in the lawsuit or did
 11 you meet with someone else?
 12 A. No.
 13 Q. So how did you actually like take a step
 14 from speaking to Mr. Dao to becoming involved in the
 15 lawsuit?
 16 A. I make a meeting at my house. I invite my
 17 friends, my neighbor friends, parents, students and she
 18 was there. That is how I met her.
 19 Q. "She" meaning Catherine Lhamon, your
 20 attorney for the day?
 21 A. Uh-huh.
 22 MS. LHAMON: You need to say "yes" or "no"
 23 for the record. I know it is hard to remember. When
 24 you said "uh-huh," was that yes?
 25 MS. VANSE: Q. When you had a meeting at

1 your house, was that with your neighbors and friends?
 2 A. Uh-huh; yes. I'm sorry.
 3 Q. Thank you. This is something you organized?
 4 A. Yes.
 5 Q. And about how many people were there, do you
 6 remember?
 7 A. Around 40 people.
 8 Q. And these were all people involved with
 9 Fremont or were there other schools?
 10 A. Other schools, too.
 11 Q. And Ms. Lhamon came and spoke to the group
 12 then?
 13 A. Uh-huh; yes. I'm sorry.
 14 Q. That is okay. We'll get it by the end of
 15 the day. And did you have any other meetings at your
 16 house other than that one?
 17 A. No.
 18 Q. And was it after that meeting you decided to
 19 become -- that is when you became involved with the
 20 lawsuit?
 21 A. Yes.
 22 Q. Did anyone else at that meeting decide to
 23 become involved in the lawsuit that you are aware of?
 24 A. Yes. Yes.
 25 Q. Can you tell me their names, please?

1 A. But she is not involved. She say yes at
 2 that time, but -- you know.
 3 Q. But she didn't go on to become involved?
 4 A. No, not yet, she is planning to do it.
 5 Q. What is her name?
 6 MS. LHAMON: When you say, "She is planning
 7 to do it," do you mean she is planning to do this
 8 deposition, what we're doing right today? Do you mean
 9 she is planning to do this?
 10 THE WITNESS: She is planning to help you do
 11 something for the benefit of the school.
 12 MS. LHAMON: Thank you.
 13 MS. VANSE: Q. Who is that person?
 14 A. Maria Vale.
 15 Q. Anyone else from that meeting that decided
 16 to become involved with the lawsuit that you are aware
 17 of?
 18 A. No -- well, it is the students, Harold
 19 Senaa.
 20 Q. Can you spell that?
 21 A. H-a-r-o-l-d, Senaa, S-e-n-a-a.
 22 Q. And that is a student?
 23 A. That is a student and that is it.
 24 Q. Do you know why any of the other people that
 25 attended the meeting decided not to become involved in

1 the lawsuit?
 2 MS. LHAMON: Objection. Assumes facts not
 3 in evidence and mischaracterizes her testimony.
 4 THE WITNESS: No.
 5 MS. VANSE: Q. Let me ask you this first:
 6 Was Ms. Valet and Mr. Senaa the only people who decided
 7 to become involved in the lawsuit that you know of that
 8 were involved in that meeting?
 9 A. No.
 10 Q. There were others?
 11 A. There were others in the meeting, but there
 12 were other people.
 13 Q. Just from the meeting?
 14 A. No.
 15 Q. Those were the only two?
 16 A. Yes.
 17 Q. You said there were approximately 40 people
 18 at that meeting?
 19 A. Yes.
 20 Q. Do you know why the other people at that
 21 meeting decided not to become involved in the lawsuit?
 22 MS. LHAMON: Same objection. She hasn't
 23 testified that they didn't become involved. She named
 24 the two people she thought did become involved.
 25 MS. VANSE: Q. Can you answer the question?

1 A. I don't know.
 2 Q. You never spoke with any of them about why
 3 they didn't become involved?
 4 A. They want to, but they -- like they don't
 5 know -- they afraid or -- I don't know because they
 6 think this is against -- you know, their religion or
 7 some of them, their religion. Some of them because
 8 they don't speak English, they are afraid, just
 9 different things.
 10 Q. Did you ever speak with anyone else other
 11 than Mr. Dao at Fremont about becoming involved in the
 12 lawsuit?
 13 MS. LHAMON: Separate from counsel, you
 14 mean?
 15 MS. VANSE: Yes.
 16 MS. LHAMON: Someone else at Fremont?
 17 MS. VANSE: Yes, at Fremont.
 18 THE WITNESS: Yes.
 19 MS. VANSE: Q. Who else did you speak with
 20 at Fremont?
 21 A. The students and parents.
 22 Q. Do you remember the students' names you
 23 spoke with?
 24 A. It is a lot of them.
 25 Q. Just the ones you remember, then.

1 A. I don't remember the last names, but I can
 2 tell you the names.
 3 Q. Okay.
 4 A. Claudia.
 5 Q. Can you spell that?
 6 A. Claudia Martinez. I remember that.
 7 Q. Can you spell that, please?
 8 A. C-l-a-u-d-i-a, Martinez, M-a-r-t-i-n-e-z;
 9 Raquel Aleman, Veronica Franco, and also Marencio
 10 Veronica; Samantha. It is more, but I just can't
 11 remember.
 12 Q. Okay. And you said you also spoke with
 13 parents?
 14 A. Uh-huh.
 15 Q. And do you remember their names?
 16 A. Martinez, Carmen. I have the faces in my
 17 head, but I can't -- let me think, Venus Mesui, Darlene
 18 Miller. I just know the last name of this parent,
 19 Soeporn, but I don't remember her first name. Jose
 20 Louis, Martinez again, Jose Gonzalez, Andreas, but I
 21 don't remember the last name. It is more people, but I
 22 just don't remember.
 23 Q. Okay. I'm only asking for what you
 24 remember. If you don't remember, that is fine.
 25 Do you remember what you spoke with Claudia

1 Martinez about?
 2 A. Yeah.
 3 Q. Can you tell me that, please?
 4 A. Yes. Okay. I tell her -- you know, what --
 5 this is a student. She is a student.
 6 Q. Right.
 7 A. I told her, "Claudia" -- you know, "it is
 8 lawsuit going around Oakland Unified School District,
 9 but it is involving all of California."
 10 She said, "What is this about? Is this
 11 about what the conditions of the school are? It is
 12 good" -- "Is it going to be for the good?"
 13 I said, "Yeah, we are going to have better
 14 bathrooms, more teachers, just better schools."
 15 And we talk about -- you know, what is going
 16 on and she was glad.
 17 Q. I'm sorry?
 18 A. She was glad. She said, "Yeah, we glad to
 19 help."
 20 Q. Anything else you can remember speaking with
 21 her about?
 22 A. Just a lot of things.
 23 Q. About the lawsuit in particular?
 24 A. No, about the conditions of the schools.
 25 Q. You talked about the specific conditions at

1 Fremont?
 2 A. Uh-huh; yes.
 3 Q. And what conditions did you speak with Ms.
 4 Martinez about?
 5 A. She is a girl and most of the time, the
 6 bathrooms are closed when she needs to change. It is
 7 hard for her when she is on her period. Sometimes she
 8 decides to just stay at home because she needs to go
 9 often to the bathroom to -- you know, maybe once in an
 10 hour to go change her pad and she can't do it. That is
 11 one of the sad things. She decided to stay at home
 12 when she is on her period.
 13 I said, "Are you serious?"
 14 She said, "I don't come to school when I'm
 15 on my period because I don't know where to change."
 16 I said, "That is no good. You need to come.
 17 Put" -- "Double the thing."
 18 She said, "No."
 19 We just joke about things like that, but it
 20 is true.
 21 Q. Anything else you remember speaking to her
 22 about?
 23 A. We talk about how they don't have enough
 24 chairs to sit because it is like 40 students or more in
 25 the classroom, so for her, it is hard to stand up --

1 you know, like more than an hour because one of the
 2 classes were two hours instead of one.
 3 Q. I don't want to short-circuit you, but I
 4 want to keep you on track here. I'm just looking for
 5 what you actually spoke about with her. If you
 6 actually spoke about the fact that the classroom had
 7 more than 40 people and there weren't enough chairs,
 8 definitely tell me. That is what I want to know. If
 9 that is background to why something was the way it was,
 10 we'll get to that, so I want to know specifically what
 11 you spoke to her about and what she told you.
 12 MS. LHAMON: Did that distinction make
 13 sense? Do you understand the question?
 14 THE WITNESS: No.
 15 MS. VANSE: No?
 16 (Whereupon, the interpreter conversed with
 17 the witness in Spanish.)
 18 MS. VANSE: We will get to the actual
 19 conditions and we'll talk about those. Right now I'm
 20 trying to figure out what was said in these
 21 conversations with these specific people, although I
 22 appreciate the other information, too.
 23 Q. Just so we can keep on track, is there
 24 anything else you specifically remember speaking about
 25 Fremont with Ms. Martinez?

1 A. About she has no locker the whole year, so
 2 she has to carry her books or her material all the
 3 time. That is all.
 4 Q. That is it. And how about with -- I'm
 5 sorry. I don't remember the last name. I think it is
 6 Raquel.
 7 A. Raquel Aleman?
 8 Q. Yes.
 9 A. She doesn't like to go to her classes. The
 10 reason that she told me is because it was too crowded
 11 and she cannot -- she doesn't like to be there. There
 12 is no place to sit.
 13 Q. Anything else you spoke with her about?
 14 A. No -- yes, I -- we spoke a lot of things,
 15 but I just can't remember right now.
 16 Q. And did you speak about the lawsuit with her
 17 as well?
 18 A. Yeah -- yes, and she said her mother would
 19 be interested in coming, too.
 20 Q. This was before you had your meeting?
 21 A. Huh-uh; yes.
 22 Q. Okay. Anything else you recall speaking to
 23 her about?
 24 A. No.
 25 Q. How about Veronica Franco?

1 A. We spoke about mostly the same things all
 2 over and over with all of them, all the students. You
 3 know, they come over and tell me, "Angie, the bathroom
 4 is locked." And because I was in the office, they
 5 expect me, like, to -- you know, have all -- to help
 6 them out, but sometimes I wasn't able to do it, even if
 7 I was working there, so it is just the same things all
 8 over and over. The bathrooms, they weren't able to use
 9 the bathrooms. They don't have no materials. They
 10 don't have no teacher or they come over and say -- you
 11 know, "I don't have any teacher. What do I do?"
 12 I send them to the cafeteria. That is what
 13 all the students were saying, things like that.
 14 Q. And I appreciate that again, but these are
 15 people you specifically said you remember having
 16 conversations with, so I'm just trying to get to those
 17 conversations.
 18 A. Oh, okay.
 19 Q. Do you remember having a specific
 20 conversation with Veronica Franco?
 21 A. About she doesn't have a teacher that day
 22 and I sent her to the cafeteria.
 23 Q. Anything else you recall?
 24 A. No.
 25 Q. How about -- I think this person -- I missed

1 the first name, but I think the last name was Veronica?
 2 No?
 3 A. Veronica Franco.
 4 Q. This was another person after that.
 5 A. Name Marengo Veronica. She came from -- I
 6 remember when I talked to her. She came from a
 7 Catholic school, so over there, things were so
 8 different. She was very upset about being in public
 9 school now, so a lot of times she was sad.
 10 And I said, "Did you tell your parents about
 11 it?"
 12 She said, "Yeah, but they don't have the
 13 money to send me now to Catholic school anymore and I'm
 14 stuck with this."
 15 And I said, "Well, you have to deal with
 16 it."
 17 Q. Anything else you recall about Ms. Marengo?
 18 A. No.
 19 Q. And how about, I think the name was
 20 Samantha?
 21 A. Samantha, yeah. She came over because she
 22 want to transfer over to a small school, so I helped
 23 her to transfer to a small school. Actually, she is
 24 going to a small school right now.
 25 Q. Do you know what school that is?

1 A. Street Academy.
 2 Q. Anything else you recall speaking with
 3 Samantha about?
 4 A. Well, I asked her, because I like her very
 5 much, I said, "Why you transfer?"
 6 You know -- "I'm not happy here."
 7 And I said, "Okay. Go ahead if it is going
 8 to be for your good."
 9 She is doing pretty good.
 10 Q. And now I'm going to go through the parents.
 11 Was it Carmen Martinez?
 12 A. Uh-huh.
 13 Q. What do you recall speaking with Ms.
 14 Martinez about?
 15 A. Most of the time when she came over to the
 16 office, she was glad when I was working there because
 17 she can talk to me about her worries. She asked me,
 18 "Why my daughter doesn't have books?"
 19 And I tell her, "You know what, we don't" --
 20 "the District haven't send them yet."
 21 Because before when she came to the office,
 22 nobody speaks Spanish with her, so she was -- most of
 23 the time she come over and "I just called you to let
 24 you know my daughter is not going to be there," or
 25 things like that. It is things that I was able to help

1 her.
 2 Q. Anything else you remember speaking with Ms.
 3 Martinez about?
 4 MS. LHAMON: Are you limiting it to this
 5 lawsuit? Is that the question?
 6 MS. VANSE: Yes.
 7 THE WITNESS: I told her about the lawsuit
 8 and she said she is afraid to get involved because she
 9 is trying to get immigration papers. Maybe this is
 10 going to affect in some way.
 11 MS. VANSE: Q. And how about, I think the
 12 last name was Mesui?
 13 A. Yeah, I talked to her and she wanted to get
 14 involved. Actually, it is one of the parents who wants
 15 to get involved in helping this happen for the better
 16 of the students.
 17 Q. Is that -- so you spoke with her about
 18 becoming involved with the lawsuit?
 19 A. Uh-huh; yes.
 20 Q. What do you remember the conversation being
 21 about?
 22 A. She still have the students at Fremont.
 23 Q. I'm sorry?
 24 A. She still have two students at Fremont and
 25 she is very interested. I told her where -- what we're

1 doing.
 2 And she said, "Oh, why don't you tell me
 3 before?"
 4 And I said, "I don't know why I didn't tell
 5 you before."
 6 "You should have told me before because I
 7 would like to get involved."
 8 Q. And what did you tell her?
 9 A. I told her this lawsuit is going to be for
 10 the good of the schools, to have better. Maybe they
 11 can help us to create more schools, better for the
 12 students and she said she would be glad to help.
 13 Q. Did she say how she was going to help?
 14 A. She say, "Because we just have to tell the
 15 truth, right, what is going on?"
 16 Q. Yes. Is that what she said? She is going
 17 to give a declaration like you did?
 18 A. Yes.
 19 Q. Do you know if she has done so?
 20 A. Excuse me?
 21 Q. Do you know if she has given a declaration
 22 in this case already?
 23 A. No, I don't know.
 24 Q. Okay. Anything else you recall speaking
 25 with her about regarding this lawsuit?

1 A. No.
 2 Q. And what about Darlene Miller, what did you
 3 speak with her about regarding this lawsuit?
 4 A. The same thing and she says she also
 5 transferred her daughter out of Fremont for the same
 6 reasons, but she said she has grandkids coming to --
 7 you know, very soon who are going -- they are right now
 8 middle school, so she said she would be glad to get
 9 involved before they get into high school.
 10 Q. She said she transferred her --
 11 A. She transferred her daughter out of Fremont.
 12 Q. For the same reasons. What reasons were
 13 those?
 14 A. The same reasons: No teachers, no
 15 bathrooms, dirty school, crowded.
 16 Q. And this is what she told you?
 17 A. Yes.
 18 Q. Anything else you remember speaking to Ms.
 19 Miller about regarding this lawsuit?
 20 A. I told her I was going to come and she
 21 said --
 22 Q. Meaning come here today?
 23 A. Uh-huh. I saw her Friday. She said she
 24 would like to come, but it was too soon.
 25 Q. Do you know if Ms. Miller has signed a

1 declaration in this case?
 2 A. No.
 3 Q. No, you don't know or no, she hasn't?
 4 A. I don't know.
 5 Q. Okay. And then the last name, I think,
 6 Soeporn?
 7 A. Yeah, she is Venus Mesui's parents and she
 8 has students still at Fremont and she is worried and
 9 she is trying to get her kids to our school because now
 10 I'm working in a small school, so it is so crowded, now
 11 she is not able to. She is worried and I told her
 12 about this and she said she would like to be involved.
 13 That is all I spoke with her. I don't have a chance to
 14 tell her more about it.
 15 Q. What about Jose Louis, what did you speak
 16 with him about regarding this lawsuit?
 17 A. He is one of the parents who was in the
 18 meeting, actually, that day and he has been following,
 19 but he just -- like he said he would go to meetings,
 20 but -- big meetings, but not by himself. That is it.
 21 So he has been asking me just seeing what is happening.
 22 He is like seeing we doing something for the schools or
 23 still the same or are we just talking.
 24 Q. Is he asking you for progress in how the
 25 lawsuit is going?

1 A. Uh-huh.
 2 Q. What do you tell him when he asks you that?
 3 A. I tell him what I'm doing Monday. After
 4 that, I don't know what is next.
 5 Q. Anything else you recall speaking to Mr.
 6 Louis about regarding this lawsuit?
 7 A. No.
 8 Q. How about Mr. Gonzalez?
 9 A. Uh-huh, Jose, no, he is also -- well, right
 10 now -- they were worried before because their students
 11 were at Fremont. Now their kids are not at Fremont
 12 anymore. It is like they just -- they care. They more
 13 happy because they don't have more students coming to
 14 high school and they are happy with the school they are
 15 at right now.
 16 Q. Do you know what school they are at right
 17 now?
 18 A. Life Academy High School. It is a small
 19 high school.
 20 Q. And do you know when Mr. Gonzalez's children
 21 were able to be transferred to Life Academy?
 22 A. Well, we just opened on September 4.
 23 Q. Obviously just this year?
 24 A. Uh-huh; yes.
 25 Q. Anything else you recall speaking to Mr.

1 Gonzalez about regarding this lawsuit?
 2 A. No.
 3 Q. And Andreas?
 4 A. He is also a parent who likes to be involved
 5 in schools and he is -- he also -- his son is at Life
 6 Academy High School, but before, he actually -- he was
 7 the only parent who would show up always to the
 8 meetings, so now he is happy.
 9 And he said, "Go ahead, and if you need me
 10 to go wherever."
 11 You know, I go tell them to tell the truth.
 12 And I said, "Okay."
 13 That is it. He is an important parent.
 14 Q. Anything else you recall speaking to him
 15 about regarding this lawsuit?
 16 A. No.
 17 Q. And you mentioned he was the only parent who
 18 would show up at meetings. What meeting were you
 19 referring to?
 20 A. The meetings we were supposed to have at
 21 Fremont High School.
 22 Q. When you say they were supposed to happen,
 23 they didn't happen?
 24 A. We have them. We sent fliers and
 25 everything, but the parents never came, only he and

1 Darlene, maybe four people at the most out of 250
 2 students.
 3 Q. 250 students, is that the size of a certain
 4 class?
 5 A. That is the whole school.
 6 Q. Of Fremont is 250?
 7 A. Uh-huh. At least it was when I was there,
 8 250, and I think it is the same now, but I'm not sure.
 9 Q. And were these parent meetings?
 10 A. Parent meetings, uh-huh; yes.
 11 Q. Was this something that the school tried to
 12 start or that parents tried to create these meetings?
 13 A. Oh, no, that is the school.
 14 Q. Ms. Gonzalez, can you just give me a brief
 15 personal background? I read in your declaration you
 16 weren't born in the United States.
 17 A. No.
 18 MS. LHAMON: The question is overbroad and
 19 it is vague. Are you looking for only where she was
 20 born or are you looking --
 21 MS. VANSE: I actually just wanted to make
 22 sure I was correct and I didn't misread that.
 23 Q. When did you come to the United States?
 24 A. 1983.
 25 Q. 1983.

1 A. To stay, but I came before to visit.
 2 Q. Have you lived in California the entire time
 3 since you've been here?
 4 A. Yes.
 5 Q. Are you still working at Fremont High
 6 School?
 7 A. No.
 8 Q. And do you just have -- is it one son or do
 9 you have additional children?
 10 A. I have two boys.
 11 Q. And what are their ages?
 12 A. I have one 16 and one 13.
 13 Q. And Jose, is he --
 14 A. Jose is the oldest one.
 15 Q. And he is now at Life Academy?
 16 A. Uh-huh.
 17 Q. And where does your second son go to school?
 18 A. Havens Court.
 19 Q. And Haven is also part of Oakland Unified?
 20 A. Yes.
 21 MS. VANSE: Okay. I would like to have
 22 marked as Exhibit 1 a two-page declaration with Bates
 23 numbers Plaintiff 02158 and 02159.
 24
 25 (Whereupon, Defendant's Exhibit 1 was marked

1 for identification.)
 2 MS. VANSE: Q. Ms. Gonzalez, would you
 3 please take a look at what we've marked as Exhibit 1
 4 and tell me if you recognize what it is.
 5 MS. LHAMON: Can we go off the record for a
 6 second?
 7 MS. VANSE: Sure.
 8 (Recess taken.)
 9 THE WITNESS: What do you want me to say
 10 about this?
 11 MS. VANSE: I just want you to tell me if
 12 you know what it is.
 13 THE WITNESS: Yeah.
 14 MS. VANSE: Q. And what is it?
 15 A. This is my declaration.
 16 Q. It is your declaration?
 17 A. Uh-huh.
 18 Q. And that is your signature on page 2?
 19 A. Uh-huh; yes.
 20 Q. And you signed that on or about September
 21 28, 2001?
 22 A. Yes.
 23 Q. Okay. And if I can direct your attention to
 24 paragraph two, it says, "During the 2000/2001 school
 25 year, I was also a staff member at Fremont."

1 Was that the only time, the 2000/2001 school
 2 year, that you worked at Fremont?
 3 A. Yes, but as a parent -- let me tell you this
 4 because I think it is important. As a parent, I've
 5 always been in the school of my kids as a volunteer
 6 since they were in preschool.
 7 Q. So you volunteered at Fremont, you just
 8 didn't work there?
 9 A. I volunteered there.
 10 Q. Before you started working, what type of
 11 volunteer work did you do at Fremont?
 12 A. Registration.
 13 Q. Anything else?
 14 A. At Fremont, that is it.
 15 Q. And what would registration entail? Is it
 16 like registering kids before school starts?
 17 A. Yes.
 18 Q. And what did you do as a staff member at
 19 Fremont High School?
 20 A. Clerk.
 21 Q. And this is intermediate typist clerk?
 22 A. Bilingual.
 23 Q. And what does -- describe for me just a
 24 little bit about what an intermediate typist does.
 25 A. Helping parents to fill out applications,

1 answer the phone, making copies, filing.
 2 Q. And was that -- you worked every day at
 3 Fremont?
 4 A. Every day.
 5 Q. Was it full time like for the full day or
 6 was it a half day?
 7 A. No, full day.
 8 Q. Also in paragraph two, it says, "I started
 9 working at Fremont because I was extremely worried
 10 about the conditions at the school." And then the, not
 11 the next sentence, but the following, "I decided the
 12 only way I could help was to actually be physically
 13 present at the school every day."
 14 Can you tell me why you thought it would
 15 help to be actually at the school?
 16 A. It would help knowing what my kid is doing,
 17 where he was, and if he has -- because he came home --
 18 I was working for Oakland Unified School already.
 19 MS. REPORTER: I'm sorry. Could you repeat
 20 that?
 21 THE WITNESS: But I was working in the
 22 office.
 23 MS. LHAMON: You need to say back what you
 24 said. She said the Subcenter office downtown.
 25 THE WITNESS: And my son here was telling

1 me, "I don't want to go to school."
 2 And I said, "Why? Why don't you want to go
 3 to school?"
 4 And I was worried about him because he said,
 5 "There is no teachers. There is always substitutes."
 6 And my kids and I would have a very good
 7 relationship, so I know he wasn't lying to me, so I
 8 said I wanted him to be happy, so I feel like, how am I
 9 going to help him? If I'm there, maybe I can move him
 10 around because I tried to make an appointment with the
 11 principal and I wasn't able to, not as a working person
 12 for the District, but as a parent, I wasn't able to.
 13 So I said, "Well, I better" -- "Maybe I can
 14 ask for my transfer. If I'm there, maybe I will be
 15 able to help him."
 16 I was thinking only of my son and that is
 17 when I was there. I was sad because even if I was
 18 there, I was not able to help him.
 19 MS. VANSE: Q. You also state -- I think
 20 you just touched on some of them -- your son would tell
 21 you stories every day about how terrible the school
 22 was. Do you recall any of those stories he told you?
 23 MS. LHAMON: I don't see that in paragraph
 24 two. Can you tell me where that is?
 25 MS. VANSE: It is the fourth line down,

1 halfway through the second --
 2 MS. LHAMON: Thank you.
 3 THE WITNESS: Like one day, he told me that
 4 he -- we live like ten minutes walking, 15 minutes
 5 walking from Fremont to my house. I didn't know he was
 6 walking to use the bathroom to my house. By the time
 7 he came back, already it is like half hour.
 8 And I said -- you know, "You are not
 9 supposed to leave. You are supposed to stay at
 10 school."
 11 And he said, "Where can I go to the
 12 bathroom?"
 13 And I said, "No."
 14 Q. Any other stories you recall him telling
 15 you?
 16 A. Like one -- two times, actually, there were
 17 drive-by shootings and I was worried because -- you
 18 know, he was actually in the campus when it happened.
 19 Q. There was a drive-by shooting at the actual
 20 Fremont campus?
 21 A. Uh-huh, from the outside to the inside, so
 22 -- you know, those things worry me as a parent.
 23 What else? Oh, and one time, they were
 24 doing this fire drill and because it was too crowded,
 25 my son fell and opened his over here, opened from the

1 stairs.
 2 MS. LHAMON: Are you pointing to -- over
 3 here, are you pointing to your chin?
 4 THE WITNESS: To his chin.
 5 MS. LHAMON: Thank you.
 6 THE WITNESS: And he has stitches. I have
 7 to take him to the hospital and everything.
 8 MS. LHAMON: The reason I ask you, when we
 9 read the transcript on the other end, it says "Over
 10 here" and we won't know what you are pointing to, so we
 11 need to say.
 12 THE WITNESS: He opened his chin, so I have
 13 to take him to the hospital. It was nobody's fault.
 14 He said, "It was too crowded. Nobody pushed
 15 me."
 16 He was not -- he was the only one who opened
 17 his chin, but other students, they fell, too.
 18 Q. Any other stories your son told you that you
 19 can recall?
 20 A. Yeah, when he was taken to the cafeteria, he
 21 just hated because he said there is nothing to do,
 22 nothing to read. They don't have no books, so there
 23 was no books, so they make them write.
 24 So he said, "I promise if you let me stay at
 25 home, I will learn more if I read a book than you send

1 me to school."
 2 That was horrible to me, him telling me
 3 that, because I send him to school to learn.
 4 Q. You said when he got taken to the cafeteria,
 5 do you recall why he had been in the cafeteria?
 6 A. It was already crowded in the cafeteria. At
 7 school, there is only one teacher for 60 students or
 8 more.
 9 MS. LHAMON: Her question was do you know
 10 why he was taken to the cafeteria. Why he was not in
 11 the classroom?
 12 THE WITNESS: Because there was no teacher,
 13 so they were sent to the cafeteria.
 14 MS. VANSE: Q. Does Fremont have a typical
 15 high school schedule where students go from one class
 16 period to the other class period with a different
 17 teacher?
 18 MS. LHAMON: Vague as to time. Are you
 19 asking for when her son was there?
 20 MS. VANSE: Yes, just as a general measure.
 21 THE WITNESS: Yes.
 22 MS. VANSE: Q. Is that how Fremont worked
 23 -- when your son said he was taken to the cafeteria,
 24 was that for one class period, if you know?
 25 A. Yes, but most of the time, the second

1 period, they will have no teacher, too, so they have to
2 stay. The schedule that they have, each class, it was
3 two hours.

4 Q. So each class was a two-hour class?

5 A. Uh-huh; and so most of the day, he will stay
6 there.

7 Q. In the cafeteria?

8 A. Yeah, only two hour goes to the classroom.

9 Q. Any other stories that you recall your son
10 telling you?

11 A. They don't have like PE. They don't have
12 anywhere to change -- you know, their clothes.
13 Physical education, they don't have no place where they
14 -- so they don't -- they just don't take it.

15 Q. This was something he told you?

16 A. Uh-huh; yes.

17 MS. LHAMON: You have to say "yes" or "no."
18 It is very hard to remember.

19 MS. VANSE: We do this in most depositions
20 back and forth on that.

21 Q. Any other stories you can recall your son
22 telling you?

23 A. No, not right now. I'm sorry.

24 Q. That is okay. If you recall any later, you
25 know, just let me know and we can come back to this.

1 MS. LHAMON: Do you want to take a break or
2 are you okay to keep going?

3 THE WITNESS: We can take a break.

4 MS. VANSE: Take a break. That is fine.
5 (Recess taken.)

6 MS. VANSE: Q. Ms. Gonzalez, I just want to
7 clarify one thing with you. You were telling me the
8 stories your son had told you about Fremont. Were
9 those for both of the years he was at Fremont, the
10 '99/2000 school year and the 2000/2001 school year?

11 A. Yes.

12 Q. Okay.

13 A. The reason I was worried because at first,
14 he didn't want to go at Fremont because he already knew
15 how it was, but I say, "Don't believe the people. Just
16 go. You have to go to Fremont because that is the
17 school you need to go to."

18 He said, "No, but I don't want to go to
19 Fremont."

20 "Yes, you have to go to Fremont."

21 So we have a big discussion. That was his
22 first year. I said maybe he just -- because before, he
23 didn't want to go to Fremont. He wants me to send him
24 to Pleasanton because we have families over there. He
25 wants to go there. For me, it was going to be very

1 stressful to give him BART ticket every day. He also
2 wants to move to Modesto, he said.

3 "I cannot afford it. If you go, I have to
4 move with you. I can't afford it. It is too
5 expensive. We have to stay in Oakland."

6 Q. You said he had heard stories about Fremont
7 before?

8 A. Yeah, from friends that already were -- when
9 he was at Havens Court, he was maybe eight year and
10 they were 9th graders, bad news.

11 I said, "Well, you have to go by yourself.
12 You have to live here, so I can go and see if it is
13 bad. I can see what I can do, but right now, there is
14 no way we can move."

15 Q. Also in paragraph two of your declaration,
16 you mention that parents came to Fremont and were upset
17 and they would come into the front office and speak to
18 you in Spanish and tell you their many concerns.

19 MS. LHAMON: She hasn't asked a question
20 yet. She is just reading it to you.

21 MS. VANSE: Q. Do you remember some of the
22 concerns that parents brought to you when you were
23 working at Fremont?

24 A. Yes, one is the students, they don't like to
25 come to school and the parents, they were concerned

1 why. And they came over. And I say, well, what my son
2 was telling me, their sons and daughters were telling
3 them the same thing, so for me, it was -- actually was
4 frustrating working there because I don't have all the
5 answers for the parents.

6 Q. But do you remember what their specific
7 concerns were that they would tell you?

8 A. Like "Why my son no have books?" Or his
9 grades because, actually, for these conditions in the
10 schools, there is -- the grades were very low.

11 Q. The grades were not very low?

12 A. They were low.

13 Q. The grades were low?

14 A. So they were concerned, "Why is my son not
15 doing good? Before, when he was in middle school" --
16 or like Marengo's mother, she said she was an A student
17 before she got to Fremont and that was their concerns.

18 Q. Any other concerns besides their student not
19 doing well in school?

20 A. The shootings, the bathrooms, the same as
21 the students.

22 Q. Okay. Why don't we go through them. Can
23 you give me a list of the concerns that you have about
24 Fremont High School that you saw when you were there?

25 A. First, why is it so crowded? I was thinking

1 maybe it was too many students. It would be better --

2 Q. How many students -- there are 250 students
3 at Fremont?

4 A. The school is made for 1,000 students and it
5 is 2,500 students.

6 Q. Okay. That answers a lot of my problems.

7 MS. LHAMON: So earlier when you said 250,
8 you meant 2,500?

9 THE WITNESS: I'm sorry I said 250.

10 MS. LHAMON: Don't ask us to give numbers in
11 Spanish. It is hard.

12 MS. VANSE: Q. Any other concerns that you
13 have?

14 A. The teachers, why they missing too much?
15 They absent too often and substitutes, it is, for them,
16 hard to show up in the class and teach them. The
17 bathrooms, they should have more bathrooms, I think.
18 And at Fremont, because it was too crowded, they have
19 open campus, like they can go eat outside. Most of the
20 times, they don't come back. They just take off after
21 lunch.

22 Q. So far I have overcrowded, teachers are
23 absent, substitutes, the bathrooms, and the students
24 taking off after lunch. Any other concerns that you
25 have about Fremont?

1 (Whereupon, the interpreter conversed with
2 the witness in Spanish.)

3 THE WITNESS: It was all the same. Most I
4 find out when I went there. I find out that the
5 parents, they have the same concerns that I did.

6 MS. VANSE: Q. The concerns being the ones
7 we've just listed out?

8 A. Uh-huh; yes.

9 Q. Let's talk about -- you described the school
10 as being overcrowded. What did you mean when you said
11 that?

12 A. The -- when I was working there, I find out
13 the school was made for only 1,000 students and they
14 would bring some portables to the school, so make it
15 look like packed, smaller, and they also have 2,500
16 students.

17 Q. So the actual school building itself was
18 only made for 1,000 people?

19 A. Uh-huh; yes.

20 Q. Do you know how many portables Fremont had
21 when you were working there?

22 A. Around -- from ten to 15.

23 Q. And Fremont High School was not a year-round
24 high school when you were there, was it?

25 A. No.

1 A. It is not clean. It is always garbage all
2 over, rats. Even in the office, there were rats. I
3 can't remember any more.

4 MS. LHAMON: Jennifer, I'm assuming that you
5 will include in the list the conditions she already
6 testified about.

7 MS. VANSE: Q. Are there other conditions
8 that you've testified about that you haven't mentioned
9 here? These are just concerns you have about Fremont.

10 A. Uh-huh; I don't remember.

11 Q. What about textbooks?

12 A. Oh, okay. They don't have no textbooks, no
13 lockers. My son never have a locker at Fremont. There
14 is lockers, but there is not enough for everyone.

15 Q. Now, other than -- I'm sorry. Are there any
16 other concerns that you have?

17 A. I don't remember right now.

18 Q. Okay. Again, if you think of some later,
19 feel free to let me know then.

20 Now, the concerns we've just gone through,
21 are there any others besides this list -- and I can go
22 through it if you think it is helpful -- that you heard
23 of from either parents or students at Fremont?

24 A. Yes.

25 Q. And what are those?

1 Q. Do you know if it is now?

2 A. No.

3 Q. No, you don't know or no, it is not?

4 A. It is not. No, it is not.

5 Q. Okay. Anything else you are referring to
6 when you speak about the school being overcrowded?

7 A. No.

8 Q. What about individual classrooms themselves,
9 do you think those were overcrowded at Fremont?

10 A. Yes, there is some because I think there
11 wasn't enough chairs for the students to sit. One time
12 I had one parent carrying his --

13 THE INTERPRETER: The desk.

14 THE WITNESS: -- the desk to get a chair.

15 The parent was carrying making sure her son had where
16 to sit in each classroom.

17 MS. VANSE: What was that?

18 THE INTERPRETER: The father was
19 transporting the student's desk from class to class.

20 THE WITNESS: To make sure he has where to
21 sit and he was in class. The excuse he told the parent
22 -- you know, "I don't go to school because I don't have
23 where to sit."

24 "Oh, that is your excuse?"

25 So the parent actually went to school and

1 stayed there and -- you know, from this now to next.
 2 "Where is your next class? Okay. Now I carry."
 3 Everyone makes fun. All the students, they
 4 were laughing about it. Actually, it was Andreas.
 5 MS. VANSE: Q. That was somebody we have
 6 spoken about earlier?
 7 A. Uh-huh; "I'm going to make sure you stay in
 8 the classroom."
 9 So that is the way he find out.
 10 Q. And you said there were not enough chairs
 11 for each student. Would that last throughout the
 12 entire class period?
 13 A. Yes.
 14 Q. Would there ever be more chairs brought in
 15 that you are aware of --
 16 A. No.
 17 Q. -- throughout the entire semester?
 18 A. For entire school year.
 19 Q. What would students do?
 20 A. Sit on the floor, on the desk.
 21 Q. When you were working in the office at
 22 Fremont, did you ever receive complaints from teachers
 23 that they didn't have enough chairs for their students?
 24 A. All the time.
 25 Q. Who would they complain to?

1 A. The principal.
 2 Q. Do you know what, if anything, the principal
 3 would say to them?
 4 A. No.
 5 Q. About how often would you hear teachers
 6 complaining to the principal about not having enough
 7 chairs in their classroom?
 8 A. How often? Almost every day.
 9 Q. Every day?
 10 A. Uh-huh.
 11 Q. Do you remember if this was the same
 12 teachers or different teachers?
 13 A. Different teachers. There were 99 teachers
 14 at school.
 15 Q. And so approximately how many teachers would
 16 complain to the principal each day about not having
 17 enough chairs?
 18 A. Almost every day.
 19 Q. I'm sorry. About how many of the 99
 20 teachers?
 21 A. How many of the 99? 50, 60.
 22 MS. LHAMON: You are asking for the ones she
 23 knows about?
 24 MS. VANSE: That's right.
 25 Q. So about 50 or 60 would complain every day?

1 A. Uh-huh; every day.
 2 MS. LHAMON: Do you understand the question?
 3 It wasn't how many total teachers have complained. She
 4 is asking if there was an average. Like every day,
 5 would there be two teachers that would complain? On a
 6 given day, how many total?
 7 THE WITNESS: On a given day, two or three,
 8 average.
 9 MS. LHAMON: Thank you.
 10 MS. VANSE: Q. Did your son ever have to
 11 stand or sit in the classroom not in a desk or chair
 12 while at Fremont?
 13 A. Yes.
 14 Q. And this is something he told you?
 15 A. Yes.
 16 Q. Did he tell you about on how many occasions
 17 that occurred?
 18 A. It was --
 19 THE INTERPRETER: It was almost on a daily
 20 basis. So what happened here also was that the
 21 students would take turns. Sometimes one would get up
 22 and the other one will take a turn and sit down.
 23 MS. VANSE: Q. Did your son say this would
 24 happen in every class or just a certain class at
 25 Fremont?

1 A. In every class.
 2 Q. Anything else you are referring to when you
 3 talk about Fremont being overcrowded?
 4 A. No.
 5 Q. You also mentioned one of your concerns was
 6 that teachers were absent at Fremont.
 7 A. Very often.
 8 Q. What do you mean by "Very often"?
 9 A. Like two times a week, three times a week,
 10 once a week. There is 99 teachers in the school and I
 11 was the one calling every morning to get substitutes,
 12 so I make -- they have made -- I have to write out all
 13 the teachers that would be absent that day and I have
 14 to go to substitutes. That is why I knew how much they
 15 were absent.
 16 Q. And do you know why the teachers were
 17 absent? Was that something you learned when you worked
 18 at Fremont?
 19 A. No, I don't know why.
 20 Q. And so you actually were -- when you worked
 21 at Fremont, you were the person that called to get
 22 substitutes for the day?
 23 A. Yes.
 24 Q. Were you able to get substitutes on most of
 25 the days?

1 A. No. Even the teachers, they don't -- if
2 they call themselves, the substitutes, I don't know if
3 there is not enough substitutes. I don't know what
4 happened, but never -- once in a while. We have a
5 substitute that stays there all -- you know, like stip
6 substitutes, they call it. That is a stip substitute
7 is the one that stayed there all day for -- but it is
8 only one for the whole school.

9 Q. And that is a substitute that is there to
10 kind of fill in for a teacher that might be absent?

11 A. Uh-huh.

12 Q. Okay. I'm sorry. How many teachers did you
13 say on average would call in sick on a given day at
14 Fremont?

15 MS. LHAMON: Can I just have a
16 clarification? Are you asking only who called in sick
17 or when they had a personal leave?

18 MS. VANSE: Just how many teachers were
19 absent on a given day at Fremont.

20 THE WITNESS: From five to ten teachers.

21 MS. VANSE: Q. Every day?

22 A. Every day.

23 Q. And of those five to ten teachers every day,
24 about how many were you able to find a substitute for?

25 MS. LHAMON: I'm going to object. It is

1 going to be hard to the extent you are asking about
2 averages. There were presumably days when there were
3 fewer, presumably days when there were more, so I think
4 the testimony is going to be hard.

5 MS. VANSE: If you can answer.

6 THE WITNESS: Maybe one or two.

7 MS. VANSE: Q. And it did vary from day to
8 day?

9 A. Uh-huh; actually, there were three people
10 who supposed to call the substitute office. One week
11 it was me; one week it was another person; one week
12 another person. It was the same for the three of us.

13 Q. So you didn't do this every day?

14 A. No, maybe for only one week. It was my turn
15 to call that week and the next week would be another
16 person and the next week, it would be another person.

17 Q. What would you do when it was your turn to
18 get a substitute? Is there a substitute office in
19 Oakland Unified?

20 A. We would call Oakland Unified Substitute
21 Office and let them know how many we need. We say ten
22 and they say we're going to do the best we can and they
23 send one or two. We never get more than two.

24 Q. And do you know why you never got more than
25 two?

1 A. No.

2 Q. And what would happen to those classes that
3 a substitute was not brought in for?

4 A. They were bring to the cafeteria.

5 Q. And what would happen then?

6 A. And then they keep them in the cafeteria.
7 Maybe it is -- most of the time, it is going to be more
8 than one class and they give them the newspaper they
9 can read or most of the time, they put them to read.

10 Q. To read?

11 A. Uh-huh.

12 Q. And do you know, would there be an
13 administrator in there? Who would be in the cafeteria?

14 A. I remember one time I told you there was
15 like 16 teachers absent, so it was too many for the
16 substitute Mr. Hahn. I remember his name, so they have
17 to have administrator come over and help him, Mr.
18 Schmucler.

19 Q. But in general, it would be the stip
20 substitute?

21 A. The stip substitute.

22 Q. That is generally the person who would take
23 over if there were students in the cafeteria?

24 A. Yes.

25 Q. Do you know if students that were in the

1 cafeteria were ever taught any subject matter while
2 they were in the cafeteria?

3 A. No.

4 Q. They weren't?

5 A. Huh-uh.

6 Q. And how do you know that?

7 A. Because I know. I know because I went and
8 checked because it is not only my son that it concerned
9 me, but all of them, the students who came to me.

10 So they came in already and tell me, "We're
11 not doing nothing. Can we stay in the office and help
12 answering the phone?"

13 "No," I said. You have to stay there."

14 "But we're not doing anything. We're just
15 reading or they tell us to do what we feel like,
16 homework stuff."

17 And I say, "Go do your homework."

18 "We don't have any homework because the
19 teacher wasn't here yesterday."

20 So that is what I find out.

21 Q. Were the students who were placed in the
22 cafeteria because of no substitute, were they there for
23 the entire day or just for -- I can think you said
24 Fremont had two-hour class periods. Would they be
25 there for two hours?

1 A. If they were lucky, they could go to the
2 next class if the teacher was there.

3 Q. And you just said, "If they were lucky, they
4 could go to their next class." Would there generally
5 not be a next class for them to go to?

6 A. Yeah, but sometimes when there were like
7 three teachers -- they were going to have three
8 teachers in the day. If they find out they are going
9 to have substitutes, they just go home by themselves.
10 Nobody tell them to leave. It is against Oakland
11 Unified School District rules, but they just cut and
12 jumped it and they go home.

13 And then the parents -- when the parents
14 come over, "Why my son" -- "He told me there was going
15 to be substitute."

16 So I say, "Yes, it is true, but we don't
17 send them home. They left by themselves."

18 Q. Do you know of a specific instance where a
19 student left school at Fremont because they were going
20 to have a substitute all day?

21 A. I don't understand you.

22 Q. Do you know -- when you said students would
23 leave for home if they were going to have substitutes
24 all day, I'm wondering if you are thinking of something
25 in particular, a specific instance you recall or if it

1 Q. But at the same time, they also told you
2 that was the reason why the student had left school?

3 A. Uh-huh; yes.

4 Q. Was there any other way that you are aware
5 of that students would leave to home because they had a
6 substitute all day other than hearing it from parents?
7 Did you ever hear that from students themselves?

8 A. From themselves they would tell me, "You
9 know what? I'm going to home."

10 And I said, "No, you have to speak with your
11 teacher first."

12 But when I look for them, they were gone.

13 Q. You also said you had a concern about
14 substitutes at Fremont. Was that just that there were
15 too many or you couldn't find enough substitutes? I
16 mean --

17 A. The substitutes at Fremont, there is only
18 one substitute at Fremont.

19 Q. Right. When I asked you if you had concerns
20 about Fremont, you mentioned substitutes. I'm curious,
21 was that the fact there weren't enough substitutes for
22 teachers that were absent?

23 A. Yes.

24 Q. Were there any other concerns you had about
25 substitutes at Fremont?

1 is a general statement you are making.

2 THE INTERPRETER: No, there was not a
3 specific day it happened. It happened a lot of times.

4 MS. VANSE: Q. And how would you find out
5 that the student would just leave school because they
6 had a substitute all day?

7 A. Their parents told me. They would call in
8 school and because I know maybe the parents. They knew
9 I speak Spanish or even the parents of students who
10 don't speak Spanish, they knew that I keep in touch
11 with the students, so they could come over and let me
12 know.

13 They ask me, "Is that true they don't have
14 teachers all day?"

15 And I said, "Yes, it is true."

16 Because sometimes they don't believe the
17 students because they can make up things to cut, but it
18 was true.

19 Q. So the parents would tell you their student
20 had left because they were going to have a substitute
21 all day?

22 A. They call me to ask me if they are telling
23 the truth.

24 And I said, "Yes, they are telling the
25 truth."

1 A. No.

2 Q. You also mentioned you had concerns about
3 bathrooms at Fremont?

4 A. Yeah, most of the time they have like -- you
5 know, for too many students, they only have two
6 bathrooms, one for the boys and one for the girls and
7 the rest of the bathrooms they kept locking. There is
8 not enough bathrooms for all students.

9 Q. Do you know how many bathrooms Fremont has,
10 including the locked ones, just actual facilities at
11 the campus?

12 MS. LHAMON: Are you asking just for the
13 student bathrooms?

14 MS. VANSE: Yes.

15 THE WITNESS: No, I don't know.

16 MS. VANSE: Q. Do you know how many
17 bathrooms are locked at Fremont?

18 A. I know two of them.

19 Q. Two meaning one girls' and one boys'?

20 A. They would keep it for -- no, those
21 bathrooms, they lock it because they want only the
22 staff to use them.

23 Q. There are two bathrooms at Fremont that are
24 locked for staff use only?

25 A. Uh-huh.

1 Q. Are there any bathrooms that are designated
2 for student use at Fremont that are locked?

3 A. No, I don't know.

4 MS. LHAMON: Angie, I want to make sure you
5 understood the question. You earlier testified that
6 for too many students, there was only two bathrooms
7 open and the other ones were locked and Jennifer is
8 asking, do you know if there are students' bathrooms
9 that are kept locked?

10 THE WITNESS: Those bathrooms that were
11 locked, the staff used them. They are supposed to be
12 for the students.

13 MS. LHAMON: The bathrooms the staff could
14 use that were locked had been originally intended for
15 the students?

16 THE WITNESS: Yes. For instance, in the
17 office, there is only one bathroom, so there is not
18 enough bathrooms for the staff. Do you know what I
19 mean? There is only one bathroom for the whole staff.
20 They decided the ones outside that are supposed to be
21 for the students and use them for the staff.

22 MS. VANSE: Q. Do you know if with the
23 portables any bathroom facilities were brought in as
24 well?

25 A. No.

1 A. I don't know.

2 Q. Did you ever see, when you were at Fremont,
3 any supply closets or anything of that nature with
4 bathroom supplies?

5 A. No.

6 Q. Do you know if they exist at Fremont?

7 A. I don't know.

8 Q. Any other concerns you had about the
9 bathrooms at Fremont?

10 A. No.

11 Q. You said that your son mentioned that some
12 of the bathroom facilities were broken at Fremont. Do
13 you know if those were ever repaired?

14 A. I don't know if they were ever repaired.

15 Q. Did you ever see anyone come in while you
16 were working at Fremont to repair the bathrooms?

17 A. No.

18 Q. Would that have been something you would
19 have seen in the office if someone had come in to
20 repair something at the facility?

21 A. No, because it was two offices. Maybe if
22 they came, maybe they came to the secretary office.

23 Q. Would that -- is that generally -- maybe you
24 can describe for me a little bit. There were two
25 offices, two administrative offices at Fremont?

1 Q. No, you don't know or no, there were not?

2 A. No, there were not.

3 Q. Were there any bathrooms in the gym
4 facilities at Fremont?

5 A. Yes.

6 Q. And could students use those?

7 A. Yes, but only when they are in gym because
8 it is -- they closed it.

9 Q. Locked it?

10 A. It is only for the students who are actually
11 taking that class right there.

12 Q. Did you ever ask anyone at Fremont why there
13 were only two bathrooms for student use?

14 A. No.

15 Q. Did you have any other problems with the
16 bathrooms at Fremont other than there were just too few
17 of them?

18 A. They were dirty most of the time. There
19 were no toilet paper and my son told me some of them,
20 they don't work. They don't flush and not only my son,
21 but another student told me, too.

22 Q. That they were broken or wouldn't flush?

23 A. Uh-huh; yes.

24 Q. Do you know if the bathrooms -- the student
25 bathrooms at Fremont were cleaned by janitors?

1 A. One is the front office where I am with the
2 six secretaries and another one is administration
3 office, only one secretary and two -- the principal and
4 two administrator, so it is kind of like divided.

5 Q. Would visitors to the school have to go
6 through your office or could they go directly to the
7 other office?

8 A. If they knew where the administration
9 offices are, they would go straight to the office.

10 Q. So they weren't necessarily connected? You
11 don't have to go to one office to get to the other?

12 A. No.

13 Q. Any other concerns you have about the
14 bathrooms at Fremont?

15 A. I don't remember. I don't know.

16 Q. You also mentioned a concern you had was
17 students take off in the afternoons at Fremont?

18 A. Yeah, after lunch because they have open
19 lunch. Open campus they call it. And most of them,
20 they don't come back after lunch. They just go home or
21 someplace else. I don't know.

22 Q. Did your son ever do that?

23 A. Yes.

24 Q. And how would you find out?

25 A. I find out. He told me or I would go look

1 for him; make sure. I am going to go check if he come
2 back and I go look for him.

3 To tell you the truth, sometimes he came
4 over to me, "You know what? I have a substitute after
5 lunch. Can I go home?"

6 And I said, "Yes."

7 Q. And how many times did he ask you that?

8 A. Often. I don't remember.

9 Q. And this was just while you were working at
10 Fremont?

11 A. Uh-huh; yes.

12 Q. And you told him that he could go home?

13 A. Yes.

14 Q. Were students ever disciplined because they
15 had taken off after lunch instead of attending class?

16 A. No.

17 MS. LHAMON: I want to interpose a late
18 objection that it calls for speculation.

19 MS. VANSE: Q. And why did that concern you
20 that students would take off after lunch?

21 A. Because they supposed to be at school. I
22 mean, if I was a student, after lunch, I go back to my
23 class.

24 Q. You also mentioned a concern you had. You
25 said the school is not clean?

1 well? I'm assuming they had tables.

2 A. Sometimes.

3 Q. Anything else that was wrong with the
4 cafeteria that you can recall?

5 A. No.

6 Q. Now, would this be something you would see
7 or something your son would tell you?

8 A. No, something that everybody -- me and all
9 the teachers that come over in the office, they make
10 comments. Everybody will see it.

11 Q. This is something you did see yourself?

12 A. Yes.

13 Q. And teachers also commented about the
14 cafeteria to you?

15 A. Yes.

16 Q. And what would teachers say in general?

17 A. "Do you know, Angie, the custodians clean
18 the cafeteria at night?"

19 I said, "I don't know. They looked like
20 they didn't." And I say, "What can I say?"

21 Q. Do you know if the teachers ever spoke to
22 the custodians about the conditions of the cafeteria?

23 A. Not only the teachers, but the principal.

24 One of the teachers had a meeting with him.

25 Q. Who?

1 A. Yes, the school is not clean.

2 Q. And what do you mean by that?

3 A. There is garbage all over. The cafeteria
4 where the students are is always dirty, the floors, the
5 carpets.

6 Q. And what was your concern about the
7 cafeteria? Was it dirty during lunch, or after lunch,
8 or before that?

9 A. Sometimes in the morning, there is like
10 nobody cleaned it -- you know, they supposed to because
11 we have custodians in the morning and afternoon. The
12 ones in the afternoon, sometimes when we get in school,
13 sometimes it is like there was nobody there. They
14 never clean.

15 Q. And can you just describe for me a little
16 bit what you mean by the cafeteria looked like it
17 wasn't clean? Was there trash? Was there food? How
18 did it look?

19 A. It was trash from the food before yesterday,
20 from one day before. And you can tell when it is not
21 clean -- I mean, you can see. You can tell nobody
22 mopped the floors.

23 Q. So the floors in the cafeteria were dirty?

24 A. Yeah.

25 Q. What about the tables, were they dirty as

1 A. With the custodian one time because they
2 were concerned the school was very filthy and they like
3 start cleaning for a few -- you know, for a few days
4 and we're back again.

5 Q. Do you know when that meeting was that the
6 principal spoke to the custodians about --

7 A. Yes, but I don't know.

8 Q. Is that when you were working at Fremont?

9 A. Yes.

10 MS. LHAMON: It is hard for the court
11 reporter if you start answering before she finishes her
12 question or if she asked you a question before you
13 finish because then it -- we have half sentences when
14 we're reading the transcript later.

15 MS. VANSE: I'm sorry. I'll try to let you
16 finish before I start my questions.

17 Q. Was this something, if you recall, that
18 would happen every day, that the cafeteria would be
19 dirty?

20 A. Yes.

21 Q. It would be every day?

22 A. Every day, no; in general, yes.

23 Q. Did you ever hear complaints from students
24 other than your son?

25 A. All the time.

1 Q. And was this also while you were working at
2 Fremont?

3 A. Yes.

4 Q. And they would come into the office and
5 complain?

6 A. Uh-huh; yes.

7 Q. Was there any particular reason they were
8 coming into the office other than to speak with you,
9 the students?

10 A. The students -- not only the students, but
11 also the teachers, they expect the office to fix all
12 the troubles.

13 Q. So they were just coming in because they had
14 a complaint?

15 A. Yeah, because they have a complaint or they
16 asking who is absent -- you know, everything --
17 everyone likes to come over to the office, make copies,
18 the teachers.

19 Q. Was there someone at the school that dealt
20 with complaints? I'm assuming that is not your job,
21 although maybe it was.

22 A. No, I --

23 (Whereupon, the interpreter conversed with
24 the witness in Spanish.)

25 THE INTERPRETER: There was no one in charge

1 A. When the school year end and we still -- I'm
2 working 12 months -- all the custodians come over and
3 they took all the seats out and they were --

4 (Whereupon, the interpreter conversed with
5 the witness in Spanish.)

6 THE INTERPRETER: Buffed the floors. The
7 floors would be buffed, but only at the end of the
8 school year.

9 THE WITNESS: Maybe they did it at the
10 beginning, but I never see doing it between classes.
11 Only I saw it only when the school year finished.

12 MS. VANSE: Q. And did you ever see
13 custodians cleaning the hallways during the year?

14 A. Yes; uh-huh.

15 Q. What would they clean with?

16 A. With broom and dust pan picking up garbage.

17 Q. So you mentioned something like a coke might
18 be spilled in the hallway. Would a custodian clean
19 that up?

20 A. Not right away.

21 Q. About how long would it take?

22 A. I don't know.

23 Q. Anything else that was wrong with the floors
24 in the hallways?

25 A. I don't remember.

1 of complaints.

2 THE WITNESS: We all received the same
3 complaints. All the people who work in the office, we
4 all receive the same.

5 MS. VANSE: Q. And how many people were
6 working in the office?

7 MS. LHAMON: Are you asking how many
8 secretaries that were in the office or --

9 MS. VANSE: Yes, just how many people in
10 general.

11 THE WITNESS: Let me see, eight, that I
12 remember.

13 MS. VANSE: Q. Okay. You said you were
14 also concerned about the floors at Fremont. Would
15 these be floors in classrooms or hallways?

16 A. On the hallways and the classrooms.

17 Q. And what was wrong with the floors in the
18 hallways?

19 A. They just not clean. You can tell. You can
20 go see it is not clean.

21 Q. Was there trash?

22 A. It is like marks and somebody maybe drop a
23 coke and they just stay there, a lot of garbage.

24 Q. Was it ever cleaned up that you are aware
25 of?

1 Q. How about the floors in the classrooms, what
2 was wrong with those?

3 (Whereupon, the interpreter conversed with
4 the witness in Spanish.)

5 THE INTERPRETER: Are you talking only about
6 floors?

7 MS. VANSE: Yes. We'll get to the other
8 stuff.

9 (Whereupon, the interpreter conversed with
10 the witness in Spanish.)

11 THE WITNESS: All the school looks the same.

12 MS. VANSE: Q. And I guess what I'm trying
13 -- since I've never been at the school, I'm trying to
14 get from you what "the same" looks like. What is --
15 describe for me a little bit, if you will, the floors.

16 A. Sometimes they would be clean, the
17 classroom, but sometimes they will be dirty, like you
18 didn't take the garbage last night or something like
19 that.

20 Q. And that is what I'm trying to get at. When
21 you say that it was dirty, what does that mean? What
22 does --

23 A. Maybe the students eat at the classroom.

24 Q. So there might be food?

25 A. There might be food. Maybe there is --

1 maybe that is why we have rats.
 2 Q. Anything else that would be wrong with the
 3 floors in the classroom?
 4 A. No, I don't remember.
 5 Q. And do you know if the classrooms at Fremont
 6 were cleaned by the custodians?
 7 A. They supposed to be cleaned.
 8 Q. Do you know if they actually were?
 9 A. Sometimes I saw them clean. Actually, I
 10 watched them clean, but not every day.
 11 Q. Do you know if students were supposed to
 12 have food in the classrooms?
 13 MS. LHAMON: Vague as to "supposed to." Was
 14 there a school rule about having food?
 15 MS. VANSE: Right.
 16 THE WITNESS: No, I don't think there is a
 17 rule.
 18 MS. VANSE: Q. A rule against it?
 19 A. No, I don't think so.
 20 Q. Okay. You also mentioned the carpets at the
 21 school were not clean?
 22 A. In the office, they were like dirty.
 23 Q. Where were there carpets at the school?
 24 A. It would be in the -- some classrooms, they
 25 have carpets. Some teachers, I don't know if they had

1 put it in themselves. I knew one teacher, he had put
 2 himself carpeting in his classroom, but he keep it
 3 clean. I mean on his own, he goes and get the machine
 4 and clean it every time he feels like it. I know he
 5 keeps it clean. He is the one who keeps his room clean
 6 and everything nice.
 7 Q. This is something he does himself?
 8 A. Himself.
 9 Q. So the carpets were just dirty, is that what
 10 you were saying?
 11 A. That is the only room at Fremont I remember
 12 is nice.
 13 Q. I'm sorry, the other carpets?
 14 A. The other carpets, dirty.
 15 Q. Do you know if those were cleaned by the
 16 custodians?
 17 A. Yeah, they were. I saw them one time clean
 18 them once in the office.
 19 Q. Did that seem to make a difference?
 20 A. Yes.
 21 Q. Did you notice that the carpets in the
 22 office were not cleaned regularly?
 23 A. No, I don't know.
 24 Q. You didn't notice? It wasn't noticeable
 25 from one day whether they had been cleaned to the next?

1 A. It was --
 2 (Whereupon, the interpreter conversed with
 3 the witness in Spanish.)
 4 THE WITNESS: When they clean, they look
 5 nice and clean, but after -- you know, they get dirty
 6 pretty often and then they take too long to go back and
 7 clean them back.
 8 MS. VANSE: Q. Did the hallways in Fremont
 9 have garbage dispensers?
 10 A. Yes.
 11 Q. Would students use those?
 12 A. Yes.
 13 Q. Was there garbage on the floors?
 14 A. Yes.
 15 Q. Do you know if that was caused because the
 16 trash dispensers were too full or how would the trash
 17 get there, if you know?
 18 A. Maybe the students -- you know, they don't
 19 care they dropped it. I don't know.
 20 MS. LHAMON: Remember, Jennifer is not
 21 asking you to guess today. The question is if you
 22 know. If you know something, you should tell her. If
 23 you don't know, if you have a reason to think, you can
 24 also say that.
 25 THE WITNESS: Okay.

1 MS. VANSE: Q. So you don't know how trash
 2 would --
 3 A. I don't know.
 4 MS. VANSE: Okay. I think we're going to
 5 take a quick break, if that is all right.
 6 (Recess taken.)
 7 MS. VANSE: Q. We've been talking about
 8 your concern that Fremont was not clean. Other than
 9 what we've talked about, the cafeteria, the floors, the
 10 carpets, the garbage, was there anything else you were
 11 concerned about with Fremont not being clean?
 12 A. No.
 13 Q. What about your concern about rats? Were
 14 there rats at Fremont?
 15 A. Yes.
 16 Q. And by "Rats," do you mean -- are these
 17 actual rats, big ones with long tails, or mice?
 18 A. We had both. Actually, rats, they were more
 19 seen like outside, but the little ones inside, like the
 20 office, there was a lot of mice.
 21 Q. Mice. Okay.
 22 A. Uh-huh.
 23 Q. Did you ever personally see a rat or mouse
 24 at Fremont?
 25 A. Yes.

1 Q. Where did you see -- let's stick with rats
 2 first.
 3 A. The rats?
 4 Q. Where did you personally see a rat at
 5 Fremont?
 6 MS. LHAMON: I'm going to object to the
 7 extent you are not clear. It is not clear to me the
 8 difference between a rat and a mouse. If you can
 9 distinguish in your head the difference, that is great.
 10 THE WITNESS: The rats are the big ones.
 11 MS. VANSE: Q. Is that how you understand a
 12 rat --
 13 A. Yeah.
 14 Q. -- what you understand a rat to be?
 15 A. Yeah, mice are little, runs around.
 16 Q. And rats are bigger?
 17 A. Uh-huh; yes.
 18 Q. Going forward with that definition, have you
 19 ever personally seen a rat at Fremont?
 20 A. Yes.
 21 Q. Where did you see it?
 22 A. At the gym one time.
 23 Q. This was inside the gym?
 24 A. Inside.
 25 Q. Was it -- where was it in the gym?

1 A. I was sent to look for a teacher. When I
 2 opened the door, it run from behind the desk through
 3 the gym.
 4 Q. Did you ever -- did anyone ever tell you
 5 about seeing a rat at Fremont?
 6 A. Yes, the students and the teachers, too.
 7 Q. How about students first, where did a
 8 student tell you they had seen a rat?
 9 A. Most of the time it was in the morning when
 10 they just got there. When they see them, they just go,
 11 "Oh, I saw a rat."
 12 Q. And do you know where they would see a rat?
 13 A. Classrooms or outside, different areas.
 14 Q. Do you know if the students were referring
 15 to what we've just distinguished between a rat and a
 16 mouse or if -- do you know if they had that same
 17 distinction?
 18 A. I don't know.
 19 Q. Okay. How about teachers, where would a
 20 teacher tell you he or she had seen a rat?
 21 A. One time I was -- I told a teacher, "A
 22 student just come over and tell me he just saw it. It
 23 was a little one in the classroom."
 24 "Oh, don't worry. That is common. I see
 25 them every day."

1 They told me that. I remember that.
 2 Q. So teachers would tell you they saw rats in
 3 the classroom?
 4 A. Uh-huh.
 5 Q. Anywhere else they would say or a teacher
 6 would tell you they had seen a rat?
 7 A. In the basement.
 8 Q. Anywhere else?
 9 A. I don't know. I don't remember.
 10 Q. About how often would a student tell you
 11 that he or she had seen a rat?
 12 A. It is like -- it was like a certain time a
 13 year.
 14 (Whereupon, the interpreter conversed with
 15 the witness in Spanish.)
 16 THE INTERPRETER: It was occasionally.
 17 THE WITNESS: But they have to call the
 18 exterminator and they came over, but after that, we
 19 stopped seeing them for a while, but they came back
 20 again.
 21 MS. VANSE: Q. So the school did call an
 22 exterminator when a student would see one?
 23 A. Yes. Because it was a time where there was
 24 a lot of rats in the office, in the classrooms, so the
 25 principal got concerned and he called the exterminator,

1 so they came over and they even let us go early that
 2 day because I think it was going to be a weekend, so
 3 they came over and we stopped seeing them for a while,
 4 but then they come back again.
 5 Q. Do you know if the principal called an
 6 exterminator a second time?
 7 A. I don't remember.
 8 Q. And how about mice, did you ever see mice at
 9 Fremont yourself?
 10 A. In the office. That is the one I see in the
 11 office. It is just the little ones.
 12 Q. Would you just see one or would you see
 13 several?
 14 A. Three times I saw.
 15 Q. Was it one mouse three separate times?
 16 (Whereupon, the interpreter conversed with
 17 the witness in Spanish.)
 18 THE WITNESS: No, one.
 19 MS. VANSE: Q. And did you ever hear from a
 20 student that he or she had seen a mouse at Fremont?
 21 A. No, from the other clerks in the office.
 22 Q. How about -- but not from a student?
 23 A. Yes, from students, too.
 24 Q. Would that be the same?
 25 A. My son told me he saw mice in the hallway.

1 Q. Did he tell you it was one time or were
2 there several times?
3 A. He only told me one time.
4 Q. Did other students tell you about seeing
5 mice at Fremont?
6 A. Yes.
7 Q. Did they tell you where they had seen the
8 mice?
9 A. Just in the campus like walking around in
10 the cafeteria.
11 Q. And you've already mentioned one teacher
12 that told you about seeing a mouse at Fremont.
13 A. Uh-huh.
14 Q. Were there others?
15 A. Others, yes.
16 Q. Other teachers that had seen mice and told
17 you about it?
18 A. Yes. And they got traps and everything in
19 the classrooms.
20 Q. Are these traps that the teachers themselves
21 bought or that the school purchased?
22 A. No, themselves.
23 Q. Do you know if the school ever called an
24 exterminator to get rid of the mice?
25 A. Yes, they did.

1 Q. Was that the same time they called the
2 exterminator for the rats?
3 A. Yes.
4 Q. Okay. You mentioned you also had a concern
5 about the textbooks at Fremont?
6 A. Yes.
7 Q. And what are your concerns about the
8 textbooks?
9 A. Some of the students, they don't have no
10 books the whole school year. One of them was my son.
11 Q. And was this for both of the years that he
12 was at Fremont he did not have a textbook?
13 A. Yes.
14 Q. Was this for --
15 A. In different subjects. I don't remember
16 what subjects, but it was different subjects.
17 Q. For the 1999/2000 school year, do you
18 remember, was it one subject -- was this his freshman
19 year the '99/2000 school year?
20 A. Uh-huh; yes.
21 Q. Do you recall if he had textbooks for any of
22 his classes that year?
23 A. He only have like two books, but he need it
24 for other classes, but I don't remember which ones.
25 Q. So he -- do you remember how many classes he

1 had that year?
2 A. Six.
3 MS. LHAMON: As a point of clarification,
4 when you say he had two books, do you mean he could
5 take home books in only two classes?
6 THE WITNESS: No. None of the class, they
7 can't take the books home. They need to leave them at
8 school.
9 MS. LHAMON: In only two of his classes, he
10 had a book to use in class?
11 THE WITNESS: Only in class.
12 MS. VANSE: Q. So he had four classes that
13 he didn't have a book to use?
14 A. Yes.
15 Q. And you don't recall what classes those
16 were?
17 A. No. What the teachers do, they make copies
18 and pass them around to the students.
19 Q. To use in class?
20 A. Yeah. For those students who did not have a
21 book, the teachers make copies and give them to the
22 students.
23 Q. Do you know why your son didn't have books
24 in four of his classes his freshman year?
25 A. There wasn't enough books for everyone.

1 Q. So there were some books. They just didn't
2 have enough?
3 A. They have to share. Like 30 students in the
4 classroom and they have 15 books, they put them on the
5 table and they have to share them. That is why they
6 cannot take the books home. They need to stay at the
7 classroom.
8 Q. Let me clarify here. You said your son just
9 his freshman year had six classes and that for four of
10 the classes, he didn't have a book; is that correct?
11 A. In those classes, yes.
12 Q. Okay.
13 A. In the other classes are the ones they need
14 to share the book.
15 Q. So for the two classes that he did have
16 books, he had to share them in class?
17 A. Yes.
18 Q. Okay. For the four classes that he didn't
19 have a book to use at all, he just used photocopies?
20 A. They make -- the teachers make photocopies.
21 Q. Do you know why in those four classes that
22 your son didn't have a textbook?
23 A. I think because there wasn't enough books.
24 Q. When you tell me that there weren't enough
25 books, then I'm thinking that there were some.

1 A. Because I ask. I ask my son, "Why don't
2 they have books?"
3 "They said they are waiting for them, for
4 the District to send them."
5 And they told me that all year.
6 Q. Okay. So the District, as far as you know,
7 never sent the books over?
8 A. No.
9 Q. And you mentioned that for the two classes
10 that your son did have a book to use in class, he had
11 to share them with other students in class?
12 A. Yes.
13 Q. And do you know why he had to share them?
14 A. Because the other students, they don't --
15 first of all, there wasn't enough books and the student
16 ask, "Can I see? Can I check the book?"
17 They shared the book together like they are
18 friends or they sit to each other. If the other
19 student doesn't have a book and my son has book, he
20 shares.
21 Q. But were they sharing because they had to --
22 I mean, there weren't enough books actually for each
23 student to have in class?
24 A. Yes, they have to share.
25 Q. Did your son ever have homework his freshman

1 year?
2 A. Excuse me?
3 Q. Did your son have homework his freshman
4 year?
5 A. Yes.
6 Q. What would the homework be?
7 A. Most of the --
8 Q. If you can remember.
9 A. What happened is when the teacher make
10 copies from him, he just have to fill it out or make
11 essay, different things. It is a lot of different
12 things that he has to do for homework.
13 Q. Do you recall for the two classes that he
14 did have books for, what that homework was his freshman
15 year?
16 A. No, I don't remember, but it is a lot of --
17 almost every day homework. There are days when he
18 tells me he doesn't have homework, I ask him to read.
19 Q. You would make him read?
20 A. Yeah.
21 MS. LHAMON: You would give him homework.
22 MS. VANSE: Q. What about the 2000/2001
23 school year, how many classes did your son have?
24 A. Six.
25 Q. And how many of those classes did he have a

1 textbook in?
2 A. I don't remember.
3 Q. Do you remember --
4 A. He does, but I don't.
5 Q. Do you remember if he did not have a
6 textbook in any of those classes?
7 A. I think he doesn't have algebra book for the
8 whole year and the reason I remember that is because
9 that is his favorite subject.
10 Q. Do you remember why he didn't have an
11 algebra book?
12 A. There wasn't enough books in school. Not
13 only my son, but a lot of them, they don't have the
14 book.
15 Q. A lot of them meaning other students in the
16 school?
17 A. Uh-huh; yes.
18 Q. So were there algebra books at Fremont?
19 A. Yeah, there were algebra books at Fremont.
20 Q. They didn't have enough for each student?
21 A. Yes, so they have to make copies. If they
22 are going to do homework or something, they have to do
23 it at the school. They could not take home.
24 Q. Other than the algebra, any other class that
25 you recall for that 2000/2001 school year that your son

1 didn't have a book in?
2 A. I think physics.
3 Q. He didn't have a book?
4 A. No.
5 MS. LHAMON: Is it physics or physical
6 science? Was there a difference?
7 THE WITNESS: Physical science, like
8 biology, stuff like that.
9 MS. VANSE: There is a difference.
10 THE WITNESS: Where they do experiments and
11 stuff like that.
12 MS. VANSE: Q. So physical science, he
13 didn't have a textbook?
14 A. No.
15 Q. Do you know if there were textbooks or not
16 just enough or the school didn't have any altogether?
17 A. I don't know. I never ask the teachers.
18 Q. Did you ever ask the teacher about algebra?
19 A. Yes, I asked him.
20 Q. What did he say?
21 A. He said he has to do like the other
22 students, like they have to share the book or make
23 copies if he wants to.
24 Q. Did -- I'll just focus on algebra for a
25 minute here. Did the teacher have textbooks in the

1 classroom that he was using with the students?
 2 A. Yes, he has textbooks in the classroom.
 3 Q. And they were just not enough so the
 4 students had to share?
 5 A. Yeah; yes. There was books in the
 6 classroom, but it is too many students and they
 7 cannot -- they have to keep it in the classroom. They
 8 cannot take it home or they cannot say, "This is my
 9 book." He has to share or he or she has to share with
 10 someone else.
 11 Q. Do you know if there were any books that the
 12 teacher used in physical science?
 13 A. I don't know.
 14 Q. Did your son have algebra homework in
 15 2000/2001?
 16 A. Yes.
 17 Q. And how would that homework be? Like how
 18 did it come about if there wasn't a book?
 19 A. Copies.
 20 Q. It was copies. What about for physical
 21 science, did your son have homework in that class?
 22 A. Yeah, he also bring copies. I remember
 23 seeing copies of a cell and he make something with
 24 cancer, so it was like I saw copies of --
 25 Q. Copies of the book and your son had to do

1 something from it?
 2 A. Uh-huh; yes.
 3 Q. Do you know if Fremont still has -- let me
 4 start again.
 5 Do you still have concerns about textbooks
 6 at Fremont?
 7 A. Well, my son is not there -- no -- yes, I
 8 do, for my neighbors, for my friends.
 9 Q. Do you know if Fremont has since gotten more
 10 textbooks?
 11 A. I don't know.
 12 Q. Have you spoken with any of your neighbors
 13 or friends about whether there is no textbooks?
 14 A. When I spoke with them, I think everything
 15 is still the same.
 16 Q. That is what they told you when you spoke
 17 with them?
 18 A. Yes.
 19 Q. Do you have any other concerns about
 20 textbooks other than the fact that you felt there were
 21 not enough?
 22 A. Yes -- you know, sometimes if they already
 23 have that problem, there wasn't enough books and
 24 sometimes a copy machine, they don't work.
 25 Q. I'm sorry?

1 A. The teachers can't make copies.
 2 Q. Because the copy machine was broken?
 3 A. Was broken because maybe too much use.
 4 Q. How many copy machines were there at Fremont
 5 when you worked there?
 6 A. In the office I was in was only one, but
 7 they have a rule where they can only --
 8 (Whereupon, the interpreter conversed with
 9 the witness in Spanish.)
 10 THE INTERPRETER: Copying room.
 11 THE WITNESS: So it was one person there, so
 12 she -- she is always complaining because she has a lot
 13 of copies to make.
 14 MS. VANSE: Q. So the teachers had a copy
 15 room?
 16 A. A copy room, but sometimes she is not there.
 17 When she leaves, she locks -- she needs to lock it
 18 because the students are not allowed to use those
 19 machines, so they cannot get broke or anything.
 20 Sometimes for the teachers, it is hard for them to get
 21 the copies.
 22 Q. Any other concerns you had with textbooks at
 23 Fremont?
 24 A. No.
 25 Q. You also mentioned you were concerned there

1 were no lockers for all of the students?
 2 A. Yes. My son never have a locker at Fremont.
 3 Q. And there were some lockers for some
 4 students?
 5 A. Yes.
 6 Q. Do you know how they were assigned?
 7 A. I don't know. I don't remember.
 8 Q. What would students do who were not assigned
 9 a locker? Were they given anything else as an
 10 alternative?
 11 A. No.
 12 Q. What would they do with their stuff?
 13 A. They need to carry it all the time.
 14 Q. I think you mentioned earlier that you used
 15 to work for Oakland Unified School District?
 16 MS. LHAMON: I'm sorry. The question is
 17 just vague. Are you asking separate from when she was
 18 working at Fremont High School?
 19 MS. VANSE: Right.
 20 Q. You worked for Oakland before?
 21 A. Yeah.
 22 Q. What did you do at Oakland Unified before
 23 you worked for Fremont?
 24 A. I was clerk, also a clerk.
 25 Q. And how long did you work for the Oakland

1 School District before you worked for Fremont?
 2 A. One year.
 3 Q. Are you still working for the Oakland
 4 Unified School District?
 5 A. Yes.
 6 Q. And you are not back at the central office?
 7 A. No, I'm working in the new high school.
 8 Q. What high school are you at now?
 9 A. Life Academy High School.
 10 Q. Just following your son around. I think you
 11 mentioned you were at the Sub Center Office downtown
 12 for your first year working at Oakland Unified?
 13 A. Yes.
 14 Q. What is the Sub Center Office?
 15 A. It is the main office.
 16 Q. Did you ever bring up any of your concerns
 17 with Fremont with anyone at the District Office while
 18 you were working there?
 19 A. Yes, to my friends, my coworkers.
 20 Q. Anyone else?
 21 A. No.
 22 Q. Going back to your declaration, in paragraph
 23 two, you mentioned that you have now pulled your son
 24 out of Fremont and put him in a good public school and
 25 that public school is Life Academy, correct?

1 A. Yes.
 2 Q. And how were you able to transfer your son?
 3 A. Because -- okay. This is a long story.
 4 Q. Give me the short version.
 5 A. Okay. It is assistant principal who works
 6 at Fremont. She came from New York and she has this
 7 idea to open new schools because in New York, there is
 8 a lot of small schools, so she told me about it.
 9 And I said -- I looked at her, I said,
 10 "Alternative?"
 11 She has this idea about opening new schools,
 12 so she opened her own high school, but it is not -- it
 13 belonged to Oakland Unified School District. She got
 14 parents together and students and we fight -- we fought
 15 for the building and for the approval and we went
 16 through all of this process and the school was a yes,
 17 so we open on September 4 and it is a new high school
 18 that belongs to Oakland Unified School District. We
 19 have -- only have 250 students.
 20 Q. That is really 250, not 2,500?
 21 A. No, 250. And it is nice. The building, it
 22 used to be a Red Cross building before and it was given
 23 to -- Lori Flaxman is the principal. It was given to
 24 her, so she said we have now a small nice high school.
 25 Q. I'm sorry? Lori Flaxman is the name of the

1 principal?
 2 A. She is the principal.
 3 Q. She was at Fremont before going to Life
 4 Academy?
 5 A. She was the assistant principal.
 6 Q. This was her idea to start this school?
 7 A. Yes.
 8 Q. How long did the process take, do you know?
 9 A. The whole year.
 10 Q. So from, I guess the beginning of 2000/2001?
 11 A. Because I met her when I started working at
 12 Fremont and I knew she was -- I just listen. I knew
 13 she was working on opening a small school, but after I
 14 -- my son, he likes health and bioscience. That is his
 15 major. That is what he wants to be. That is his
 16 major, right, so they have this idea from Fremont, pull
 17 up like small high schools from the academy. Like my
 18 son was health and bioscience, so that was Life Academy
 19 born.
 20 (Whereupon, the interpreter conversed with
 21 the witness in Spanish.)
 22 THE INTERPRETER: Did you understand?
 23 MS. VANSE: I think so.
 24 THE WITNESS: Okay.
 25 MS. VANSE: Q. Do you know how long she had

1 been working on this before you met her?
 2 A. She -- how long she had been working?
 3 Q. No, how long she had been working on getting
 4 this school started?
 5 A. Since she was in New York.
 6 Q. Do you know when she came to Fremont?
 7 A. She came to Fremont in the same year that I
 8 did.
 9 Q. Okay. And you mentioned a little bit of the
 10 process that you went through to get the Life Academy
 11 started. Can you go through that perhaps a little more
 12 detailed?
 13 A. She first made like invitation to all the
 14 parents. She asked me for help.
 15 "Angie, can you help me to get parents
 16 together and students together to give them the idea?"
 17 It is not just me working. It is also
 18 teachers, students. Everyone is working together to
 19 get the school so we get parents and everything. She
 20 got the meeting -- and the principal knew about it.
 21 Q. The principal of --
 22 A. Of Fremont and he give her whole support, so
 23 we get the parents together and we tell them what we
 24 need to do. We need to go down to the District and
 25 tell them we -- she wants to open a new high school

1 that belongs to Oakland Unified School District and we
2 got the yes after a lot of meetings and --

3 Q. Were these meetings that you were a part of
4 or you just heard --

5 A. Yes, I was a part of it since the beginning
6 and we got a yes and we opened September 4th.

7 Q. So were these meetings just with Ms. Flaxman
8 or did you go to the meetings with the District as
9 well?

10 A. With the District. Chaconas is the
11 superintendent of Oakland and we told him we want -- we
12 want a new school. We want books for -- you know,
13 everything different from Fremont.

14 Q. Do you know where they got funding for the
15 new school?

16 A. From Oakland Unified School District.

17 Q. Do you know if there was a process other
18 than just the meetings you attended that had to be done
19 to get funding for the new school?

20 A. No, I don't know.

21 Q. Okay.

22 A. We just -- actually, we just tell him what
23 we want and after he say yes, they have -- they need to
24 have like a panel, other people need to say yes and
25 everyone say yes and we got it. I don't know. I mean,

1 students?

2 A. No, after we make fliers and everything,
3 everyone was invited to come -- you know, because it
4 wasn't enough students to open the school. The academy
5 only had maybe 130 students, so we have open invitation
6 to everyone who wants to come and they make application
7 and everything. That is why they were selected.

8 Q. So there were other students at the Life
9 Academy that weren't previously at Fremont or were
10 they --

11 A. Some are from Fremont and some of them are
12 from other high schools because we work -- like I went
13 to one high school. I have to go with another teacher.
14 I went and make the invitation to the kids and telling
15 them, "We want to open a new school. You are invited
16 to come if you want to come. Here is the application."

17 So some were interested; some of them
18 weren't.

19 Q. Do you know any of the other academies at
20 Fremont that are also thinking of forming their own
21 smaller school?

22 A. Yes.

23 Q. Do you know which ones?

24 A. Media Academy, the one with film.

25 Q. Any others that you know of?

1 they have the money.

2 Q. And how were students chosen for the new
3 Life Academy?

4 A. By health and bioscience. All the students
5 who belong to health and bioscience --

6 (Whereupon, the interpreter conversed with
7 the witness in Spanish.)

8 THE INTERPRETER: Workshop.

9 MS. LHAMON: Academy?

10 THE WITNESS: Like academy.

11 MS. VANSE: Q. Was that -- maybe this is
12 something I don't know about Fremont. Does Fremont
13 have different academies that work within it?

14 A. Yes.

15 Q. Okay. How many academies does Fremont have?

16 A. Have, let me see, about five.

17 Q. Okay. And so one of the academies at
18 Fremont was a like a biohealth or science?

19 A. Yes.

20 Q. So those students in that academy at Fremont
21 were transferred to the Life Academy?

22 A. Yes.

23 Q. Okay. Were there other students that
24 weren't previously at Fremont that are attending Life
25 Academy that you know of or is it just former Fremont

1 A. No.

2 Q. And do you know who was trying to start or
3 break away, I guess, the Media Academy from Fremont?

4 A. Another teacher.

5 Q. Do you know that teacher's name?

6 A. Mary Benson. I think the superintendent,
7 what I know and what I heard, because he say this work.
8 He wants to do the same with all the academies at
9 Fremont.

10 Q. He wants to break them all off like the Life
11 Academy?

12 A. Yeah.

13 Q. When did you hear him say this?

14 A. In meetings. Like Friday, we have a
15 meeting. He mentioned it again.

16 Q. What I'm trying to get at is what
17 specifically did he say, if you can recall?

18 A. He says he has future because, actually,
19 Denny Chaconas was a student at Fremont and he knows
20 about all these problems, so he said this is one of the
21 solutions that he has, like break the school in small
22 -- break Fremont like small schools.

23 Q. Did he say how he was going to go about
24 doing that?

25 A. No, I don't remember.

1 Q. This is at a meeting Friday?
 2 A. Yes.
 3 Q. What kind of a meeting was this?
 4 A. It was a meeting also with the mayor of
 5 Oakland, James Brown, and it was also -- all the people
 6 was discussing about housing and in Oakland, they are
 7 building a lot of house apartments. They don't know
 8 building schools and we want schools instead of
 9 apartment building.
 10 Q. Anything else you can recall from this
 11 meeting that was said on Friday?
 12 A. About the school, well, he promised he is
 13 going to open more schools.
 14 Q. Did he say when? This is the
 15 superintendent.
 16 A. In the next two years.
 17 Q. Did he say anything about teachers or
 18 textbooks at this meeting?
 19 A. No.
 20 Q. Have you ever heard the superintendent speak
 21 about teachers or textbooks?
 22 A. I don't remember.
 23 Q. The last sentence in your declaration in
 24 paragraph two, you say that "I know the horrible
 25 conditions at Fremont still exist because I speak often

1 with my neighbors whose children still have to attend
 2 Fremont, as well as other students who are suffering at
 3 the school."
 4 If you can concentrate just on the time
 5 period since -- did you leave Fremont the same time
 6 your son did?
 7 A. Yes.
 8 Q. Okay. From the time period you and your son
 9 left Fremont, which, I guess, would be May/June 2001,
 10 until now, what are the conditions at Fremont that you
 11 have spoken about with either -- well, let's just take
 12 with your neighbors.
 13 A. When did I speak with them or how?
 14 Q. Yes, just the ones you say still exist
 15 because you say you've spoken with your neighbors about
 16 them.
 17 A. Yeah, my sons, they have friends that come
 18 over to my house.
 19 Q. Let's talk about the neighbors first and
 20 we'll get to your sons' friends.
 21 A. They are neighbors.
 22 Q. If they are mixed, then that is fine.
 23 A. We live in -- we all live around together.
 24 Q. We can group them together if that is easier
 25 for you.

1 A. Yeah, they come over. I ask them, I say,
 2 "How do you like school? How is it?"
 3 They said, "No. It is the same."
 4 And I feel bad because they want to come to
 5 Life Academy, but there is no space.
 6 Q. So is there any conditions in particular
 7 that you've spoken about with neighbors or children?
 8 A. No, I know they have books now.
 9 Q. They do have books?
 10 A. Uh-huh.
 11 Q. How do you know that?
 12 A. Because I asked and they told me.
 13 Q. Who did you ask?
 14 A. I asked, her name is Nancy and she told me,
 15 "Now we have books."
 16 And I also asked Harold and Alex, the kids
 17 that live on my block that go to Fremont.
 18 Q. You asked them if they have textbooks now at
 19 Fremont and they said yes?
 20 A. Yes.
 21 Q. And did you speak about anything else in
 22 particular about Fremont?
 23 A. No.
 24 Q. So what are the concerns that you know still
 25 exist because you speak often with your neighbors as

1 well as students?
 2 A. About the teachers being absent, the school
 3 being dirty, and the open campus. They don't like --
 4 the parents don't like it, but they still have it and
 5 the school is -- I know there is not enough -- it is
 6 not as crowded as when I was there, but it is still
 7 crowded.
 8 Q. Do you know why it is not as crowded as when
 9 you were there?
 10 A. Maybe because we move.
 11 Q. Maybe. So anything other than the teachers
 12 being absent, the open campus, dirty on campus, and the
 13 overcrowding that you've spoken about with anyone since
 14 you left Fremont and the textbooks?
 15 A. I don't remember. I don't think so.
 16 Q. Okay.
 17 MS. VANSE: Do you want to stop for lunch?
 18 MS. LHAMON: Okay.
 19 (Recess taken.)
 20 MS. VANSE: Q. Good afternoon. I just want
 21 to remind you all the same ground rules that we talked
 22 about this morning still apply today. Do you
 23 understand that?
 24 A. Yes.
 25 Q. Okay. When we left off, I think we had

1 finished going through paragraph two of your
2 declaration. I want to direct your attention now to
3 Exhibit 1, paragraph three, and you mention a specific
4 instance on April 22, 2000, where 16 teachers were
5 absent from Fremont. Do you know why there were -- was
6 that an unusually large number of teachers to be absent
7 on one day at Fremont?

8 A. This day, we don't know what happened, but
9 it was unusual.

10 Q. It was unusual?

11 A. Too many -- not usually that many.

12 Q. And do you know -- happen to know why there
13 were that many absent on that particular day?

14 A. No, I don't know.

15 Q. Okay. The second sentence you state, "Only
16 two substitutes actually showed up at the school on
17 April 22."

18 Do you know if more substitutes were -- were
19 hired, I guess, to fill in that day and just didn't
20 show up or do you know if additional substitutes
21 couldn't be found?

22 MS. LHAMON: Vague as to "Hire." Are you
23 asking if she knows more substitutes were called or if
24 she knows the District had actually paid more people to
25 come?

1 MS. VANSE: Q. I'm not asking do you know
2 if the District actually paid for these people to come.
3 I'm wondering if the District was able to find more
4 than two to show up that day and only two showed up or
5 two was only what they could find?

6 A. I think it was only what they can find.

7 Q. Were there any other occasions that you can
8 recall at Fremont where 16 or more teachers were absent
9 on a single day?

10 A. No, but less, like 13, 12, ten.

11 Q. The 13, 12, and ten, was that also high or
12 was that more of a normal occurrence?

13 A. It is high.

14 Q. About how often would Fremont have, let's
15 just say, more than ten absent on a day, if you can
16 recall?

17 A. No.

18 Q. You can't recall?

19 A. Well, no, I don't remember.

20 Q. That is okay. And we've already gone over
21 the other situations. We've talked about the teachers
22 absent. Also in paragraph three of your declaration,
23 you state the last sentence, "It was not always clear
24 to me when I worked at Fremont what would happen to
25 students who had no adult standing in front of their

1 classes."

2 Were you ever aware of classes at Fremont
3 that did not have an adult present?

4 A. Yes.

5 Q. When would that occur?

6 A. Different times, I -- you know, by walking
7 or sometimes the students come over and let me know
8 there is no one in the classroom, so then I -- that is
9 the way we find out there wasn't a teacher there or we
10 need to look someone who goes to the classroom.

11 Q. And what would you do if a student came in
12 and told you there was no adult in the classroom at
13 that time?

14 A. Most of the time, I let the secretary know.

15 Q. Do you know what she would do at that point?

16 A. Yeah, she will find someone to cover the
17 class or if she cannot find someone, she will bring
18 them in another -- sometimes she divide them into
19 classrooms, like five students going to Mr. Miller,
20 like that.

21 Q. Were the students ever brought to the
22 cafeteria in the type of situation we described this
23 morning where there would be a bunch of students in the
24 cafeteria with someone there?

25 A. Yes, because most of the time, the teachers

1 don't want to take more students. Instead of take the
2 students because they are going to say no, we take them
3 to the cafeteria.

4 Q. Was there ever an occasion that you are
5 aware of at Fremont where an adult was not found to
6 take the class?

7 A. Yes.

8 Q. And when was that?

9 A. The teachers when they -- you know, have an
10 hour prep, they call it, you cannot find the teacher.
11 You don't know where it is. You need to go look all
12 over the school looking for them and it is their free
13 time, so we cannot force them.

14 Q. But were you ever aware of a class that did
15 not have any adult at all, that you couldn't find an
16 adult for that class?

17 A. Yes.

18 Q. Tell me about that instance or there may be
19 several of them, but can you --

20 A. That time that I remember, well, I told the
21 secretary there was no teacher or nobody inside the
22 classroom, so she tried. She said, "Why don't you go
23 there while I look for someone, please?"

24 So I went over there and almost 45 minutes
25 later, nobody and I'm not supposed to be in the

1 classroom. It is against the District, but we don't
2 have no other choice.

3 Q. What did you do when you were in the
4 classroom?

5 A. Well, I just -- some students, let's sit
6 down and see what we can do. And instead, they start
7 asking me questions. "Why is the teacher not here?"

8 I answer, "Well, I don't know. We're going
9 to have someone very soon. Do you have homework?"

10 Most of the time, we were just talking.

11 Q. Did you only do that on one occasion?

12 A. I only did it one occasion because I get
13 nervous.

14 Q. Were there other occasions that you are
15 aware of where an adult was not brought in to a
16 classroom?

17 A. Yes, but I just don't know -- I don't want
18 to be the one who goes to the classroom because I don't
19 know how to handle all the students. I don't know what
20 to tell them, how to help them, how to give a class,
21 nothing. Just -- I just -- I run around school looking
22 for the teacher for them to send me to the classroom.

23 Q. Did you ever do that, go and look for a
24 teacher?

25 A. Yes.

1 not be coming?

2 A. Yes, the principal try to make meetings so
3 the teachers don't have this problem, but they promise
4 and he cannot -- he wasn't able to fix the problem.

5 Q. Okay.

6 A. But he try.

7 Q. I appreciate your answer, but actually, I
8 was asking a different question. Do you know if on the
9 occasions when a student would come in and say, "We
10 don't have an adult or teacher," do you know if the
11 school was aware of it before the student came into the
12 office?

13 A. No.

14 Q. Do you know why the school wasn't aware the
15 teacher wouldn't be in that day?

16 MS. LHAMON: Objection. I think you are
17 possibly mischaracterizing the testimony. It wasn't
18 clear if it was no, I don't know or no, the school
19 wasn't aware.

20 MS. VANSE: Q. When you said, "No," did you
21 mean no, the school didn't know, or no, you don't know
22 if the school knew or not?

23 A. I think the school didn't know.

24 Q. But you don't know for sure?

25 A. I don't know for sure.

1 Q. On how many occasions did you look for a
2 teacher?

3 A. I did several times.

4 Q. And this was to try and find them to cover a
5 different class?

6 A. Yes. In the hour preparation time and we
7 had -- I had to beg them, "Please go take this class."

8 And they go. Most of the time, they go.

9 They said, "Okay," and they go.

10 Q. On how many occasions, that you are aware
11 of, did a student come in and say, "We don't have
12 anyone in our class, no teacher, no adult"?

13 A. I don't remember how many, but it was very
14 often.

15 Q. It was very often?

16 A. Uh-huh.

17 Q. And what does "Very often" mean when you
18 describe it that way?

19 A. Like three times a week.

20 Q. So approximately three times a week, a
21 student would come in and say, "We don't have an adult
22 or teacher in our room"?

23 A. Yes.

24 Q. Do you know if the school was aware of that
25 previously? Had they been aware that the teacher would

1 Q. Okay. If teachers were going to be absent,
2 would they generally call in to the school and let them
3 know ahead?

4 A. Yeah, they supposed to call and they also
5 supposed to call the substitute office themselves.

6 Q. The teachers were?

7 A. The teachers were.

8 Q. On any of the occasions where you were aware
9 or when you became aware of when a student came into
10 the office and complained they didn't have a teacher or
11 an adult in the classroom, for any of those instances,
12 do you know if a substitute had been called in for that
13 particular class, either because you maybe had called
14 for that class to the District that morning?

15 A. Sometimes the teacher already had called and
16 they already knew at the substitute office that they
17 need a substitute, but they -- and some substitutes
18 promise they would be there and never show up. Some of
19 them, they came over.

20 Q. Does the school Fremont actually monitor,
21 like keep track of how many teachers it has on a
22 certain day and how many substitutes to make sure all
23 the classes were covered?

24 A. I don't know.

25 Q. Okay. Going back a little bit, I thinking

1 you mentioned the principal tried to have a meeting
 2 with the teachers?
 3 A. Yes.
 4 Q. And this was about absences they had?
 5 A. Yes.
 6 Q. Do you know when that meeting was or was
 7 supposed to happen?
 8 A. I don't remember exactly the day, but it was
 9 a meeting.
 10 Q. Was that during the time you were working
 11 there?
 12 A. Yeah, during the school year, uh-huh.
 13 Q. And how did you become aware that the
 14 principal wanted that meeting?
 15 A. Because he called for the meeting. He said
 16 he give -- he asked me to put flier in the teacher's
 17 boxes, so they know it was going to be a meeting on a
 18 certain day -- I don't remember the day -- about
 19 absences.
 20 Q. Do you know what the principal wanted to
 21 talk to the teachers about?
 22 A. Yeah, about not being absent so much.
 23 Q. That was a problem that the principal had?
 24 A. Yes.
 25 Q. And did that meeting ever happen?

1 A. Yes.
 2 Q. Did you attend that meeting?
 3 A. No.
 4 Q. Did you ever talk to anyone about that
 5 meeting?
 6 A. No.
 7 Q. Do you know if the principal ever did
 8 anything else to try and talk to the teachers about
 9 absences?
 10 A. Yes, he did.
 11 Q. What else did he do?
 12 A. He did another meeting with another company
 13 that they come over and even offer money to the
 14 teachers for some kind of program -- I don't remember,
 15 but I can find out, if you want -- to help the students
 16 more and for teachers to give them more support at the
 17 classrooms.
 18 Q. I'm sorry. This was a company he wanted to
 19 bring in to help the teachers?
 20 A. No, this is a company from Sacramento.
 21 Q. Okay.
 22 A. It is government something, but I just don't
 23 remember the name.
 24 Q. But this was something he wanted to bring
 25 in -- I'm sorry. I guess I don't understand what

1 exactly this company was. Is there any way you can
 2 describe it any better?
 3 (Whereupon, the interpreter conversed with
 4 the witness in Spanish.)
 5 THE INTERPRETER: This is an institution
 6 that is made to help organizations -- it is government
 7 organization to help the students and they come from
 8 Sacramento.
 9 THE WITNESS: It is government and
 10 everything, but I just don't remember the name, but I
 11 can find out.
 12 MS. VANSE: Well, can we leave a blank in
 13 the transcript and if you think of it when you review
 14 your transcript, maybe you can insert it then.
 15 THE WITNESS: Okay. Fine.
 16 (Information to be supplied by Witness
 17 _____.)
 18 MS. VANSE: Q. I don't need you to look it
 19 up for me, but if you recall it, it would be great.
 20 Did that company ever come to work with
 21 Fremont?
 22 A. Yeah, they come over and make a meeting and
 23 I went to that meeting. They want to give us work also
 24 in the office because they knew the schools in
 25 California, they were overcrowded and they wanted to do

1 something about it, so they want to help the teachers
 2 and they were there in school for -- they came like
 3 three months before the school year was going to end,
 4 help them with the support in the classrooms. That is
 5 what I remember right now.
 6 MS. LHAMON: Angie, are you thinking of
 7 FCMAT, Fiscal Crisis Management Assistance Team?
 8 THE WITNESS: No; huh-uh, doesn't sound
 9 familiar.
 10 MS. LHAMON: Okay.
 11 MS. VANSE: Q. I want to come back to that.
 12 Before I do, was there anything else that the principal
 13 at Fremont did to try and help teacher absences besides
 14 the meeting? I guess this was the second meeting.
 15 A. I don't know.
 16 Q. Okay. Now, this company that was brought
 17 in, you said it was about three months before the
 18 school year ended?
 19 A. Uh-huh.
 20 Q. And that was the 2000/2001 school year?
 21 A. Yeah, last year.
 22 Q. Okay. And you said you went to a meeting
 23 with this company?
 24 A. Uh-huh; yes.
 25 Q. What was that meeting about?

1 A. How to become like a tutor for a kid, like
 2 make sure he comes to school, does their homework,
 3 things like that.
 4 Q. Was this just for parents?
 5 A. No, for everyone who wants to help.
 6 Q. About how many people attended the meeting,
 7 do you remember?
 8 A. It was all the teachers and the clerical
 9 staff.
 10 Q. And do you remember anything else that they
 11 told you about how to help students or anything else,
 12 actually?
 13 A. No, I don't.
 14 Q. Did you think at the time or, if you
 15 remember, did you think it was a good idea what they
 16 were telling you at this meeting?
 17 A. Yeah, it was a good idea.
 18 Q. Did you hear any other comments about this
 19 company from teachers or staff people at the meeting?
 20 A. Some of them, they believe in, but I heard
 21 some of them tell they have this before and they didn't
 22 believe it.
 23 Q. They didn't think it would help?
 24 A. No.
 25 Q. Some of the things you mention this company

1 was going to do is help the teachers and then also give
 2 support in the classrooms. And how would they give
 3 support in the classrooms?
 4 A. I don't know. I don't remember.
 5 Q. Okay. And also you mentioned something
 6 about overcrowding. Did this company deal with
 7 overcrowding?
 8 A. Yeah, they mentioned it all the time at the
 9 meeting.
 10 Q. They mentioned it. Did they give anything
 11 to help solve or remedy the problem of overcrowding?
 12 A. They promise me they were going to. They
 13 want to try and help us, but they didn't do anything.
 14 Q. This is still that third company that was
 15 brought in to Fremont, correct?
 16 A. Uh-huh.
 17 Q. Okay. Do you know if that company is still
 18 working with Fremont today?
 19 A. I don't know. I don't think so.
 20 Q. Okay. While they were there for that last
 21 three months, did you notice any differences that the
 22 company was making at the school?
 23 A. Well, some of the students, they stay
 24 longer. They have to stay longer at the school.
 25 Instead of go home, they stay one hour to do their

1 homework and stuff, but only lasts -- it was working
 2 fine like for two months and after that, everything was
 3 like fading away.
 4 Q. Did this company actually provide people to
 5 work at the school?
 6 A. No, it was only two persons.
 7 Q. Two people?
 8 A. Two people.
 9 Q. Okay. Do you know if the two people were
 10 teachers?
 11 A. I don't know.
 12 Q. Okay. Back to your declaration. When you
 13 say -- I'm sorry, paragraph three, the last sentence,
 14 "It was not always clear to me when I worked at Fremont
 15 what would happen to students who had no adult standing
 16 in front of their classes."
 17 We just finished talking about a couple of
 18 different things that would happen. Students might get
 19 sent to the cafeteria or you mentioned one time you
 20 actually sat in front of a class. What were you
 21 referring to when you state, "It was not always clear
 22 to me when I worked at Fremont what would happen to
 23 students who had no adult standing in front of their
 24 class"? Was there anything in particular that you were
 25 concerned about or referring to with that sentence?

1 (Whereupon, the interpreter conversed with
 2 the witness in Spanish.)
 3 THE INTERPRETER: What do you mean by not
 4 being "clear"?
 5 MS. VANSE: Q. That is what I'm trying to
 6 find out from you. I think we've talked about a couple
 7 of different situations that happened. The students
 8 would come to you and tell you there was no person in
 9 their classroom.
 10 A. I think I was worried about what is going --
 11 if there is no teacher there, what is going to happen
 12 with those students? I think that is what I meant when
 13 I said it wasn't clear to me. What I was asking is,
 14 what are they going to do by themselves in the
 15 classroom?
 16 Q. Okay.
 17 A. Or sometimes they just keep it to themselves
 18 so they can stay by themselves in the classroom. We
 19 find out.
 20 "You don't have a class? Why don't you come
 21 over and tell?"
 22 They keep it to themselves. They shut the
 23 door and stay in the classroom.
 24 Q. The students would stay in the class and
 25 wouldn't tell anyone?

1 A. No, they wouldn't tell anyone.
 2 Q. Would the school ever try and monitor that?
 3 Would anyone in the school go around to stay in the
 4 classrooms to make sure there is an adult there?
 5 A. Yeah, the security officers -- you know,
 6 they know students, they close the door and you cannot
 7 see inside.
 8 Q. Okay.
 9 A. By closing the door, the security assume
 10 there is someone in there.
 11 Q. So as far as you know from working at
 12 Fremont, there was nothing that the school did to make
 13 sure there was an adult in every classroom?
 14 A. No.
 15 Q. Okay. Anything else you were referring to
 16 that you can recall in that last sentence in paragraph
 17 three?
 18 A. No.
 19 Q. In paragraph four, you state that -- the
 20 second sentence says, "Several of the classes are held
 21 in the cafeteria."
 22 Were those the classes we've already
 23 discussed that didn't have a substitute or were there
 24 other classes?
 25 A. No, most of the time those were the classes

1 when the teacher is absent, they took the key with
 2 them, so the substitute, the stip substitute, needs to
 3 bring the keys to the cafeteria because we do not have
 4 a key to open. They would not have the master key, so
 5 they would have to take the classes in the cafeteria.
 6 Sometimes class is going on in the cafeteria when they
 7 have to bring more classes in.
 8 Q. Do you know if there were any classes
 9 without substitutes but with a regular teacher that
 10 were held in the cafeteria?
 11 A. Only one time it was a problem. The room
 12 was too hot and the teacher decide to take the students
 13 to the cafeteria.
 14 Q. But that was -- and that was just for the
 15 day?
 16 A. Yeah, she decided just to take them to the
 17 cafeteria, keep them there.
 18 Q. Do you know if that was something that would
 19 happen regularly that a teacher would take the keys, so
 20 that a substitute or other personnel couldn't get into
 21 her classroom?
 22 A. No.
 23 Q. That is not something that would happen
 24 regularly?
 25 A. No.

1 Q. Other than a substitute not being able to
 2 get into a room or the, I guess the large group of
 3 students that might be in the cafeteria because there
 4 is no substitute, any other classes that you are aware
 5 of at Fremont that were held in the cafeteria and the
 6 one that we've talked about with the hot day?
 7 A. No, I don't know.
 8 Q. Those are the only ones that you can recall?
 9 A. Yes.
 10 Q. Okay. And when you state in paragraph four,
 11 the last sentence, "With so many students in the
 12 cafeteria, it is often very noisy and hard for them to
 13 concentrate."
 14 Was that something you observed or students
 15 told you?
 16 A. No, I observe and also they told me.
 17 Q. Okay. And when would you observe that the
 18 cafeteria would be noisy and hard for students to
 19 concentrate?
 20 A. I go check. It wasn't too far. I go check
 21 and see how they are doing because sometimes I know
 22 they come over and told me, so I just to make sure
 23 because I don't believe the students all the time, so I
 24 go and see if they told me the truth. Yeah, it was too
 25 noisy. Some were playing; some trying to read. It was

1 hard for them to be there.
 2 Q. Do you recall if these were -- if it would
 3 be noisy and hard for students to concentrate on days
 4 when it was, I guess, maybe the bigger class with the
 5 substitute or was it just every occasion that there was
 6 a classroom in the cafeteria?
 7 A. Most of the time that is why they leave.
 8 They don't want to stay in the cafeteria. They decide
 9 to go home because they don't like to be in the
 10 cafeteria.
 11 Q. But when you've described it was noisy and
 12 hard to concentrate, would that be for any class that
 13 you observed in the cafeteria?
 14 A. Yes.
 15 Q. In paragraph five, you talk about "Fremont
 16 is often filthy, and it upsets me that the students
 17 have to go to a school where trash, dirt, and grime are
 18 everywhere."
 19 Have we basically covered the dirtiness you
 20 considered to be at Fremont?
 21 A. Yes.
 22 Q. Anything else you can think of that maybe we
 23 didn't cover this morning --
 24 A. No.
 25 Q. -- on that particular subject?

1 A. No, I don't remember. I don't think so.
 2 Q. Okay. I just want to make sure you weren't
 3 referring to something else here that we didn't talk
 4 about already. In paragraph six when you talk -- I'm
 5 sorry, when you state, "It is very difficult for
 6 teachers to make copies at the school," can you tell me
 7 why it was difficult? Was it just the problems with
 8 the copiers we talked about this morning or were there
 9 other reasons?
 10 A. No, the same. The book room -- copy room is
 11 closed or the machine in my office is broken. They
 12 forget to order the ink, things like that.
 13 Q. Do you know how often the copy room was
 14 closed?
 15 A. It was not too often. Most of the time, she
 16 is there, but she said -- she always saying she has a
 17 lot of copies, that she doesn't have enough for
 18 everyone.
 19 Q. And she doesn't have enough like paper --
 20 A. Time.
 21 Q. -- or time?
 22 A. Time to make too many copies and it is only
 23 one person for 99 teachers.
 24 Q. Do you know, were teachers able to -- never
 25 mind. I'm not going to say that.

1 Also in paragraph six, you state that -- the
 2 last sentence, "Teachers will come to ask me if they
 3 can please make copies on the machine that I am near
 4 because they have no paper."
 5 Is that saying that the teachers didn't have
 6 paper to make copies or what is that referring to?
 7 A. Sometimes. Sometimes they don't have no
 8 paper.
 9 Q. Were teachers given a set of paper to use to
 10 make copies?
 11 A. No. No.
 12 Q. So I guess I'm wondering what you mean when
 13 you say they have no paper. Was the other machine out
 14 of paper or what are you referring to?
 15 A. Yeah, it is out of paper and they don't have
 16 paper of their own.
 17 Q. Okay.
 18 A. So --
 19 Q. And is that what you are referring to there?
 20 A. Yes.
 21 Q. In paragraph seven, you state that before
 22 you started working at Fremont, you often called the
 23 school to try and get in touch with the administrator
 24 to ask why the school was such a mess. Do you recall
 25 on how many occasions you attempted to call the school

1 before you started working there?
 2 A. No.
 3 Q. Was it more than one?
 4 A. Yes, several occasions.
 5 Q. And did you ever get through to anyone at
 6 the school?
 7 A. No.
 8 Q. Did you ever ask -- once you started working
 9 at Fremont, did you ever bring that up with anyone that
 10 you had tried to call and no one answered the phone?
 11 A. Yes, I did and they make a change. They
 12 move permanent person like two hours because there was
 13 eight of us in the office, so everyone has to make two
 14 hours of the day so the phone is always answered.
 15 Q. When you got to Fremont, did you ever speak
 16 to an administrator to ask why the school was such a
 17 mess?
 18 A. Yes.
 19 Q. And who did you speak with?
 20 A. With the principal.
 21 Q. And did he tell you anything?
 22 A. He said he is -- because he came from
 23 Concord, I think, to Oakland, from the school district
 24 over there to this one and he said, you know -- he
 25 said, "You know what, Angie? I never knew it was going

1 to be so hard to work here. It is a lot of work, but
 2 I'm going to try to fix it."
 3 That is what he said.
 4 Q. Did he tell you anything else about how he
 5 is going to try and fix it?
 6 A. No.
 7 Q. And was -- do you know when the -- what is
 8 the principal's name? I'm sorry.
 9 A. Brian McKibben.
 10 Q. Do you know when he first started working at
 11 Fremont?
 12 A. He started working around December.
 13 Q. December what year?
 14 A. Of 2001 -- no.
 15 Q. 2000?
 16 A. 2000.
 17 Q. Okay. Do you know what happened to the
 18 former principal at Fremont?
 19 MS. LHAMON: Vague as to "What happened." Do
 20 you mean why the former principal left?
 21 MS. VANSE: Yes.
 22 THE WITNESS: No.
 23 MS. VANSE: Q. No. Did you notice any
 24 differences once the new principal started?
 25 A. Yes.

1 Q. What were some of the changes?
 2 A. He would see the parents more. He has
 3 tried -- yeah, he make difference at school.
 4 Q. In what ways?
 5 A. He wants to try to get -- you know, I --
 6 because he have different.
 7 (Whereupon, the interpreter conversed with
 8 the witness in Spanish.)
 9 THE INTERPRETER: Helpers?
 10 THE WITNESS: Not helpers.
 11 (Whereupon, the interpreter conversed with
 12 the witness in Spanish.)
 13 THE INTERPRETER: Oh, assistants.
 14 THE WITNESS: So he had four assistant
 15 principals, so what he did is Mr. Schmucler was in
 16 charge to get the disciplinary and custodians, and he
 17 divide the work to the administrator so that way maybe
 18 it can work better and for a while, the school was
 19 getting a lot better.
 20 MS. VANSE: Q. Anything else that he did
 21 that made a difference at the school that you saw.
 22 A. No.
 23 Q. And you said it started to get better for a
 24 while. Does that mean it stopped getting better after
 25 a while?

1 A. Yes.
 2 Q. When did it stop getting better?
 3 A. I don't remember.
 4 Q. In paragraph eight, when you talk about the
 5 school your son attends is "Terrible, much worse than
 6 in Mexico," are you referring to just the school you
 7 attended in Mexico or schools in general?
 8 A. I said schools in general.
 9 Q. What is better about the schools in Mexico
 10 than the school your -- and I'm assuming you mean
 11 Fremont and not the school your son is currently
 12 attending?
 13 A. Okay. When all my life --
 14 Q. Let me clarify that. Is that what you refer
 15 to here? When you say "The school he attends is
 16 terrible," you are referring to Fremont, not the Life
 17 Academy?
 18 A. No, I refer to Fremont.
 19 Q. Okay. That is what I want to make sure we
 20 had clarified before we went on.
 21 MS. LHAMON: I appreciate that.
 22 MS. VANSE: Q. So you are saying the
 23 schools in Mexico are better than Fremont?
 24 A. Uh-huh; yes.
 25 Q. In what ways?

1 A. In a lot of ways; different ways.
 2 Q. Okay. Just give them to me, then.
 3 A. When I decide to stay in this country, I
 4 decide to stay in this country because I thought my son
 5 was going to have better education than I did in my
 6 country. I came from a third world country, so I said
 7 if I stay in United States, my son will go to nice
 8 schools, better. It was -- I thought maybe it was -- I
 9 know I was wrong.
 10 Then I found out that the schools in Mexico,
 11 they are more cleaner. We know nothing about
 12 substitutes. Most of the time the teachers, they are
 13 there. And I was -- I think in the United States, they
 14 are not supposed to have these schools. This is a
 15 first-class country. They are supposed to have good
 16 schools.
 17 Q. Are you basing your opinion on the schools
 18 in Mexico just from what you attended?
 19 A. No, but I have friends, too, tell me the
 20 same thing.
 21 Q. About schools in Mexico now?
 22 A. Yeah. Right now, they told me. You know
 23 what? One of the students at Fremont, they took him
 24 back to Mexico so he can study there.
 25 Q. His parents took him back to Mexico?

1 A. Uh-huh, because he wasn't learning anything
 2 here, so they took him back and I think it would be the
 3 other way around. We should have better education
 4 here.
 5 Q. And do you talk to people in Mexico
 6 specifically about schools?
 7 A. Well, I have a lot of relatives over there,
 8 nephews and nieces that go to school over there, and I
 9 avoid to talk about that, to tell you the truth,
 10 because I don't like to tell them. They think my son
 11 has it all. Being in the United States, he has
 12 everything, but I'm ashamed.
 13 But I tell them, "You know what? You are
 14 doing all right over there. It is pretty good,
 15 actually."
 16 I feel bad. I don't like to talk about it
 17 with them. They don't understand because they think
 18 the way I thought when I was in Mexico, that here is
 19 going to be better than over there.
 20 Q. Does --
 21 A. You know what -- I'm sorry.
 22 Q. It is okay.
 23 A. It is not also in Mexico. I have friends
 24 from Guatemala, from Peru. I have friends tell me the
 25 same thing. The schools over there, they better. They

1 clean. The teachers teach. They teach and just like
 2 that. It is sad, but it is true and it is not only
 3 from my Mexico. It is from other countries.
 4 Q. And what about the school your son attends
 5 now, do you think that school is better or worse than
 6 the schools in Mexico that you are aware of?
 7 A. No. Well, it is better.
 8 Q. And how is the school that your son attends
 9 better?
 10 A. Because he -- okay. First, he is happy now.
 11 He wants to go to school every day. He doesn't want to
 12 miss school and it is not only him, but other students.
 13 They come over, "Good morning, Angie."
 14 It is like a small community. We know
 15 everything -- each other, so we know who is in school,
 16 who is not. They don't cut. They want to go to
 17 school. The school is clean and we only have -- most
 18 of the time, we only have one custodian, just a lady,
 19 and she keeps the school clean and the students don't
 20 allow to eat in the classrooms, so this keep the school
 21 pretty clean and we teach them like you have to love
 22 this as your school. Keep it clean, things like that,
 23 and they will listen. They will listen.
 24 Q. Is there anything specific about the school
 25 your son attends now -- I mean your older son -- that

1 same.
 2 MS. VANSE: Q. You think the school your
 3 son attends now, Life Academy, is the same as the
 4 schools in Mexico that you are aware of?
 5 A. Yes. I think it is better. In Mexico, they
 6 don't have computers. He has his own computer. He has
 7 his own books. In Mexico, you pay for your books.
 8 Over here, he has them free. Now he is getting the
 9 education I was hoping for him to get.
 10 Q. So the stuff that we've talked about
 11 previous to what you've just told me, you were
 12 comparing Life Academy to Fremont High School, not to
 13 schools in Mexico?
 14 A. No.
 15 Q. Okay. That is great. Just want to be
 16 clear.
 17 Did your son have computer access at
 18 Fremont?
 19 A. No.
 20 Q. No. Were there computer labs at Fremont?
 21 A. Huh-uh; there were computer labs, but there
 22 was no computers.
 23 Q. They are just empty rooms?
 24 A. Yeah, empty rooms. One of the teachers, he
 25 returned to Spain. He is supposed to give the class

1 you think is -- just going back to your comparison with
 2 the schools in Mexico -- about the school that is
 3 better than the schools?
 4 A. Yeah, it is one thing that I love is that in
 5 the school, he has to earn his credits. He really have
 6 to do his homework and -- you know, fight for his
 7 credits. He is not just given a grade just because
 8 seated in the classroom. He knows what he is doing.
 9 Q. Is that something schools in Mexico do?
 10 A. Yeah.
 11 Q. Just give you a grade or, I'm sorry, a
 12 credit?
 13 A. No. No. You have to study. If you have an
 14 A, you deserve to have an A. They don't just give it
 15 to you.
 16 MS. LHAMON: Angie, I just want you to
 17 listen to Jennifer's questions. She was asking as Life
 18 compares with the schools in Mexico. One, do you think
 19 Life is a better school than the schools in Mexico and,
 20 two, how is it different from the schools in Mexico?
 21 THE WITNESS: Oh, Life Academy?
 22 MS. LHAMON: Life versus schools in Mexico,
 23 not Life versus Fremont.
 24 MS. VANSE: I'm sorry that wasn't clear.
 25 THE WITNESS: No. I think it is almost the

1 computer, but we don't have a computer. It is funny,
 2 but it is true.
 3 Q. So there were no computers at all at the
 4 school?
 5 A. Yes, computers in the library and in -- it
 6 is a computer classroom, but you get access to the
 7 computer only in that classroom.
 8 Q. That was a computer class?
 9 A. Uh-huh.
 10 Q. Okay. And your youngest son, I think, is at
 11 Havens Court Junior High?
 12 A. Havens Court.
 13 Q. That is where your oldest son also attended?
 14 A. Yes.
 15 Q. And what is Havens Court like? Is that a
 16 good school?
 17 A. Middle school.
 18 Q. Is that a good school?
 19 A. Almost the same as Fremont.
 20 Q. When you say, "Almost the same," you have
 21 the same concerns about Havens Court?
 22 A. Just the same.
 23 Q. Do you know if your youngest son is going to
 24 go to Fremont or what high school he will go to?
 25 A. He is going to Life Academy. We already

1 have a waiting list for next year, so --
 2 Q. Do you know -- how he was able to get in to
 3 Life Academy?
 4 A. I make sure the application was there.
 5 Q. Is that where he will be going next year?
 6 A. Yes, and I want to mention this because I
 7 think it is important. Mary Benson, the lady who is
 8 going to open the other school --
 9 Q. Okay.
 10 A. Now she has more support with parents and
 11 students than we did because now they believe in it.
 12 They see Life Academy is working, so now she has like
 13 parents are approaching her. "Come on, teacher. Open
 14 your school. We help you."
 15 Q. Do you know what schedule they are on to
 16 open the school?
 17 A. The superintendent promised them as soon as
 18 possible, maybe next school year.
 19 Q. And do you know if there were any other
 20 academies like Life or the school Mary Benson is
 21 going --
 22 A. I heard another one is coming up, but I
 23 forgot which one.
 24 Q. Okay. Are there any other problems or
 25 concerns that you have with Fremont that we haven't

1 talked about already?
 2 A. No.
 3 Q. Are there any problems or concerns that you
 4 have with Havens Court that are different than what you
 5 have or had with Fremont?
 6 A. Yes, one. They cannot find a permanent
 7 principal. They have been changing like six times
 8 already.
 9 Q. When you say they are changing six times,
 10 six times in one year?
 11 A. Yeah.
 12 Q. Do you know why they are having problems
 13 finding a permanent principal?
 14 A. No.
 15 MS. LHAMON: When you said they have changed
 16 six times already in one year, during the current
 17 school year so far since September they've already had
 18 six?
 19 THE WITNESS: No, I'm sorry, the last year.
 20 MS. VANSE: Okay. Thank you.
 21 MS. LHAMON: They had six total last year?
 22 THE WITNESS: Yeah. I think this year, they
 23 started with one and now they have another one.
 24 MS. VANSE: Q. So from the beginning of
 25 2000/2001 school year until now, they've had six

1 principals?
 2 A. Uh-huh.
 3 Q. At Havens Court, is one of your concerns it
 4 is too crowded?
 5 A. I don't know if Havens Court is too crowded.
 6 I don't know.
 7 Q. Students don't ever complain to you it is
 8 too crowded?
 9 A. No.
 10 Q. Has your son ever complained to you that he
 11 has had to stand up or sit in a class?
 12 A. No, they are having problems, but different
 13 than Fremont, like I don't think the school is crowded
 14 because my son doesn't complain about that, but he
 15 complains about other things like substitutes, like
 16 bathrooms, and he doesn't have gym class because they
 17 remodeling or something, so he doesn't have a gym
 18 class.
 19 Q. Anything else that your son complains to you
 20 about about Havens Court?
 21 A. Materials, the books, that stuff. That is
 22 it.
 23 Q. Does he complain to you the school is not
 24 clean?
 25 A. Yes. And he suffers of allergies, so if

1 something is not clean, he will be sneezing all the
 2 time.
 3 Q. Did he ever complain to you there are mice
 4 or rats at the school?
 5 A. Yes.
 6 Q. Does he complain there is no lockers for all
 7 the students?
 8 A. No, he has a locker.
 9 Q. How about that students take off in the
 10 afternoon? Is it an open campus?
 11 A. No, it is a closed campus. It is different,
 12 but he complains about the food.
 13 Q. Have you ever worked at Havens Court?
 14 A. As a volunteer.
 15 Q. What did you volunteer as?
 16 A. In the attendance.
 17 Q. And when did you do that?
 18 A. I did that in last month. I did one hour.
 19 This year, I just been working like eight hours at
 20 Havens School as a volunteer.
 21 Q. Eight hours a week a month?
 22 A. No, at different times.
 23 Q. Okay. When you said there is your son's
 24 complaints about substitutes, is that -- do you know if
 25 it is the same type of problem that you had concerns

1 about at Fremont?
 2 A. Yeah, but different being -- a middle school
 3 is different. They have students the whole day.
 4 Q. One teacher does --
 5 A. Uh-huh.
 6 Q. So do you know, is the problem at Havens
 7 Court that the school can't find substitutes for
 8 teachers or is the problem more that too many teachers
 9 are absent?
 10 A. I think that substitutes, they just -- I
 11 don't know if there is not enough substitutes or they
 12 need to call in advance. I don't know, but it is a
 13 problem with the substitutes.
 14 Q. And do you know what happens at the school
 15 when a substitute isn't brought in for a class at
 16 Havens Court?
 17 A. They divide them into different classes.
 18 Q. Do students ever get sent to the cafeteria
 19 like you described at Fremont?
 20 A. No.
 21 Q. What does your son complain about regarding
 22 the bathrooms at Havens School?
 23 A. They are dirty and most of the time, he say
 24 -- yeah, dirty and they don't have no doors, like --
 25 you know, individual, so he say he likes to go during

1 the classes.
 2 I said, "You don't go to the bathroom during
 3 class. You go to the bathroom during break."
 4 And he said no because they don't have no
 5 doors. "I don't like nobody to see me."
 6 I said, "Okay."
 7 Q. Did he ever tell you he goes home to use the
 8 bathroom?
 9 A. No.
 10 Q. No, he never tells you that?
 11 A. No.
 12 Q. Okay. You said your son also told you he
 13 doesn't have a gym class?
 14 A. No, they don't have a gym class.
 15 Q. Do you know if that is just this year?
 16 A. I think they remodeling.
 17 Q. The gym?
 18 A. The gym, so maybe not only this year.
 19 Q. Do you know if he had a gym class last year?
 20 A. Yes.
 21 Q. Yes, he did?
 22 A. Yes, he did.
 23 Q. You also mentioned a concern with textbooks.
 24 Does your son, at Havens Court, have textbooks in all
 25 of his classes?

1 A. Only -- he has all his classes, but one, the
 2 English one.
 3 Q. He doesn't have a textbook in English?
 4 A. No.
 5 Q. Do you know what he uses instead of a
 6 textbook?
 7 A. Copies.
 8 Q. For the other classes that he has, can he
 9 take his textbooks home?
 10 A. No, none do. He needs to leave them at
 11 school.
 12 Q. Has he ever asked to take the textbooks home
 13 that you are aware of?
 14 A. Yeah, he has, and the teachers let him take
 15 them home, but he needs to sign a paper that he is
 16 responsible. If something happens to the book, we have
 17 to pay for it.
 18 Q. Has your son ever asked to take a book home
 19 and the teacher told him he could not?
 20 A. No. All the time, they say yes.
 21 Q. Do you know why your son doesn't have a
 22 textbook in his English class?
 23 A. No, I don't.
 24 Q. Have you ever spoken with his teacher about
 25 that?

1 A. I asked the teacher and she said she is
 2 trying to get them, but I don't know. I haven't asked
 3 her again.
 4 Q. Any other problems or concerns that you or
 5 your son had about textbooks at Havens Court?
 6 A. No.
 7 Q. And the concern that the school is dirty,
 8 were those along the same lines we discussed at Fremont
 9 or are there different concerns about Havens Court?
 10 A. Because I don't know. I'm not there very
 11 often. I don't know what he means by "dirty," but I
 12 think it is like most he complains about the bathrooms
 13 and the hallways. I don't think the classrooms are
 14 dirty because when I was there in meetings or when I go
 15 to see him, how he is doing, they look a lot better
 16 than Fremont.
 17 Q. So when you've actually been in the school,
 18 it looks to you like it is better than Fremont as far
 19 as cleanliness?
 20 A. Yes.
 21 Q. Okay. And you mentioned your son told you
 22 he had seen mice or rats?
 23 A. Yes, in the patio or in the hallways, not in
 24 the classrooms. I don't know about the office.
 25 Q. Okay. And we won't go over his complaints

1 about the food. I don't think that is something I need
2 to know about.

3 Any other concerns that you or your son had
4 about Havens Court?

5 A. No.

6 Q. Did you ever discuss Havens Court with any
7 of your neighbors or friends?

8 A. Yes, last year -- well, the thing is, last
9 year, first my son was in Havens Court, but he wasn't
10 happy there, so I transferred him to another middle
11 school, Frick, but he asked me to transfer him back to
12 Havens Court because it was too far for him to walk,
13 but the thing is, in the entire year he wasn't there --
14 and I had friends there. They stopped taking the kids
15 to the school because they were having serious
16 problems.

17 Q. Do you remember what those problems were?

18 A. Like fights, fights between the students --
19 you know, about changing the principal so many times,
20 things like that.

21 Q. Is Havens Court, is that junior high a
22 three-year junior high or is it two years?

23 A. It is three, but -- three years.

24 Q. Okay. Your son has gone there for two of
25 the three years?

1 And I said, "Okay. I'll take you back to
2 Havens Court."

3 Q. When your son returned to Havens Court,
4 which I'm assuming is this year, has he mentioned if
5 the problems he had before are better or worse or the
6 same?

7 A. No, he said it is better.

8 Q. Did he mention anything in particular that
9 is better?

10 A. Well, it is better because he is not --
11 because his friends, actually.

12 Q. So his friends make it better?

13 A. He feels company. He feels safe with people
14 that he knows.

15 Q. But did he have any specific concerns?

16 A. But everything else is the same. The school
17 is dirty. The thing is, he likes to be at Havens Court
18 because I know most of the teachers, so the teachers
19 know that he is my son and they help him and give him
20 the books and stuff like that.

21 Q. So there is nothing in particular that your
22 son has told you about that he thought has been -- I
23 don't know -- fixed or improved or is better since he
24 returned?

25 A. No, they fixing the gym.

1 A. No. This is the last year he will be in.

2 Q. Was he there for one year previously?

3 A. One year, one year at Frick and now he is
4 back at Havens Court.

5 Q. Okay. Did your son say whether he liked
6 Havens Court better once he returned? Did he think it
7 was better once he came back?

8 A. To tell you the truth, at Frick, he was
9 having problems with the kids because he doesn't have
10 no friends over there, so it is starting to bother him,
11 so he decides to be with people he knows, so he will be
12 better safe than in another school with other kids that
13 he doesn't know.

14 Q. You said your son asked you to transfer him
15 out of Havens Court, correct?

16 A. Yes.

17 Q. That was because of the concerns he had?

18 A. Yeah, because the school was getting pretty
19 bad, no principal, things like that, so I took him out;
20 took him to Frick Middle School, but there he has some
21 other kind of problems with the kids --

22 Q. Right.

23 A. -- because -- I don't know -- you know,
24 kids' problems, so he said, "No. Send me" -- "Even let
25 me go back to Havens Court."

1 Q. Okay. Other than the three schools we've
2 already talked about in Oakland, have you ever been
3 inside any other schools in Oakland Unified?

4 A. Yes, when they were in elementaries.

5 Q. Any others?

6 A. No.

7 Q. Did you have problems with the elementary
8 schools your sons went to?

9 A. No.

10 Q. You thought they were okay?

11 A. No, they still are not okay, but they were
12 less problems than the other ones.

13 Q. And what schools did your sons go to?

14 A. Whittier and another one is Lakeview and
15 that is it.

16 Q. Were those both in Oakland?

17 A. Yeah. One of them, they went also in
18 Modesto.

19 Q. Okay. Which one was in Modesto?

20 A. Modesto was -- it was wood, something with
21 wood, but I forgot the beginning.

22 Q. Are there any other problems with Fremont
23 that you've heard about, either from students or
24 parents or teachers, that we haven't talked about
25 already?

1 A. I don't remember.
 2 Q. Any other problems with Havens Court that we
 3 haven't talked about already that you either observed
 4 or heard from other people?
 5 A. No, I don't remember.
 6 Q. Do you have any problems with Life Academy?
 7 A. No.
 8 Q. Did you ever write any letters complaining
 9 about either of your sons' schools to someone at the
 10 District or one of the schools?
 11 A. No.
 12 Q. Do you know if parents would do that? Did
 13 you ever see any letters?
 14 A. We did one, but everybody signed it and also
 15 at Havens Court.
 16 Q. So the parents did one at Fremont?
 17 A. Yes.
 18 Q. And what was this? Was this a letter?
 19 A. This letter is talking about all the
 20 conditions that is at -- the bad conditions that we are
 21 concerned at Fremont and we also -- they also did
 22 another one similar in Havens Court.
 23 Q. Do you know how that letter -- just focusing
 24 on Fremont for the moment, do you know, was that
 25 something you helped to draft up or was this something

1 A. I didn't sign that one.
 2 Q. Did you ever see that letter?
 3 A. No, I just hear about it.
 4 Q. Who did you hear about it from?
 5 A. It is the same that I signed.
 6 Q. You heard about it at that meeting?
 7 A. Uh-huh.
 8 Q. And what was said about that first letter at
 9 that meeting?
 10 A. About the conditions that we talk about, how
 11 we need help to improve the school and what is it we
 12 need to do or to -- you know, to get more teachers or
 13 to have this school clean.
 14 Q. Did someone at the meeting ever mention
 15 whether or not that first letter had been sent to the
 16 principal?
 17 A. They didn't want to send it to the principal
 18 because he was not working.
 19 Q. But the first letter, did they say the first
 20 letter had been sent to the principal?
 21 A. Yeah, they never heard anything about it, so
 22 -- actually, the one who did this letter was Darlene
 23 Miller.
 24 Q. The second letter was Darlene Miller?
 25 A. Yeah, but she said, "This time, I'm taking

1 you signed that someone else did?
 2 A. No, the parents did it. No, I didn't help
 3 them. I just signed it.
 4 Q. And how did you become aware that this
 5 letter existed? Was it at a meeting of some sort?
 6 A. Yeah, there was a meeting.
 7 Q. What was the meeting, a parent meeting?
 8 A. A parent meeting at school.
 9 Q. Do you know when that was?
 10 A. No, I don't remember.
 11 Q. Do you remember what school year it was?
 12 A. Yeah, last.
 13 Q. Okay. Do you remember how many parents --
 14 was it like a petition? Do you know what a petition
 15 is?
 16 A. Yes, it was a petition asking for his help
 17 to improve the school.
 18 Q. Was it addressed to the principal?
 19 A. No, to the superintendent. Because first,
 20 they did one to the principal, to the former principal,
 21 but nothing happened, so that is why the second one was
 22 to the superintendent.
 23 Q. In the first letter to the principal -- I
 24 guess it is the former principal of Fremont -- did you
 25 sign that one as well?

1 it to the superintendent."
 2 Q. Do you know if that letter was actually sent
 3 to the superintendent?
 4 A. Yeah, she took it personal to him.
 5 Q. Did you ever hear any response from the
 6 superintendent?
 7 A. Yeah, we heard response.
 8 Q. What was the superintendent's response?
 9 A. He came over and spoke in the auditorium and
 10 he said he was former student from Fremont High School
 11 long, long time ago and he wants to make sure the
 12 school was going to change. Personally, he was going
 13 to be there all the time checking.
 14 Q. And do you remember, was that kind of the
 15 first semester or second semester of last year?
 16 A. I think it was the second semester of last
 17 year.
 18 Q. Did you notice any changes after he came to
 19 the school?
 20 A. Yeah, people started like worry because he
 21 show up without telling that he was going to come over
 22 just to check if -- you know, how many teachers were
 23 absent. He tried to make it different than it has
 24 been, but that -- maybe that is why he say he wants a
 25 small school and he still working on it.

1 Q. He is still working on it now?
 2 A. (Witness nods head.)
 3 Q. How do you know that?
 4 A. Because I know he promised and he mentioned
 5 it in the meeting that we went Friday. He said he has
 6 been in Fremont and there has been some changes and he
 7 is going to plan to keep doing it.
 8 Q. Did the superintendent mention any other
 9 schools that he was visiting?
 10 A. Castlemont.
 11 Q. Castlemont?
 12 A. That is one of the worst schools in Oakland,
 13 Fremont and Castlemont.
 14 Q. Castlemont is a high school?
 15 A. Castlemont I heard is worse than Fremont.
 16 Q. It is a high school?
 17 A. It is a high school.
 18 Q. Any other schools he mentioned he would be
 19 visiting?
 20 A. No.
 21 Q. Any other response that you saw or heard of
 22 from that second letter sent to the superintendent?
 23 A. I don't remember.
 24 MS. VANSE: Okay. Can we go off the record
 25 for a second.

1 (Recess taken.)
 2 MS. VANSE: We're going to mark as Exhibit 2
 3 a packet of eight copied pages of documents that Ms.
 4 Gonzalez brought with her this morning, so if you could
 5 mark those as one.
 6
 7 (Whereupon, Defendant's Exhibit 2 was marked
 8 for identification.)
 9 MS. VANSE: Q. If you can take a look at
 10 what we've marked as Exhibit 2, really what I would
 11 like you to do is go through and describe for me what
 12 each of the documents are.
 13 A. Okay. The first one is the transcript from
 14 Fremont.
 15 Q. Okay. This is for Jose Cardenas. That is
 16 your oldest son?
 17 A. My oldest son.
 18 MS. LHAMON: I want to note at the top, it
 19 says, "Grade 10," so it is his transcript from Fremont
 20 from grade 10.
 21 THE WITNESS: Yes. The second one is his
 22 attendance. He has a lot of absences and tardies.
 23 MS. VANSE: Q. I'm sorry, is the year on
 24 that?
 25 A. It is the same.

1 Q. Same year?
 2 A. Okay.
 3 MS. LHAMON: The 10th grade also.
 4 MS. VANSE: Great. Thank you.
 5 THE WITNESS: And the first -- this one.
 6 MS. VANSE: The third page?
 7 THE WITNESS: The third page is his first
 8 marking period for Life Academy.
 9 MS. VANSE: Q. Great. This is same, Jose
 10 Ivan Cardenas, your son?
 11 MS. LHAMON: It says on that, that it is
 12 grade 11.
 13 THE WITNESS: I forgot to bring his
 14 attendance and here is the -- what "A" stands for "B,
 15 C, D."
 16 MS. VANSE: Q. Pages 4 and 5 describe the
 17 page 3, what they are?
 18 A. Yeah.
 19 Q. Okay.
 20 A. And comments and markings. The report
 21 cards, this one you cannot read. This is for -- I
 22 think this is for Jose and this is from Fremont.
 23 Q. This is the one we had problems reading,
 24 correct? And you have the original of, I guess what is
 25 page 6. If you want to read from the original.

1 MS. LHAMON: I think it is page 7, for the
 2 record. It is eight total pages. You have it as
 3 the --
 4 MS. VANSE: Maybe it is.
 5 MS. LHAMON: You are right. It is page 6 in
 6 this. Sorry.
 7 MS. VANSE: It is okay.
 8 Q. So can you just read from the original what
 9 -- and just go down so that I know since our copies are
 10 bad.
 11 A. Just the last report card that he brought me
 12 home.
 13 Q. Just read down, what are the courses listed
 14 here?
 15 A. The courses listed, algebra, health, and
 16 bioscience.
 17 MS. LHAMON: Can I interrupt you? You are
 18 reading right, but the top one, where you said algebra,
 19 it is listed algebra lab. See how it says "Lab"? Is
 20 that right?
 21 THE WITNESS: Yes, and health, bioscience.
 22 I don't know what this means, "HA," and world culture.
 23 I don't know.
 24 MS. VANSE: Just read the abbreviation.
 25 MS. LHAMON: It has W-L-D, next word,

1 C-U-L-T, next word P, next word H-A.
 2 THE WITNESS: And algebra I, PHA; algebra
 3 I-A1, biology is PHA; English II 1-HA; and focus
 4 reading.
 5 MS. VANSE: Q. And then for the column that
 6 states teachers, can you read those names?
 7 A. The teachers, Mr. Sanchez, Thomas Preston,
 8 Arabia, Tesfagaber, Miller, Calvo, Thomas Preston.
 9 Q. Two Tesfagabers, right?
 10 A. Uh-huh.
 11 Q. Twice and then Miller?
 12 MS. LHAMON: For the record, Tesfagaber is
 13 T-e-s-f-a-g-a-b-e-r.
 14 MS. VANSE: Q. And then Miller and what
 15 were the last two? I'm sorry.
 16 A. Calvo.
 17 MS. LHAMON: Calvo, C-a-l-v-o.
 18 THE WITNESS: And Thomas.
 19 MS. VANSE: Q. Okay. And then the academic
 20 marks first?
 21 A. You want me to read it?
 22 Q. Yes.
 23 A. [REDACTED]
 24 Q. Okay. And second?
 25 A. [REDACTED]

1 MS. VANSE: Q. Okay. And then finally just
 2 the tardies.
 3 A. Tardies, okay, one, and then two, and there
 4 is not one in Arabia and the next one, and then it is
 5 one and that is it.
 6 Q. And nothing else?
 7 A. (Witness nods head.)
 8 Q. Okay.
 9 MS. LHAMON: Jen, I didn't notice this
 10 before we generated this that we need to redact the
 11 telephone number on what I have is the second page of
 12 the exhibit and I would be happy if we could redact it
 13 here and substitute into the exhibit. Is that all
 14 right?
 15 MS. VANSE: That is fine.
 16 MS. LHAMON: Thank you. And I apologize for
 17 not having those there earlier.
 18 MS. VANSE: That is okay. We'll get that
 19 fixed.
 20 Q. For the teacher's comments, I think I can
 21 make out most of it.
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 [REDACTED]
 2 MS. LHAMON: I just -- could we correct
 3 that?
 4 MS. VANSE: Sure.
 5 MS. LHAMON: At the top for the second mark,
 6 it goes [REDACTED] and it is a [REDACTED] and then a [REDACTED] and
 7 there is no mark for the algebra I PHA and for the
 8 algebra I A-1, that was an [REDACTED]. It looks like [REDACTED], no
 9 mark again.
 10 THE WITNESS: [REDACTED]
 11 MS. VANSE: Q. And are there any marks in
 12 the third column? Okay. How about semester column?
 13 A. Nothing.
 14 Q. Anything in the credit earned column?
 15 A. Huh-uh.
 16 Q. And citizenship?
 17 A. Citizenship should have [REDACTED]
 18 [REDACTED]
 19 Q. And then attendance, where it says,
 20 "Absences," that column, can you read that, please?
 21 A. Okay. Three, one, two.
 22 MS. LHAMON: Before the "two," there is no
 23 mark for the world culture and for the algebra I.
 24 THE WITNESS: And there is two for Steve
 25 Miller, and then Calvo, three, and Thomas, three.

1 [REDACTED]
 2 [REDACTED]
 3 Q. Thank you. I think the last page is 6 and
 4 7. I can read them, but if you can tell me what they
 5 are.
 6 A. Okay. This is my youngest son's schedule
 7 and the next one is his report card.
 8 Q. So page -- I'm sorry, going back one more to
 9 page 7, that is his schedule for -- is it the day
 10 printed? It says 9-2-99. That would be for the
 11 '99/2000 school year?
 12 A. Yes.
 13 MS. LHAMON: For the record, it notes at the
 14 stop it is grade 6.
 15 MS. VANSE: Okay. Thank you.
 16 THE WITNESS: This is first year in middle
 17 school.
 18 MS. VANSE: Q. And for the last page,
 19 page 8, this is his report card?
 20 A. On 7 grade.
 21 Q. Okay. So this is from -- not from Havens
 22 Court?
 23 A. No, this is from Frick.
 24 Q. Okay. Great. Thanks. Ms. Gonzalez, on
 25 page 6 of Exhibit 2, I notice a lot of teacher comments

1 -- I think this is for your son Jose -- were that he
2 had -- and for the record, you are looking at the
3 original of what is the copy of page 6, correct?

4 A. Uh-huh.

5 Q. Okay. Your son had a lot of absences and
6 tardies. Do you know why that was?

7 A. Because he didn't -- doesn't like to go to
8 school because most of the time the conditions of the
9 school. He also didn't want to go to school.

10 Q. He would be late because he didn't want to
11 go?

12 A. He just stay at home and I knew and I didn't
13 know what to do about it. He just doesn't want to go
14 to school. He doesn't like to be in the cafeteria. He
15 hates to have substitutes.

16 He say, "What is the point to go to school
17 if I don't have no books?"

18 And this is hard for me.

19 Q. Did you ever speak with any of the teachers
20 that made these comments about why your son had been
21 absent or tardy?

22 A. Yes, I did. I was very worried about. I
23 don't know why. I like to find out a way for him to be
24 at school, but I don't know how to help him. I went to
25 speak with the teachers. I went to speak with the

1 son over there, so I said no.

2 Q. Let's start with Mr. Preston, did you ever
3 talk with him about why your son didn't want to come to
4 school?

5 A. Yes, I told all of them.

6 Q. What was his response to you?

7 A. Actually, after, because my son is not the
8 only one, so they were worried, so they decided to
9 enjoy Lori Flaxman and open the new school.

10 Q. This is something you spoke to Mr. Preston
11 about?

12 A. Yes.

13 MS. LHAMON: Just for the record, I think it
14 is Preston Thomas. I think Preston is his first name.

15 MS. VANSE: Okay. Thank you.

16 Q. Anything else you spoke to Mr. Thomas about
17 regarding your son's, I guess it would be his absences
18 or tardies?

19 A. I talked to him almost every day because I
20 was really worried about my son not doing well in
21 school and I know he has the potential to do better,
22 but he just don't want to do it and now he tried to
23 help me, but -- and my son got involved also in opening
24 the new school, so maybe he give him that option and he
25 say yes and he got involved and now he is doing a lot

1 counselor and everything and they just say they don't
2 have an answer for me.

3 Q. Which teachers did you speak with, if you
4 can recall?

5 A. Thomas Preston. He is one of my -- no,
6 actually, he is more like a friend to my son. He talks
7 to him. He said, "You know what? You need to come
8 over."

9 And he talk to him and he tried to help me,
10 but he just doesn't want to come over to school.

11 Q. Any other teachers you spoke to besides
12 Thomas Preston?

13 A. Sandy Calvo and Steve Miller, too. Mrs.
14 Arabia, she also helped him a lot. She tried to talk
15 to him and say, "You know Jose, this is what you have.
16 This is" -- "If you don't do something, this is your
17 future. You need to come."

18 He always give all of them the same excuse
19 -- you know, "I don't like this school."

20 And he even told me, "If you send me to
21 Mexico, I will do better over there."

22 Q. I'm sorry. What was that?

23 A. He asked me if I sent him to Mexico, he do
24 better over there. I don't want to be apart. I want
25 to be together as a family. I don't want to send my

1 better.

2 Q. Any -- do you recall your conversation with
3 Sandy Calvo about your son's absences or tardies?

4 A. With all the teachers, yes, I did and she
5 said -- she told me the same as the other teachers.
6 They don't know how to help him if he doesn't want to
7 help himself.

8 Q. Did you speak with her specifically about
9 your son's concerns about not wanting to come to
10 school?

11 A. Yes.

12 Q. Did she say anything in response to that?

13 A. I don't remember. She send me to the
14 principal, so I went to the principal and tell him that
15 why my son doesn't want to come to school and
16 everything.

17 And he said, "We working on it. We try to
18 get the school better. There is a lot of issues going
19 around, but other kids can deal with it. He needs to
20 learn how to deal with it, too."

21 The principal was telling me the truth. Not
22 only my son, it was a lot of kids, but it doesn't help
23 me in anything.

24 Q. Anything else you recall speaking with Ms.
25 Calvo about regarding your son's absences or tardies?

1 A. No.
 2 Q. And how about Mr. Miller, anything?
 3 A. Mr. Miller, that is his favorite subject,
 4 biology and science and stuff, so he was worried
 5 because he said it is a waste of time and he doesn't
 6 come to school.
 7 Q. Mr. Miller said this?
 8 A. Uh-huh, because he said he has -- he is
 9 intelligent and he can do it. He knows a lot, but he
 10 doesn't want to -- he just don't want to be in school
 11 and I don't know what to do.
 12 Q. Did you tell him why your son didn't want to
 13 be in school?
 14 A. Yeah, I also went to Portable 15, which is
 15 student services, and I explain to them, "You know
 16 what? I have a son. He has been doing great before.
 17 Now he is doing pretty bad. He doesn't like school."
 18 They said they were going to send someone
 19 home to talk to him and they never did, so --
 20 Q. And I guess it is Arabia?
 21 A. Arabia, she is a nice lady. I also spoke
 22 with her about -- she talked to him all the time.
 23 Q. Your son?
 24 A. My son, but he just don't do it. He just
 25 listen to the teachers, hear what they have to say, but

1 he just make no different.
 2 Q. He still didn't want to come to school?
 3 A. No. Sometimes I forced him to go to school
 4 when I was working there. I pushed him into the car
 5 and bring him to school. That is the only way I made
 6 sure he was there.
 7 Q. You said you also spoke to the counselor.
 8 Is that who you were talking to in Portable 15?
 9 A. At that time, it was Mr. Walker. He is
 10 still a good friend of ours and he talk to him. And he
 11 said, "Come on, Jose. You need to do better in
 12 school."
 13 I push it with him and he said -- he start
 14 doing good for first few weeks and then went back. And
 15 when I talked to him, I said, "Why are you doing this
 16 to me? If you think you do it to me, you are not doing
 17 it to me. You are doing it to yourself. It is your
 18 education. It is your life. There is nothing I can do
 19 at that school."
 20 "I don't like that school."
 21 "It is your life."
 22 Whatever he said, I knew he was not lying to
 23 me. I knew it was true, so I don't know what to do.
 24 Q. Anyone else you spoke to about your son's
 25 absences or tardies?

1 A. No, me and him.
 2 MS. VANSE: Okay. I think that is it for my
 3 questions, so if we just want to put the stipulations
 4 on here.
 5 Are we stipulating to just regular 30 days?
 6 MS. LHAMON: We've been doing 30 days.
 7 MS. VANSE: Okay. Great. That is perfect.
 8 I think we're going to stipulate that the original will
 9 be sent to --
 10 MS. LHAMON: They go to my office in L.A.
 11 MS. VANSE: -- to Catherine's office and the
 12 witness will have 30 days to sign or review and sign
 13 the transcript and if she does so or doesn't do so
 14 within that time, then an unsigned and uncorrected copy
 15 may be used for all purposes as if signed and
 16 corrected. Also, the court reporter may be relieved of
 17 her duties under the code.
 18 MS. LHAMON: So stipulated.
 19 MS. VANSE: Great. Thank you.
 20
 21 (Whereupon, the deposition was adjourned
 22 at 2:05 p.m.)
 23 --o0o--
 24
 25

1 I declare under penalty of perjury that the
 2 foregoing is true and correct. Subscribed at
 3 _____, California, this ____ day of
 4 _____, 2001.
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 8 _____
 9 MARIA DE LOS ANGELES GONZALEZ
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CERTIFICATE OF REPORTER

1
2 I, JOHNNA FORD, a Certified Shorthand Reporter,
3 hereby certify that the witness in the foregoing
4 deposition was by me duly sworn to tell the truth, the
5 whole truth and nothing but the truth in the
6 within-entitled cause;

7 That said deposition was taken down in
8 shorthand by me, a disinterested person, at the time
9 and place therein stated, and that the testimony of the
10 said witness was thereafter reduced to typewriting, by
11 computer, under my direction and supervision;

12 I further certify that I am not of counsel or
13 attorney for either or any of the parties to the said
14 deposition nor in any way interested in the event of
15 this cause and that I am not related to any of the
16 parties thereto.

17
18 DATED: _____, 2001.

19
20
21 _____
22 JOHNNA FORD, CSR 11268
23
24
25