

SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al.,)
)
 Plaintiffs,)
)
 vs.) No. 312 236
)
STATE OF CALIFORNIA, DELAINE)
EASTIN, State Superintendent)
of Public Instruction, STATE)
DEPARTMENT OF EDUCATION, STATE)
BOARD OF EDUCATION,)
)
 Defendants.)
-----))
STATE OF CALIFORNIA,)
)
 Cross-Complainant,)
)
 vs.)
)
SAN FRANCISCO UNIFIED SCHOOL)
DISTRICT, et al.,)
)
 Cross-Defendants.)
-----))

DEPOSITION OF PATRICIA J. GRAY

San Francisco, California

Wednesday, July 18, 2001

Volume 2

Reported by:
RACHEL FERRIER
CSR No. 6948
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18 SAN FRANCISCO UNIFIED SCHOOL)
19 DISTRICT, et al.,)
20 Cross-Defendants.)
21
22 Deposition of PATRICIA J. GRAY, Volume 2,
23 taken on behalf of Defendant State of California
24 at 275 Battery Street, 26th Floor,
25 San Francisco, California, beginning at
9:20 a.m. and ending at 4:24 p.m. on Wednesday,
July 18, 2001, before RACHEL FERRIER, Certified
Shorthand Reporter No. 6948.

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2
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1 San Francisco, California; Wednesday, July 18, 2001
2 9:30 a.m. - 4:24 p.m.
3
4
5 PATRICIA J. GRAY,
6 having been previously duly sworn, was examined and
7 testified further as follows:
8
9 EXAMINATION
10 BY MS. LHAMON:
11 Q Good morning, Ms. Gray. I'm Catherine Lhamon,
12 which I think you know. And I just want to make sure
13 you know that all the same rules that applied on
14 May 24th, the last time we took this deposition, apply
15 today. Is that okay?
16 A That's okay.
17 Q Thanks.
18 And you haven't taken any medication or any
19 alcohol or anything like that that would alter your
20 ability to remember today, have you?
21 A No.
22 Q Thanks.
23 Before I start with questions, I just want to
24 clarify a few things about the case, just to make sure
25 you know that I represent the plaintiffs in this action.

1 They are school children. They sued the State of
2 California, the State Superintendent of Public
3 Instruction, the State Board of Education, and the State
4 Department of Education.

5 Plaintiffs haven't sued any schools or school
6 districts or principals, including you, which I'm sure
7 you appreciate.

8 A I do.

9 Q And this lawsuit concerns only the question
10 whether the State and State agencies appropriately
11 support schools in the difficult task of providing
12 education. So I'm going to ask you questions that will
13 give me information relevant to that question. Is that
14 okay?

15 A That's okay.

16 Q Thanks.

17 I remember on your first day of deposition you
18 testified that the current CBEDS enrollment for Balboa
19 is 1,046 students?

20 A 1,047.

21 Q Okay. I may have written it down wrong.

22 A I think.

23 Q Okay. Thanks.

24 Does that CBEDS number accurately reflect the
25 number of students who attended Balboa High School

1 Q Okay. Thanks.

2 Do you know how many students at Balboa are
3 eligible for free or reduced pricing?

4 A Not exactly.

5 Q Do you have an approximation?

6 A I think around a little over 50 -- around
7 50 percent, maybe more.

8 Q Thanks.

9 And how do you come to that number?

10 A I'm guessing, which I probably shouldn't have,
11 but I recall our free and reduced -- every year we get
12 our free and reduced lunch forms filled out. And I was
13 hoping that it was more simply because you get more
14 money for it. And I recall that it wasn't as much as it
15 would have been in order to get more money.

16 Q So that would have made it approximately
17 50 percent of the students?

18 A I think it might have been a little more, yes.

19 Q Do you know what the racial composition is of
20 the student body at Balboa High School?

21 A I can give an approximation.

22 Q That would be great.

23 A Around 23 percent African-American, and this is
24 truly an approximation, approximately 25 percent Latino,
25 around 27 percent Filipino. I hope you are keeping up

1 during the 2000-2001 school year?

2 MR. OJEDA: Calls for speculation.

3 BY MS. LHAMON:

4 Q You can answer.

5 A At any one time there's a different number of
6 students enrolled, so on that particular date it was
7 that number. On another date it would be a different
8 number because we have a very transient population.

9 Q Okay. Does the population vary by a hundred or
10 more students?

11 A No.

12 Q Do you know roughly what the variance is?

13 A Probably less than a hundred; actually,
14 probably less than 75.

15 Q Okay. And how do you know that?

16 A Because I know from time to time how many kids
17 are enrolled.

18 Q Because you have occasion to check, or how do
19 you come to know that?

20 A Because I have occasion to check for various
21 reasons.

22 Q Okay. So within approximately 75 students, or
23 plus or minus, the enrollment at Balboa for the
24 2000-2001 school year was 1,047 roughly?

25 A Right.

1 with the numbers. Around 8 to 10 percent Samoan, 5 to
2 7 percent Asian. And if there are any left, they are a
3 mixture OW and ONW.

4 Q And when you say, "OW" and --

5 A Other white, other nonwhite.

6 Q And how do you come to those figures? I
7 understand they are an approximation, but on what are
8 you basing your approximation?

9 A We get a school report card. Also from time to
10 time we get information statistics, and I always try to
11 keep up with it. And I must have seen those
12 approximations somewhere.

13 Q Okay. And how come you try to keep up with it?

14 A First of all, I think that's one of the assets
15 of the school, that it's a racially diverse school. And
16 it's just nice to know what your composition is. Also
17 there was a printout comparing the different schools and
18 their racial mixtures, and that's I think where I got
19 those approximations.

20 Q And the printout comparing the schools and the
21 racial mixtures, was that from the school district?

22 A Yes, it was.

23 Q And do you know for what purpose --

24 A I don't recall.

25 Q Okay. Do you know when you saw that printout?

1 A I don't recall.
 2 Q Okay. Was it this school year?
 3 A Yes.
 4 Q You said that one of the assets of the school
 5 is that it's racially diverse. Why do you consider that
 6 an asset?
 7 A I think it allows the kids to know about other
 8 cultures and allows them to be able to get along with
 9 other cultures and recognize and appreciate their
 10 differences and the value that each culture contributes
 11 to a society.
 12 It has then -- then when they get out into
 13 society, outside of our school community, they will know
 14 how to get along with other people and appreciate other
 15 people.
 16 Q So the racial diversity is part of the learning
 17 process, then?
 18 A It is.
 19 Q Okay. Do you know what the dropout rate at
 20 Balboa is?
 21 A I can give an approximation.
 22 Q That would be great.
 23 A It's around 17 percent. I thought it was less,
 24 but it's around 17 percent.
 25 Q And when you say you thought it was less, you

1 realize it's around 17 percent, how did you come to know
 2 it was higher than you thought?
 3 A I saw some data near the end of the school year
 4 that the dropout rate had indeed decreased -- wait a
 5 minute. The kids -- the dropout rate was less. But it
 6 was not as low as I thought it would be. I thought it
 7 was around 11 or 12, but it's higher.
 8 Q And you say that the dropout rate has
 9 decreased, do you mean it's decreased in the time you
 10 have been principal at Balboa?
 11 A Yes.
 12 Q And have you taken steps to try to make sure
 13 that it decreased?
 14 A I certainly have.
 15 Q And what are those steps?
 16 A We try to find out where kids go when they
 17 don't come back to school. When they are not in school
 18 we send letters, we make phone calls. The biggest
 19 problem was that because of our transient rate, kids
 20 were leaving and we didn't know where they were.
 21 So I got a printout of all of the students that
 22 had left the school in this past -- this was in the
 23 spring, I guess, in this past year, gave it to the
 24 teachers, asked them to ask the students if they knew
 25 where any of the kids went.

1 Because we made phone calls. If the phones
 2 were disconnected, then we had no one to ask. And so a
 3 lot of times the kids knew where the kids -- other kids
 4 had moved. And so we put in then the proper leave code.
 5 If the improper leave code is put in, then you don't
 6 know where the kids are, it's considered a dropout.
 7 Q Let me make sure I understand that.
 8 If a kid transfers to another school, then
 9 there's a leave code that can be assigned?
 10 A Right.
 11 Q And that's not considered a dropout?
 12 A That's right.
 13 Q Have you -- sounds to me like you have taken
 14 some aggressive steps in the time you have been
 15 principal at Balboa to try to reduce the dropouts. Can
 16 you tell me what is different -- what the school is
 17 doing differently now to try to reduce the number of
 18 dropouts as compared to before you became principal?
 19 MR. OJEDA: Objection; calls for speculation.
 20 THE WITNESS: I don't know what the other principals
 21 were doing.
 22 BY MS. LHAMON:
 23 Q Okay. And when you were assistant principal at
 24 Balboa, did you have any part in working on the dropout
 25 rate at the school?

1 A No.
 2 Q Okay. And did you have any knowledge about
 3 what was taking place about working on the dropout rate
 4 at the school?
 5 A No, I did not.
 6 Q Okay. Are the things that you plan to do
 7 differently next year at Balboa to try to even reduce
 8 the dropout rate more?
 9 A I have not had a minute to think about what I'm
 10 going to do next year. We are going to have a retreat.
 11 My administrators and I will have a retreat and talk
 12 about what things we will be doing differently to make
 13 things better.
 14 Q When's that retreat going to be?
 15 A August 13th.
 16 Q That's exciting.
 17 What are the primary needs at Balboa High
 18 School?
 19 MR. OJEDA: Objection; overbroad, vague and
 20 ambiguous.
 21 THE WITNESS: You have to be more specific.
 22 BY MS. LHAMON:
 23 Q Okay. That's fair.
 24 Based on your experience as principal of
 25 Balboa, what are the things that you think are most

1 important to bring to the school to improve education at
 2 Balboa?
 3 MR. OJEDA: Same objection. It calls for a
 4 narrative as well. Can you break it down and be more
 5 specific as to what areas you are speaking -- maybe you
 6 can discuss it as to topics in the First Amended
 7 Complaint or break it down somehow. But as worded, it's
 8 too broad.
 9 BY MS. LHAMON:
 10 Q Do you understand the question?
 11 A I understand the question. But also I'm not
 12 really sure where to start, where to begin.
 13 Q Okay.
 14 A I would appreciate you being more specific in
 15 certain areas.
 16 Q Sure.
 17 I guess I'm not asking about any particular
 18 areas. I'm asking you as a principal of the school, so
 19 as the person primarily responsible for what happens at
 20 that school, what is your priority list for things that
 21 need to be changed at Balboa or need to be worked on at
 22 Balboa?
 23 A I want to decrease the dropout rate. I want to
 24 increase the test scores. I want to increase the number
 25 of students that are going to college to increase their

1 SAT scores and their SET scores. I want to decrease the
 2 number of suspensions and expulsions so that the kids'
 3 social behavior is more acceptable.
 4 There are just a multitude of things that we
 5 need to change and that I have to work on.
 6 Q Okay. And taking one of them, taking
 7 increasing the test scores, are there things that Balboa
 8 High School needs to help increase the test scores?
 9 A We have been making some plans to do some
 10 things that could increase the test scores.
 11 Q Like what?
 12 A Like we ordered materials for the teachers, to
 13 help them to prepare the kids for test-taking
 14 strategies. We have staff development planned by the
 15 companies that provide that material, teacher staff
 16 development.
 17 We have set aside a time -- we have asked the
 18 teachers to set aside a time in each class to go over
 19 test-taking strategies with the students. We are trying
 20 to get the teachers to identify essential skills and
 21 knowledge that the kids should have.
 22 Just a multitude of things. And I know I've
 23 forgotten at least 10.
 24 Q Well, if you think of them later, you can tell
 25 me.

1 A Okay.
 2 Q Thank you.
 3 What made you become a principal in the first
 4 place?
 5 A I just felt that I could do a good job and that
 6 I could affect more people by being an administrator
 7 rather than the 150 kids that I could affect in a math
 8 class.
 9 Q And have you found that to be true since you
 10 have been a principal?
 11 A I've felt that way.
 12 Q That's good enough for me.
 13 I've been really impressed by your work
 14 history, including your 37 years in work education.
 15 What made you choose the schools you have
 16 chosen in San Francisco to work in?
 17 MR. OJEDA: Objection; irrelevant.
 18 BY MS. LHAMON:
 19 Q You can answer.
 20 MR. ROSENTHAL: I also object as compound. I don't
 21 know if you are asking about a particular school or --
 22 BY MS. LHAMON:
 23 Q You can still answer.
 24 MR. OJEDA: Join.
 25 THE WITNESS: It was -- there were a multitude of

1 reasons, starting back from when I was a young child
 2 moving from Florida to San Francisco to a private school
 3 where I had difficulties. And throughout my educational
 4 career I always wanted to work with kids who may have
 5 been struggling for reasons that I may have been
 6 struggling.
 7 And when I came to San Francisco looking for a
 8 job, the personnel person said schools -- alternative
 9 schools need good teachers. And she suggested some
 10 schools that I might look into, and that's how I ended
 11 up at the pregnant minors program.
 12 BY MS. LHAMON:
 13 Q And that was the Hilltop School?
 14 A That was Hilltop School, mm-hmm.
 15 Q So one of the reasons that you have selected
 16 schools is that you wanted to work with students who may
 17 have been struggling. Is that why you selected the
 18 alternative schools that you have worked in?
 19 A Actually, I only worked at one alternative
 20 school; that was Hilltop.
 21 Q The 49'er academy wasn't an alternative school?
 22 A Well, yes. Actually, I was asked to be
 23 principal of that, and I said yes because of that
 24 reason, yes. But, you know, that school never did open.
 25 It was -- I recruited the kids and worked with the kids,

1 but they were still in separate schools.
 2 So I guess you are right, yes, I did choose to
 3 work at the alternative school because of that.
 4 Q I wasn't trying to tell you anything; I was
 5 trying to make it clear in my head.
 6 A Mm-hmm.
 7 Q So the two alternative schools where you have
 8 had an assignment have been the 49'er Academy, Hilltop
 9 Academy and that's it?
 10 A Right.
 11 Q So the other schools, what made you choose to
 12 work in those schools?
 13 MR. OJEDA: Object; irrelevant, not calculated to
 14 lead to the discovery of admissible evidence.
 15 Can you explain for me how this somehow
 16 pertains to the allegations in the First Amended
 17 Complaint or at least where you are going with this line
 18 of questioning? We are not here to learn about
 19 Ms. Gray's motives, or we shouldn't be, in terms of her
 20 career development.
 21 MS. LHAMON: As you know, that is not an appropriate
 22 objection in a deposition, and I don't need to explain
 23 my reasons for asking the question to you.
 24 Q But you can go ahead and answer.
 25 MR. OJEDA: You have to have some proper scope to

1 your question, so I'm asking you to explain it.
 2 MS. LHAMON: I know you are asking --
 3 MR. OJEDA: I'm going to instruct the witness not to
 4 answer unless you have some explanation for this line of
 5 questioning.
 6 MS. LHAMON: And that's not an appropriate basis for
 7 instructing the witness not to answer.
 8 MR. OJEDA: Well, I just did it.
 9 BY MS. LHAMON:
 10 Q Are you going to follow that instruction?
 11 A I am.
 12 Q You understand that following that instruction
 13 may require you to come back for another day of
 14 deposition, because it's not a proper basis and we can
 15 take it to the judge.
 16 A (Witness nodded head.)
 17 MS. LHAMON: Are you going to stick with your
 18 instruction?
 19 MR. OJEDA: Yes.
 20 BY MS. LHAMON:
 21 Q What do you look for when looking for a school?
 22 MR. OJEDA: Same objections.
 23 BY MS. LHAMON:
 24 Q You can answer.
 25 MR. OJEDA: It's overbroad, it's irrelevant, it's

1 not reasonably calculated to lead to the discovery of
 2 admissible evidence. What's the purpose of the
 3 question? We are allowed at least to know what
 4 relevance it has to this case.
 5 MS. LHAMON: I'm allowed to conduct this deposition
 6 any way I choose, and I'm entitled to ask questions I'm
 7 entitled to get answers to.
 8 Q You can answer.
 9 A I didn't really look for anything in
 10 particular. I told you how I got at Hilltop. I was
 11 asked to go to 49er Academy, and the principal called me
 12 and asked me to come to Balboa. I didn't seek out
 13 Balboa.
 14 Q Okay. That's when you became the assistant
 15 principal?
 16 A I think I mentioned first as a counselor, then
 17 within a matter of weeks as the dean, then within a
 18 matter of weeks as the assistant principal, yes.
 19 Q Okay. How long did you stay at -- what made
 20 you stay at Balboa once you started?
 21 A I don't school hop. You know, if I make a
 22 commitment, then I work there.
 23 Q Okay. You testified on your first day that you
 24 won an award from the American Council of Christians and
 25 Jews for work that you had done recycling supplies that

1 the health care company you worked for wasn't using; is
 2 that right?
 3 A That's right.
 4 Q And could you describe to me some of the
 5 recycling that you did at that time.
 6 A I guess I'm supposed to answer this, though I'm
 7 wondering, too, what the relevance is of all the
 8 questions, you know.
 9 Q Well, I'm asking you this one because it's an
 10 impressive award, and I want to know -- it shows your
 11 ingenuity and how to figure out how to get to kids what
 12 they need in their schools, so I'm asking you, what did
 13 you do.
 14 A All right.
 15 I have friends who were still in education, and
 16 one was an assistant principal at a particular school.
 17 And I went from education to private industry where we
 18 had more than anything -- everything that we needed.
 19 And I saw the binders just being thrown in the
 20 side when they didn't look pretty and new. I saw the --
 21 just all kinds of things being not used that I thought
 22 the kids could use.
 23 And it first started, though, with me saving
 24 things for the art teacher; toilet paper rolls, empty
 25 toilet paper rolls, egg cartons, and things like that.

1 And it just expanded to me just knowing that it was --
2 they were going to be thrown away.

3 And it didn't make sense for kids who didn't
4 have a binder to not have one. So I just followed
5 through with my friend and turned it over to the
6 schools, with the approval of my company.

7 Q And the supplies that you recycled were office
8 supplies and then the toilet paper rolls, the empty
9 toilet paper rolls?

10 A And egg cartons and plastic bleach bottles and
11 whatever people would bring that I knew the art teacher
12 would use and could use.

13 Q Have you done similar recycling in your time at
14 Balboa or received similarly recycled items in your time
15 at Balboa?

16 A We recycle, but I have not received anything
17 from outside companies for recycling, you know, for us
18 to use, no.

19 Q Have you solicited donations from outside
20 companies for any materials for Balboa?

21 A I have.

22 Q Have you received any donations?

23 A Yes, we have.

24 Q And from which companies?

25 A I don't recall particularly. I don't remember

1 school the way I need to run it. And they take care of
2 the numbers, and they just let me know what's going on.

3 Q Okay. And other than those computer donations,
4 have you received at Balboa any donations of office
5 supplies or any other donations?

6 A Not that I remember.

7 Q Okay. And that's not just the 2000-2001 school
8 year, that's the entire time you have been principal?

9 A Right.

10 Q Okay. Were -- the computers that were donated,
11 had you solicited those or had your school solicited
12 those computers?

13 A I did not, but I have several people, as I
14 said, in charge of that, and they might have.

15 Q Okay.

16 A I'm not sure how the donation came about.

17 Q Okay. What are the things that you think any
18 child needs to have a chance to learn, what's required?

19 MR. OJEDA: Objection; overbroad, calls for an
20 expert opinion.

21 MS. LHAMON: I think that Ms. Gray is an expert;
22 she's been an educator for 37 years.

23 THE WITNESS: Can you be more specific. Can you be
24 more specific about what areas you are talking about.

25 BY MS. LHAMON:

1 at this time.

2 Q Okay. And what were the donations that you
3 received?

4 A We have had offers of machines, of computers.
5 We have had computers given to us. I can't remember the
6 last one. It was a large donation too. Basically
7 that's it.

8 Q So you had offers of machines, but you didn't
9 accept those?

10 A Some we did, some we didn't. Like there was
11 some print machines they wanted to give us, and we
12 didn't have anywhere to put them or use them, no
13 classes. And so, no, I didn't accept those. But
14 computers we accepted.

15 Q And did you receive any computer donations
16 during the 2000-2001 school year?

17 A Yes.

18 Q But you don't remember how many or --

19 A I don't remember. No, I don't remember which
20 one. Dell maybe.

21 Q And do you have an estimate of how many
22 computers you received in that donation?

23 A No, because I have a -- I have people in charge
24 of that. I don't -- I try not to have to keep up with
25 any information that's not going to help me run the

1 Q Sure.

2 I'm asking for the toolbox for learning. What
3 should be in the students' toolbox for the student to
4 have a chance to learn and, you know, what are the
5 things that are at least required?

6 MR. OJEDA: Same objection.

7 BY MS. LHAMON:

8 Q You can answer.

9 A Teachers who care about them, No. 1; supplies;
10 a place to conduct the classes. They have to have
11 proper nutrition; if they don't get it at home, it has
12 to be provided somehow.

13 And, you know, basically that's it. I mean,
14 there are a lot of other things, but those are the major
15 things.

16 Q Those are the things a student actually has to
17 have?

18 A Yes.

19 Q When you say teachers who care about them, what
20 does that mean to you?

21 A Teachers who care about their learning, that
22 really want to support them in helping them to learn.

23 Q And this may sound obvious, but why is that
24 important?

25 A Most of my kids are relationship-driven, and if

1 they know that the teacher cares about them, they will
 2 try to learn even more. So that's why it's important
 3 that teachers care about kids. It's more important to
 4 me than anything.

5 Q And when you say that most of your kids are
 6 relationship-driven, can you tell me what that means.

7 A It means they will do it for the teacher and --
 8 because they are not intrinsically motivated, many of
 9 them at that point, because of all the other things that
 10 have gone on in their lives. So if they think the
 11 teacher cares about them and is presenting something for
 12 them to make them better, then they tend to do better.

13 Q Okay. And you say the supplies are also
 14 required for learning. What constitutes supplies?

15 A Books. Well, they need paper and pencil. Most
 16 of them bring that anyway. Things to decorate the room
 17 so that it looks as if it's a learning environment, you
 18 know, poster boards and pictures and things that are
 19 relevant to the subject that's being taught in the
 20 classroom. Workbooks, if those are necessary. Films
 21 that are relevant to the curriculum. A multitude of
 22 things.

23 Q I'm going to try to break them down. Why are
 24 books important?

25 A Well, the book is really a guide for the

1 write, either an overhead projector, a blackboard,
 2 chalkboard, whiteboard, those things.

3 Q Does temperature in the classroom matter for
 4 learning?

5 A Yes, it does.

6 Q Why is that?

7 A Why is that? If it's gets too hot, people
 8 don't think properly; if it gets too cold, they don't
 9 think properly. So, yes, temperature is important.

10 Q Does noise in the classroom or silence in the
 11 classroom matter for learning?

12 A Yes. But what kind of noise are you referring
 13 to?

14 Q Is it important that a classroom be a quiet
 15 place to work?

16 A Not necessarily. There's a level of noise
 17 that's healthy, depending on what's going on. If
 18 there's group work going on, then there's going to be a
 19 level of noise. If they are supposed to be reading
 20 silently, then, yes, it's important to be quiet.

21 Q Okay. And does the size of the classroom
 22 matter or the space in the classroom? Does that matter?

23 A Yes.

24 Q Why is that?

25 A If it's overcrowded, that's not good. If it's

1 teacher and a supplement for the student. It's not the
 2 end-all to everything, but the teachers and the students
 3 need a guide and something to refer to after the lecture
 4 or the lab or whatever's going on, the group work.

5 Q And you said that included in supplies is also
 6 things to decorate the room so it looks like a learning
 7 environment?

8 A Mm-hmm.

9 Q Why is that important?

10 A If it looks like a learning environment, it
 11 would feel like a learning environment, and then kids
 12 may want to learn; it invites them to learn. It's just
 13 like you cook a meal. If it doesn't look inviting, you
 14 don't want to eat it; same things with kids in the
 15 classroom.

16 Q And then you testified that a place to conduct
 17 the classes is important. Are you referring to a
 18 classroom or something else?

19 A Oh, a classroom, a school.

20 Q Is there anything in particular that needs to
 21 be in the classroom for it to be an appropriate learning
 22 environment?

23 A A place to sit. I would say some light,
 24 windows. Because I prefer to have windows to -- you
 25 know, actually a place to write, for the teacher to

1 too large, the kids may feel like they are being
 2 swallowed by the room. So, yes, it does matter.

3 Q And the final item in your toolbox was proper
 4 nutrition. Why is that important?

5 A Kids, if they haven't eaten, they can't think
 6 properly. The blood sugar level isn't right, they won't
 7 act properly. So it's important that they have
 8 nutrition.

9 Q Thank you for that list.

10 Do you participate in formulating the budget
 11 for Balboa High School?

12 A Do I participate in formulating the budget?
 13 Yes.

14 Q Are you responsible for the budget?

15 A I am.

16 Q Does anyone else help you with the budget?

17 A Yes.

18 Q And who is that?

19 A Until June 15th Gilbert Chow, and my school
 20 site council.

21 Q And what happened after June 15th? Is Gilbert
 22 Chung not coming back to the school?

23 A Right, is -- no, he's not.

24 Q Was he vice principal?

25 A Yes, one of them.

1 Q Okay. Has Balboa hired another vice principal
2 to replace Gilbert Chung?
3 A Yes.
4 Q And has that person started?
5 A Unofficially, yes.
6 Q By but not getting paid?
7 A Not as assistant principal.
8 Q Who is the new assistant principal who's going
9 to replace Gilbert Chung?
10 A Gerry, G-e-r-r-y, Courtney, C-o-u-r-t-n-e-y.
11 Q And is Gerry Courtney working at the school in
12 a separate capacity right now?
13 A He was, yeah. He was working as dean, one of
14 the deans.
15 Q Okay. So someone -- has someone replaced Gerry
16 Courtney as the dean?
17 A They have not.
18 Q Are you interviewing for that position?
19 A I will be during my vacation.
20 Q That sounds like fun.
21 So is it the assistant principal, formally
22 Gilbert Chung in the future Gerry Courtney, and your
23 site council and you who participate in the --
24 A Gerry Courtney won't necessarily be helping me
25 with the budget; Gilbert Chung did.

1 Q Why is it Gerry Courtney might not?
2 A Because I'm going to take the more active role
3 in taking care of the budget. And Gerry's new to being
4 an assistant principal, and I'm not sure what -- what
5 he's able to do. So I will have to evaluate as we go
6 along.
7 Q Okay. When you say you are going to take a
8 more active role, is it your anticipation that for the
9 2001-2002 school year, for the budget-making process,
10 only you and the school site council will be involved?
11 A No, that's not what I said. I'm just not sure
12 how I'm going to --
13 Q Just because the year hasn't started and Gerry
14 haven't started?
15 A Right. And I'm not sure what his capabilities
16 are, and I might involve another assistant principal.
17 Depends on who's strongest.
18 Q Okay. Well, then, why don't we talk about what
19 has happened, because we know about that.
20 For the 2000-2001 school year, how -- could you
21 walk me through the steps of determining what the budget
22 for the school was.
23 MR. OJEDA: Objection; overbroad, calls for a
24 narrative.
25 BY MS. LHAMON:

1 Q You can answer.
2 MR. OJEDA: If there are any particular steps, but
3 otherwise you can ask her to be more specific.
4 BY MS. LHAMON:
5 Q Your counsel is not supposed to be testifying,
6 but he can instruct you not to answer the question.
7 A It's difficult to answer. We had a basic
8 budget. We meet with the schools. We do a school site
9 plan, and the school site council approves or
10 disapproves or gives input as to additions or changes or
11 deletions from the budget. The teachers give input as
12 to what they have, needs, what their needs are.
13 And that's how we come up with the budget. The
14 school site council approves it. And we send it to the
15 district, and the district says whether it's a go. And
16 that's how it happens pretty much.
17 Q You start with a budget. Is that the budget
18 you start with, the budget from the prior year?
19 A Yes.
20 Q Okay. And how do you determine priorities for
21 the budget?
22 A The priorities that are determined by the
23 teachers, the school site -- the leadership team, and
24 then they are all presented to the school site council,
25 and school site council agrees or disagrees and signs

1 off.
2 Q And who's on the school site council?
3 A Oh, dear. Parents, teachers, students. I am,
4 of course. And community people, community members.
5 Q Do you know if that's true at every school site
6 council?
7 A Yes.
8 Q And does every member of the school site
9 council have an equal vote?
10 A Every voting member, yes, has an equal vote.
11 Q And which are the nonvoting members?
12 A Alternates. In case someone's absent, you have
13 alternates who then will take a seat and then they will
14 then have a vote; otherwise, they can come to the
15 meetings, but they don't have a vote.
16 Q So there is at least one representative from
17 each of the parents, teachers, students, you, and the
18 community member groups?
19 A There is a formula I don't know. I don't
20 remember offhand. There's supposed to be so many
21 teachers, so many parents, so many community people, so
22 many students, and my vote's just like one other person.
23 Q Okay. Has it ever happened since you have been
24 principal of Balboa that the school site council has
25 disapproved of a proposed budget?

1 A No.
 2 Q Do you ever communicate with anyone at the
 3 State Board of Education?
 4 A In Sacramento?
 5 Q Yes.
 6 A No.
 7 Q Do you ever communicate with the State
 8 Superintendent of Public Instruction?
 9 A No.
 10 Q Do you ever communicate with State Department
 11 of Education?
 12 A Only in getting my credential and that was it,
 13 and it was in writing.
 14 Q And the communication was here's your
 15 credential, or what was the communication?
 16 A Yeah, regarding my credential.
 17 Q Okay.
 18 A Credentials.
 19 Q I'm sorry, that's right.
 20 Does anyone on your staff communicate with the
 21 State Board of Education in Sacramento?
 22 A I don't know.
 23 MR. OJEDA: Calls for speculation.
 24 BY MS. LHAMON:
 25 Q You have not directed anyone on your staff to

1 credentialing. I know the State also is in charge of
 2 the budget, but just generally what a governing body
 3 does.
 4 BY MS. LHAMON:
 5 Q Okay. To your knowledge, does the State Board
 6 of Education ever inquire into the needs of Balboa High
 7 School?
 8 A I don't know. I don't talk with them.
 9 Q Okay.
 10 A All mine is through my board, my boss, and my
 11 superintendent.
 12 Q And you are referring to the San Francisco
 13 Unified superintendent?
 14 A Yes.
 15 Q And San Francisco Unified board?
 16 A Yes.
 17 Q Just to finish this set of questions, to your
 18 knowledge, does the California Department of Education
 19 ever communicate with Balboa about the needs at Balboa?
 20 A Not that I know of.
 21 Q And to your knowledge, does the State
 22 Superintendent of Public Instruction ever communicate
 23 with anyone at Balboa about the needs of Balboa?
 24 A Not that I know of.
 25 Q Has anyone from the State Board of Education

1 communicate with the State Board of Education?
 2 A No.
 3 Q What's your understanding of what the State
 4 Board of Education does?
 5 MR. OJEDA: Objection; calls for speculation.
 6 THE WITNESS: I don't know really. Just -- I don't
 7 know.
 8 BY MS. LHAMON:
 9 Q So you don't have an understanding of what they
 10 do?
 11 A All I know is that they just -- like I have a
 12 Board of Education, I figure the State has the things
 13 that they do. There's a hiring key, and that's all I
 14 know.
 15 Q Okay. Do you have an understanding of what the
 16 State Superintendent of Public Instruction does?
 17 MR. OJEDA: Same objection.
 18 BY MS. LHAMON:
 19 Q I'm not sure your answer was audible.
 20 A My answer is "no."
 21 Q Do you have an understanding of what the State
 22 Department of Education does?
 23 MR. OJEDA: Same objection.
 24 THE WITNESS: All I know is some of the things that
 25 they do. I know they are in charge of teacher

1 visited Balboa during the time that you have been
 2 principal?
 3 A No.
 4 Q And has anyone from the State Department of
 5 Education visited Balboa during the time that you have
 6 been principal?
 7 A No.
 8 Q And the State Superintendent of Public
 9 Instruction has not visited Balboa during the time that
 10 you have been principal?
 11 A No.
 12 Q Finally get to the specifics of this case.
 13 Does the school district assist you in finding
 14 teachers for your staff?
 15 A Yes.
 16 Q And how does the school district assist you?
 17 A They give me potential candidates. They post
 18 it on the web, the job openings on the web. They post a
 19 list of vacancies, and then they try to help me find
 20 teachers to fill the positions.
 21 Q Do teacher candidates ever come to you from any
 22 source other than the school district?
 23 A Yes.
 24 Q And what sources are those?
 25 A Just off the street from visiting the web

1 themselves; from other referrals, other people, other
2 teachers telling them about positions that may be
3 available; or just coming in to see if there's something
4 available.

5 Q And if a teacher candidate comes to the school
6 from a source other than the district, do you then
7 notify the district that you have spoken to this
8 candidate?

9 A Only if I'm interested in hiring them.

10 Q Okay. But before you could hire one, you would
11 need to notify the district?

12 A Oh, absolutely.

13 Q Okay. What are the steps that you follow to
14 identify a need for teachers at Balboa?

15 A I'm sorry?

16 Q What are the steps that you follow to identify
17 a need for teachers at Balboa?

18 MR. OJEDA: Objection; lacks foundation.

19 THE WITNESS: If there's an opening, there's a need
20 for a teacher.

21 BY MS. LHAMON:

22 Q Sure.

23 And I'm asking how you know there's an opening.

24 Does the department chair tell you, or does a teacher
25 tell you or how do you find out?

1 transfers from teachers from other schools and people
2 returning from leave, and so I want to know far enough
3 in advance so that I can start looking if I need to.

4 Q Okay. I appreciate your telling me some of the
5 things you remember; that's helpful. I hope you will do
6 that all day today if you think of something else.

7 There's a series of job fairs. I just want to
8 make sure I understand. There's a series of job fairs.

9 Are there -- and there's a recruitment period that
10 happens after late winter, early spring.

11 Is that the only reason that you ask teachers
12 then if they are planning to return to the school the
13 next year?

14 A Yes. I assume otherwise they are coming back.

15 Q Sure.

16 Do you find it easier to recruit teachers if
17 you have lead time for interviewing before the fall
18 begins, or is it just as easy to interview teachers over
19 the summer to open positions in the fall?

20 A It's easy to do both. It's nice to work summer
21 school, because I then have people coming in and I can
22 interview them all summer. Because some good teachers
23 are available in the summer. I was available in the
24 summer. I wouldn't -- I wasn't looking for a job in the
25 spring, so both -- both times are good.

1 A Well, the teachers -- I give a form sometime
2 around February to ask teachers if they are coming back
3 for the next year. And many times they say -- sometimes
4 they say no. If they say no, then I know there's going
5 to be an opening.

6 Once they give me a letter of intent or
7 resignation or something, then I can open the position
8 officially. And once there's an open position, I try to
9 fill it.

10 Q And when you -- you say you give the teachers a
11 form in February to tell you if they are coming back the
12 next school year?

13 A I think it's February.

14 Q Okay.

15 A Might have been March this year.

16 Q Okay. In approximately February or March or
17 late winter, early spring.

18 Is there a reason that that's the time period
19 when you ask teachers if they are coming back for the
20 next school year?

21 A Yes. Because the district has, which I failed
22 to mention, job fairs where they have potential
23 candidates that come in and go to a particular school.
24 And we have that -- we interview them.

25 And then there's also a time for volunteer

1 Q So you can find good teachers during both
2 periods?

3 A Yes.

4 Q Do you have approximately the same number of
5 teacher candidates available during both periods?

6 A No. I think you have more available a little
7 later on. Since they have had the job fairs, though, we
8 have had more available in late spring because of the
9 job fairs. But otherwise it's been you get people all
10 along.

11 Q Okay. So you find out -- for some of the
12 teachers you find out in late winter, early spring that
13 they don't intend to come back the next year. What are
14 the steps that you take following that notification?

15 A I find -- I ask -- I tell them that I can't
16 interview for the position until I have a letter. And
17 once they give me the letter explaining what they are
18 planning to do, they are resigning because of whatever
19 reason, then I send a copy of that letter to human
20 resources, and then the position is opened and posted in
21 the WAD. The Weekly Administrative Directive, I think
22 it's called.

23 Q So "WAD" is an acronym?

24 A Yes.

25 Q Okay. And then you can start interviewing

1 teachers as soon as they have applied after that; is
2 that how it works?
3 A That's right.
4 Q And do teachers in the department for which
5 there's a vacancy participate in interviewing potential
6 teacher candidates?
7 A Yes.
8 Q And is that always true?
9 A At Balboa?
10 Q At Balboa, right.
11 A Yes. Mm-hmm.
12 Q And why is that, that the teachers participate
13 in interviewing candidates?
14 A Well, for one thing, I only am -- I know how to
15 interview a math teacher for math. I want the subject
16 content teachers -- basically the department head and my
17 curriculum and instruction assistant principal do the
18 first round of interviews. Then if they feel that this
19 person is a possible candidate that would fit in the
20 school, then I get involved.
21 Q Are there teachers in the department other than
22 the department head who participate, or is it just the
23 department head?
24 A We -- the department head is in on the initial.
25 Then the teacher goes around -- the candidate goes

1 around and meets other teachers. We sometimes have that
2 person sit in to a classroom, and then we do ask the
3 other teacher -- the teachers their opinion.
4 Q Okay. And does the district respond properly
5 to your need for teachers when you have identified the
6 need for teachers?
7 MR. OJEDA: Objection; vague and ambiguous.
8 THE WITNESS: Don't know what you mean by "respond."
9 BY MS. LHAMON:
10 Q Start the notices.
11 A Oh, yes.
12 Q Okay. Have you ever communicated a need for
13 teachers at Balboa to anybody at the State level?
14 A No.
15 Q And why not?
16 A Because you go through the district and the
17 district takes care of it.
18 Q Okay. So there's really no need?
19 A I feel that the people in the position at the
20 district are doing the best they can to get the
21 candidates. I know that there is a nationwide shortage
22 of teachers, so sometimes -- and in certain shortage
23 areas. So sometimes it does take a while to get a
24 candidate, but it's not for lack of trying.
25 Q Okay. Have you talked to other principals

1 about what they do to recruit teachers?
2 A Yes.
3 Q And do you know of any practices that other
4 principals follow that you don't follow at Balboa?
5 A No.
6 Q Okay. Do you know if here schools in
7 San Francisco have the same success in recruiting
8 teachers that Balboa has?
9 A What do you mean if other schools have the same
10 success?
11 Q Well, when they advertise for openings, do they
12 get the same number of candidates who come to be
13 interviewed?
14 A Some get more, some get the same number.
15 Q Okay. And when they offer jobs to -- when I
16 say, "they," I'm referring to other San Francisco
17 schools.
18 When they offer jobs to teachers, do they have
19 the same approximate number of teachers who accept those
20 jobs?
21 MR. ROSENTHAL: Objection; lacks foundation.
22 MR. OJEDA: Calls for speculation.
23 BY MS. LHAMON:
24 Q You can answer.
25 A I don't know. I would just be able to

1 speculate.
2 Q Well, without speculating, have you heard from
3 other principals, have you heard from anybody in the
4 district about the success that other schools have in
5 having teachers come to their campuses?
6 A It's all hearsay.
7 Q That's okay.
8 A That some schools don't have the difficulty
9 that some other schools have.
10 Q And so you have heard that some schools have
11 less difficulty than Balboa has?
12 A Right.
13 Q And do you know which schools those are?
14 MR. OJEDA: Objection; overbroad as to time.
15 BY MS. LHAMON:
16 Q If your counsel just objects and doesn't
17 instruct not to answer, you can always answer the
18 question.
19 A The hearsay is that schools like Lincoln,
20 Lowell, have less difficulty getting teachers.
21 Q And do you have any sense why that would be?
22 A The teachers tend to feel that it's easier to
23 teach there.
24 Q And is that related to the conditions at the
25 school or you don't know because you don't teach there?

1 MR. OJEDA: Calls for speculation.
 2 THE WITNESS: It is not related to the conditions at
 3 the school in all cases. The conditions, you mean
 4 physical conditions?
 5 BY MS. LHAMON:
 6 Q Sure. It's a broad question.
 7 I'm asking, do you have any way to know what --
 8 why --
 9 A As one teacher said, it's easier to teach kids
 10 who don't -- are not living where people are being shot
 11 around them, where drugs are not being dealt. It's
 12 easier when there's a two-family home, where the kids
 13 are being supported and have a place to -- a quiet place
 14 at home to study. And basically that's not the way it
 15 is with most of my kids.
 16 Q And the teacher candidates who do come to
 17 interview at Balboa, do they express those concerns to
 18 you?
 19 A No. Sometimes. Sometimes. Very seldom,
 20 though. When the person comes, they are looking for a
 21 job.
 22 Q And the few times that you have heard that,
 23 what have you said to people?
 24 A Well, the school is challenging. And if that
 25 is a concern of theirs, I think it's a valid concern,

1 because when a teacher -- when we agree that a teacher
 2 should be there and the teacher wants to be there, we
 3 need to know that the teacher is going to want to stay
 4 there and deal with the challenges. So we don't sweep
 5 it under the carpet; it's a reality.
 6 Q We have been going for about an hour. So do
 7 you need a break or do you want to keep going?
 8 A I can keep going.
 9 Q Okay. I mentioned earlier that there are some
 10 subjects for which there is a greater teacher shortage.
 11 Which subjects are those?
 12 A English language learners, previously called
 13 ESL; math; science; and special ed.
 14 Q Do you have any sense of why that is?
 15 A Math and science majors can make more money in
 16 business and industry.
 17 Q Do you have any reason why that is?
 18 A Well, I did that for a while, if you recall.
 19 And special ed is extremely challenging because the kids
 20 have special needs, more needs than most. And English
 21 language learners, probably because you are teaching
 22 kids with -- that are speaking so many different
 23 languages, that that makes it difficult. And most
 24 people go into something that's not as challenging.
 25 Q You mentioned that English language learners,

1 one of the difficulties is they can speak so many
 2 different languages, and so it can be difficult to teach
 3 them.
 4 Is it your understanding that a teacher who
 5 has -- well, let me strike that.
 6 In order to teach an English language learner,
 7 what does a teacher need?
 8 A A CLAD or B/CLAD credential, I guess that's it,
 9 which gives them special training in order to deal with
 10 kids who are English language learners.
 11 Q And a teacher who has a CLAD or a B/CLAD
 12 credential could then teach a student whose primary
 13 language was any language other than English? Or does
 14 an English language learner have to have a CLAD to teach
 15 a child in a particular language? Like does the teacher
 16 have to have a Vietnamese CLAD?
 17 A No, it's a general CLAD or B/CLAD credential.
 18 And we teach our kids in English, so they don't need to
 19 know the language. It helps if the teacher knows the
 20 language, but they don't have to.
 21 Q Okay. What qualities do you look for in
 22 teachers at Balboa?
 23 A I want them to be proficient in their area of
 24 specialization. I want to make sure they -- as I said,
 25 care about students. And I can pick up on that, most of

1 the time. But they want to be at Balboa and are
 2 committed to our mission and vision of what we want for
 3 our kids.
 4 Q When you say that you ask that they be
 5 proficient in their area of specialization, what does
 6 that mean?
 7 A It means for math majors I ask them to teach
 8 me.
 9 Q Really?
 10 A Yes.
 11 Q You ask them to give you a lesson plan in
 12 algebra if they are interviewing for algebra?
 13 A Yes. Not a lesson plan, but teach me a lesson
 14 in algebra. And also one of the requirements is that
 15 they allow me, without any questions, to visit their
 16 classrooms at any time, math teachers do, and to help
 17 teach the class anytime.
 18 And they say yes, of course, because they want
 19 to go. As far as they know -- and of course with the
 20 other subjects we always do that too, ask them questions
 21 about how they would teach the class. And I don't know
 22 if they always ask to teach a lesson in social studies,
 23 but they are always asked what kinds of things they
 24 would do to teach a particular topic.
 25 But, yes, in math, actually, I am a teacher, so

1 I guess I have them teach it.

2 Q So you -- I guess you can tell if they are
3 prepared by having them do that?

4 A Oh, absolutely. It's the way they teach it
5 that I'm looking for.

6 Q Wow. I want to make sure I understand.

7 So when you are looking to see if someone is
8 proficient in the area of specialization, if it's a math
9 teacher you look to see if that person can actually
10 teach a math lesson?

11 A And we look at the transcript. And of course
12 we call the references. But I don't really rely on
13 references a lot because people don't ask people for a
14 reference unless it's going to be a good reference. I
15 call the principal that they taught for.

16 But a lot of my teachers haven't taught, so
17 it's a matter of seeing if they are willing -- if they
18 have the proficiency from the college transcript and
19 from the questions that we ask or the demonstrations
20 that we ask them to give and a feel for whether they are
21 willing -- and ask them if they are willing to learn and
22 accept -- and that kind of thing, and generally I can
23 tell.

24 Q Is it a plus for you if a teacher has taught
25 before?

1 socially, and that we prepare them for college as much
2 as possible.

3 Q During the interview do you ask teachers what
4 they think of that vision, or how do you find out if
5 they are committed to that vision?

6 A We ask questions. You don't ask them if they
7 are committed to that vision because they will say yes.

8 Q They will say yes.

9 A So we ask questions to lead you to know if
10 that's indeed the way they feel.

11 Q Okay. You said that for the math teachers you
12 insist they be open to helping you visit the classrooms
13 and help them teach. Do you visit the classrooms
14 regularly?

15 A I do.

16 Q Every day?

17 A Every day.

18 Q And is it just the math classrooms or other
19 classrooms too?

20 A I visit all classrooms. This summer I went
21 into every classroom at least once a day. I do help the
22 students when I go in.

23 Q How do you help the students?

24 A I will ask them what they are doing and read it
25 and offer suggestions the way a teacher might. I'm not

1 A Most of the time, yes. There are some people
2 that are natural. And even if they haven't taught
3 before, I know they would make good teachers.

4 Q And you can tell that in the interview when you
5 are having them do a lesson with you?

6 A I'm sorry?

7 Q You can tell that in the interview when you are
8 having them do a lesson with you?

9 A Right. Right. That's right.

10 Q Okay. You also said that it's important to you
11 that they care about students, and that's also something
12 you can tell from the interview?

13 A Well, yes, from the questions that we ask, from
14 talking with previous employers if they have taught
15 before and just in general, not just talking about
16 school, just talking about things that they do and how
17 they interact with people, seeing how they interact with
18 people. And asking them about themselves, you can
19 generally tell; not always.

20 Q And then you said that it's important that the
21 teachers want to be at Balboa and that they be committed
22 to your vision, or "to our vision." What's that vision?

23 A That we want our kids to be eventually
24 intrinsically motivated, that we prepare them for -- to
25 think critically, to be able to function in society

1 going to change it for them. Sometimes the teacher will
2 include me in the discussion. I went in once and the
3 teacher asked me about -- I forgot exactly what she
4 asked, and I was really caught off guard, so now I'm
5 really prepared to join the discussion.

6 Q I take it that was not a math class?

7 A It was not a math class; it was a psychology
8 class.

9 Q Okay. Are you visiting the classes pretty much
10 every day at the school, or are there days of the week
11 when you are more likely to visit?

12 A I visit whenever I can. Most Tuesdays I don't.
13 Every other -- one Tuesday -- every other Tuesday I have
14 a principals' meeting, so I'm away from the school most
15 of the morning, in fact, all of the morning. So I don't
16 do a lot of visiting on Tuesdays, but every other day I
17 try.

18 Q And how come you visit the classrooms?

19 A So that I know I keep my finger on the pulse of
20 what's going on, sit in the classroom that -- it's in
21 the classroom that things are happening, so that I can
22 tell what teachers are doing and what they are not doing
23 and offer suggestions and just be physical.

24 The kids right now respond to me a lot more
25 than I want them to. I want them to respond to

1 themselves for themselves. And right now a visible
2 principal is real important to them, and so I'm out and
3 about as much as I can be.

4 Q And then the math classes that you sometimes
5 help teach, do you see that that's helpful for the
6 teachers and for the kids?

7 A It is. It models for the teachers because most
8 of my teachers are young and it gives them some ideas.
9 And also it shows the kids that a principal can do more
10 than just be principal. And it also -- I'm very
11 passionate about math, and they can tell, and so it kind
12 of runs off on them.

13 Q Do you also sometimes help the young teachers
14 in the other departments by modeling for them, or is
15 that something that you just don't do?

16 A I don't try to teach their classes, no. I have
17 other people, other assistant principals and department
18 heads that if I know they are best at that, I will let
19 them do that.

20 Q So another assistant principal, for example,
21 who had an English background, you might have that
22 person model for a class?

23 A That's right. One assistant principal has the
24 credential in English and social studies, so he does
25 that. Another one had a science and math. And since I

1 she has most of the day to be able to do that.

2 Q And how does that happen? Does she do classes
3 at night instead or does she not teach?

4 A No. She has kids that she pulls out. And so
5 if her caseload doesn't need being pulled out, then
6 she's available to go around into the classrooms.

7 Q That's great.

8 And so she doesn't have any regular classes
9 that she teaches?

10 A Right.

11 Q She only pulls students out or models with
12 other teachers?

13 A Right.

14 Q Are there any other departments like that, or
15 is that just the special education?

16 A Just the special ed.

17 Q And did you design that department that way for
18 a reason?

19 A Yes. Because we have a large special ed
20 population and -- last year when State came, Department
21 of Education -- I think I said that no one had visited.

22 Q That's okay. Now you remembered.

23 A Last year when the State Department came for --
24 I think it was an audit of some sort, we found that --
25 in preparation for their coming, we found that there was

1 did the math, he would go into the science classrooms.
2 And then one was an English language and ESL counselor
3 and teacher, and so he helps them out some.

4 Although that department really doesn't need a
5 lot of help; it's very grounded.

6 Q And is that because the teachers don't have
7 very many teachers in that department, or is it just so
8 happens that department --

9 A No, there are some new teachers in that
10 department. I'm not sure why. It's the oldest
11 learning -- small learning community, because we have
12 had English language learners there for years. It's
13 always been a school that's had a lot of -- I don't
14 about always, but as long as I've known.

15 Q Is there anyone who has training in special
16 education who can model for the special education
17 teachers at the school?

18 A I have a special education department head
19 that's excellent. Yes, she does.

20 Q And she can go into other classrooms and model?

21 A Yes.

22 Q Can she only do that during her conference
23 period, or can she also take a day to go on other
24 periods?

25 A Actually, the way I have her schedule arranged,

1 just a lot of work that needed to be done.

2 And the kids do better when the IEPs are
3 up-to-date, when the brown folders are appropriate. And
4 with the large number of special ed kids that we have,
5 it's just been very time-consuming for her, even with
6 help from paraprofessionals and another assistant and
7 Gerry Courtney, who at the time was there.

8 So yes, in order to make it the department --
9 in order to make the department work the way -- I wanted
10 it to work for the kids so that they could be
11 successful, it was necessary to do it that way.

12 Now, we are looking to have at least one class
13 or two next year. That was necessary for these last --
14 this year.

15 Q And IEP is Individual --

16 A Educational Planning.

17 Q And what's the brown folder?

18 A The brown folder is a folder that has all of
19 the data from the past years for that particular
20 student. It's like a cumulative folder, but it's
21 specific to special ed. It has the IEPs, it has the
22 testing data, it has all of the history of special ed in
23 it.

24 Q And who is the sub special education department
25 chair?

1 A It's Mary Beth Domingo.
 2 Q How do you spell the last name?
 3 A D-o-m-i-n-g-o.
 4 Q You said that you remembered that somebody from
 5 the State Department of Education came, as far as some
 6 sort of audit?
 7 A There was a team, yes.
 8 Q Do you remember if that was the coordinated
 9 compliance review units?
 10 A I don't think it's called that for special ed,
 11 is it? CCR -- there's a CCR for the whole school, and,
 12 you know -- but, no, I think it was just an audit, a
 13 random audit. Not random, but I think the IEPs for most
 14 special ed kids all over were not current.
 15 And when I say, "all over," the United States.
 16 And so California specifically decided to check them
 17 out. And so it's a way of making sure that everybody is
 18 doing what they are supposed to do.
 19 Q And that audit took place in the '99-2000
 20 school year?
 21 A It did. And they came back again this year.
 22 MR. OJEDA: She just asked when it took place.
 23 THE WITNESS: Okay.
 24 BY MS. LHAMON:
 25 Q But I appreciate your letting me know it came

1 Q What was the subject of those interviews, what
 2 were they asking you about?
 3 A They asked me how many teachers I had, how many
 4 classes I had of each special ed area, if I knew what
 5 "LH" stood for. Just to have a general idea of what I
 6 knew about special ed.
 7 Q What does "LH" stand for?
 8 A Learning handicapped.
 9 Q So going back to what you look for in a
 10 teacher --
 11 MR. OJEDA: Can we take a short break at this point?
 12 MS. LHAMON: Absolutely.
 13 (Recess taken.)
 14 BY MS. LHAMON:
 15 Q What kind of support does Balboa offer to new
 16 teachers?
 17 A We have new teacher meetings and a peer
 18 assistance and review coach.
 19 Q And are the new teacher meeting something that
 20 happened just the beginning of this school year, or did
 21 they take place throughout the year?
 22 A They take place throughout the school year.
 23 Q Who qualifies as a new teacher? Is it someone
 24 new to the teaching profession or new to teaching at
 25 Balboa?

1 back this year also.
 2 A For follow-up.
 3 Q And it was the same auditors, or the same
 4 group?
 5 A I don't know.
 6 Q Did you participate at all in that audit?
 7 A Which audit?
 8 Q Either the audit in the '99-2000 school year or
 9 this year's follow-up?
 10 A The '99-2000, I just made sure everybody did
 11 what they were supposed to do. I was not included in
 12 the audit. They just went through the -- I was asked
 13 questions for the one this year by the audit.
 14 Q Have you received a copy of a report for either
 15 year from either of those?
 16 A No.
 17 Q Do you know if a report was made?
 18 A I'm sure it was, through the district.
 19 Q Okay. Do you know if the district has received
 20 a copy of that report?
 21 A I don't know.
 22 Q Okay. You said that you were interviewed
 23 during the 2000-2001 school year for the follow-up
 24 audit.
 25 A Mm-hmm.

1 A Anyone that feels they need the support.
 2 Q So any teacher at Balboa could attend the new
 3 teacher meetings?
 4 A Right.
 5 Q And the peer assistance and support, what is
 6 that?
 7 A Peer assistance and review coach. They are
 8 provided by the district, but each school has to ask or
 9 want it. That's a coach that's assigned to the teacher,
 10 to the new teachers in order to help them in any way
 11 they may need help.
 12 Q Could any teacher at Balboa get help from the
 13 peer assistance and review coach?
 14 A No, just new teachers. Just new teachers.
 15 Q And those new teachers who are newly assigned
 16 to Balboa or new to the teaching profession?
 17 A New to the teaching profession.
 18 Q Does the peer assistance and review coach also
 19 teach classes at Balboa?
 20 A No.
 21 Q So the only job for that coach is to do the
 22 peer assistance and review?
 23 A That's right.
 24 Q How many peer assistance and review coaches
 25 does Balboa have?

1 A One.

2 Q Does that person spend all that person's time
3 at Balboa, or does that person also work for other
4 schools?

5 A That person works at other schools.

6 Q Are there particular -- is there a particular
7 number of days per week that that person is at Balboa?

8 A I don't know that.

9 Q Do you know what kind of support that person
10 provide to the new teachers at Balboa?

11 A Yes. Curriculum support, ideas for classroom
12 management, overall.

13 Q What does curriculum support mean?

14 A Helping them to figure out ways to teach a
15 particular subject, a particular lesson.

16 Q Would a new teacher go to the peer assistance
17 and review coach and say I need to know how to do this,
18 or does a peer assistance and review coach have lessons
19 that that person gives?

20 MR. OJEDA: Calls for speculation.

21 THE WITNESS: The peer assistance and review coach
22 comes to the school and goes to the teachers. I don't
23 know what happens between them.

24 BY MS. LHAMON:

25 Q Okay. So other than the new teacher training

1 that takes place throughout the year and the peer
2 assistance and review coach, is there any other support
3 that Balboa offers to new teachers?

4 A No.

5 Q So there's no mentor teachers at the school?

6 A Oh, yes.

7 Q How many mentor teachers are there at Balboa?

8 A Teachers on their own agree to be mentor
9 teachers. I don't have mentor teachers in my
10 assignment. They just agree to be mentors to the other
11 teachers.

12 Q So it's an informal process then?

13 A Yes.

14 Q And there's no -- like the new teachers are not
15 assigned to a particular person who's agreed to be their
16 mentor?

17 A Only if the teacher -- only if a teacher says I
18 want to be a mentor and only if the new teacher asks for
19 one; otherwise it's an informal process.

20 Q Do you know if there are mentor teachers in
21 every department at Balboa?

22 A I don't know that.

23 Q Are there teacher preparation days that Balboa
24 has for the teachers?

25 A Yes.

1 Q And do any of those days -- are any of those
2 days especially assigned for the new teachers at the
3 school?

4 A Some topics are for new teachers, but most
5 topics are for all teachers.

6 Q How many teacher preparation days are there in
7 a school year at Balboa?

8 A I think we had around 10.

9 Q Are there any particular materials that new
10 teachers get to assist them in teaching at Balboa?

11 A I'm not sure what you are asking.

12 Q Thanks for letting me know.

13 Is there like a new teacher packet that every
14 teacher gets on arriving at Balboa?

15 A Yes.

16 Q Okay. And what's in that packet?

17 A Teacher expectations, the movie policy, things
18 like that.

19 Q And I take it the movie policy wasn't in the
20 packet at the beginning of last school year because it
21 wasn't yet written?

22 A It was not.

23 Q But for this coming school year it will be in a
24 packet?

25 A Yes.

1 Q And was it in a packet for summer school?

2 A It was.

3 Q Is this a packet that every teacher gets at the
4 start of the year or just the new teachers?

5 A Every teacher.

6 Q Is there anything that's distinct in the new
7 teachers packets?

8 A I don't think so.

9 Q Okay. Are there maybe guidebooks or handbooks
10 or any other kinds of materials that are given to the
11 new teachers at the school?

12 A Same -- the student handbook is given.

13 Q And that's given to all the teachers?

14 A If the teachers have been there before, they
15 don't need another one.

16 Q Okay. So the new teachers get that every year?

17 A (Witness nods head.)

18 Q How often is the student handbook updated?

19 A I'm not sure. The district takes care of that.

20 Q Okay. Has it been updated since you have been
21 principal?

22 A Yes.

23 Q And so at that point everybody got a new one?

24 A Yes. And we did have a specific Balboa student
25 handbook year before last.

1 Q And is everybody getting a copy of that every
2 year, all the new teachers every year?
3 A We didn't do one this year.
4 Q Okay. How come?
5 A We felt all the information was in the district
6 handbook.
7 Q Okay. Are there in-class reviews for the new
8 teachers that you or another administrator conducts?
9 A I'm not sure what you mean by an in-class
10 review.
11 Q Okay. Well, you testified earlier that you go
12 into classes and monitor the teaching of classes?
13 A Right.
14 Q Do you take special care with the new teachers
15 in the math department when you do those reviews?
16 MR. OJEDA: Objection; vague and ambiguous.
17 THE WITNESS: What do you mean by "special care"?
18 BY MS. LHAMON:
19 Q Okay. Do you visit the new teachers in the
20 math department's classes more often than the other
21 teachers?
22 A Usually, yes.
23 Q And are -- is that the -- is there a reason for
24 that?
25 A Because I want to make sure they are doing what

1 we need them to do and to give them support if they need
2 it.
3 Q And do you know if the new teachers in other
4 departments also get visited more regularly than the
5 veteran teachers in those departments?
6 A Yes.
7 Q Yes, you know?
8 A Yes.
9 Q And yes, they do?
10 A Yes, I know and yes, they do.
11 Q Okay. Does anyone write up the reviews of the
12 teachers in their classrooms after the visit?
13 MR. OJEDA: Objection; misstates her testimony and
14 lacks foundation.
15 THE WITNESS: The visits to the classroom are
16 informal. There are formal reviews of teachers, but
17 that's separate, totally separate thing.
18 BY MS. LHAMON:
19 Q Okay. Well, could you tell me about the formal
20 reviews for the new teachers.
21 A The formal reviews for the new teachers, if
22 they are not a part -- not a part of the PAR review, is
23 just like it is for any other teacher.
24 Q And the PAR review is the peer assistance and
25 review?

1 A Right.
2 Q Okay.
3 A And if it's a new teacher that's in the PAR
4 review program, then the PAR coach visits, writes up
5 reviews, talks to me. We have a meeting with the
6 teacher and the PAR review coach, and then I do give
7 input on a summary at the end of the year.
8 Q And then that summary is given to the teacher
9 as well?
10 A Yes, it is.
11 Q Are there any other written evaluations that
12 take place before the end of the year through the PAR
13 process?
14 A Yes.
15 Q And when do those written evaluations take
16 place?
17 A Off and on, whenever the PAR coach feels it's
18 appropriate.
19 Q Okay. For the other -- for the non-PAR
20 evaluations, is the only evaluation process the STOL
21 (phonetic) review process?
22 A The which review?
23 Q The STOL review process?
24 A Is that what it's called? I don't remember
25 what the STOL review process is.

1 Q Okay. Why don't you tell me. What's the other
2 review process that takes place that's not --
3 A Two to four times a year, depending on the
4 experience of the teacher and the classification of the
5 teacher, there's a formal preconference where the
6 teacher and the administrator sit down and talk about
7 the review, set up a time, and then within a certain
8 number of days the administrator goes and visits the
9 classroom at that specific time.
10 And then within a matter of days after that,
11 they get together and go over the review, the
12 observation. And then at the end of the year, there's a
13 summary evaluation, which includes not just the
14 observation but other things.
15 Q And you say that the number of times that a
16 teacher is reviewed depends on the experience of the
17 teacher; is that right?
18 A The classification of the teacher.
19 Q Okay. And why is that?
20 A That's what the district requires.
21 Q Okay. And so how does it depend? If a teacher
22 is classified -- how do you have to be classified to be
23 reviewed four times?
24 A Emergency credential.
25 Q And if a teacher has a full emergency

1 credential, how many times is that teacher reviewed?
 2 A It depends whether that teacher is probationary
 3 or tenure.
 4 Q Is if the teacher is tenured, how many times?
 5 A Once a year, but -- and if they got a highly
 6 satisfactory, they can sign a waiver for the next year.
 7 Q And if a teacher is probationary but has a full
 8 nonemergency credential, how many times is that teacher
 9 reviewed?
 10 A Twice a year.
 11 Q So the only teachers reviewed four times are
 12 the teachers with the emergency credentials?
 13 A Yes.
 14 Q If you or if another reviewer identifies a
 15 problem in the teacher's teaching during one of the
 16 reviews, could you review that teacher more often than
 17 the four times that are required?
 18 A Yes.
 19 Q Or the two times, depending on the teacher?
 20 A Yes.
 21 Q And do you review the teacher more often if a
 22 problem has been identified in a review?
 23 A Yes.
 24 Q Did that happen during the 2000-2001 school
 25 year?

1 A Did what happen?
 2 Q That the teacher was reviewed more times than
 3 the minimal requirements.
 4 A Yes.
 5 Q For how many teachers did that happen?
 6 A Liken it to the number of times I did it.
 7 Q Okay. How many times did you do it?
 8 A Twice.
 9 Q For two different teachers?
 10 A Yes.
 11 Q Did that review process, the extra review
 12 process resolve the concerns that you had identified
 13 during the reviews for those teachers?
 14 A The teachers improved.
 15 Q But the problems weren't fully resolved?
 16 A No.
 17 Q Will those teachers be returning to Balboa in
 18 the fall?
 19 A One will, one won't.
 20 Q And so for the one who will be returning, will
 21 that teacher have more reviews also in the coming school
 22 year?
 23 A The teacher will be placed with the district.
 24 I'm not sure what it's called. It may even be peer
 25 assistance and review. Another division of it. And so

1 the district will work with me with that teacher.
 2 Q Okay. Do you know if there's any other
 3 teachers that the district is going to work with also?
 4 A At Balboa?
 5 Q At Balboa.
 6 A No.
 7 Q I'm sorry.
 8 No, you don't know or no, there aren't any
 9 others?
 10 A There aren't any others.
 11 Q Okay. How -- did you make a decision to
 12 involve the district in the review for that teacher?
 13 A It's a part of the process. If a person gets
 14 an unsatisfactory review, then that person automatically
 15 becomes a part of the district process.
 16 Q If you identify areas in which a teacher could
 17 improve, are there other things that you do in your
 18 reviews separate from involving the district in the
 19 process?
 20 A Offer support.
 21 Q What kind of support do you offer?
 22 A Depends on what the problem is. If the teacher
 23 needs more classroom management support, then that's
 24 where I offer support. If the teacher needs more
 25 curriculum support, that's where I offer support.

1 Q I guess what I'm asking is what kind of support
 2 could be offered. If the teacher needs more classroom
 3 management support, would the support be talking to
 4 other teachers about how they manage their classes?
 5 A It could be.
 6 Q What else could it be?
 7 A At one time we brought in a consultant that
 8 spoke to the teachers and gave them ideas.
 9 Q Are there written materials that a teacher
 10 might read?
 11 A Yes.
 12 Q And classes that a teacher might go to?
 13 A Yes.
 14 Q Have you offered teachers those kinds of
 15 support while you have -- since you have been principal
 16 at Balboa High School?
 17 A Yes.
 18 Q Are there any other kinds of support that you
 19 haven't mentioned yet?
 20 A No.
 21 Q Do you find as a general rule when teachers
 22 undergo those kinds of support mechanisms, that they
 23 help the teachers improve their teaching?
 24 MR. OJEDA: Objection; overbroad, calls for
 25 speculation, vague and ambiguous.

1 THE WITNESS: Sometimes.
 2 BY MS. LHAMON:
 3 Q Okay. Are there any of the mechanisms that you
 4 find more effective than others?
 5 A No.
 6 Q So it really just depends on the teacher and
 7 what that teacher needs?
 8 A Right.
 9 Q Okay. What kinds of professional development
 10 does Balboa offer to teachers?
 11 A Classroom management, the Bay Area writing
 12 projects, literacy. We took them into the community on
 13 one staff development day. Just -- the teachers decide
 14 what staff development they need.
 15 Q Have the teachers ever asked for a staff
 16 development that wasn't offered to them after they asked
 17 for it?
 18 A No.
 19 Q When you took the teachers into the community,
 20 what did that involve?
 21 A Seeing where the kids live, having a meeting in
 22 the area where they lived with speakers.
 23 Q Do the -- well, is -- the professional
 24 development that's offered at Balboa, is it required for
 25 teachers to participate in it?

1 A Yes.
 2 Q And all of it or some of it that is?
 3 A All staff development is required.
 4 Q Do you find the professional development
 5 offered at Balboa effective in assisting teachers?
 6 A Yes.
 7 Q Does the district offer any professional
 8 development to Balboa teachers?
 9 A Yes.
 10 Q And what does the district offer?
 11 A Well, it depends on what they schedule for the
 12 year and what's important. Sometimes it's special ed,
 13 sometimes it's about English language learners. It just
 14 depends.
 15 Q Okay. Well, for the 2000-2001 school year, do
 16 you know what the district offered for the teachers?
 17 A I can't recall. They all just blend.
 18 Q And do you have to go?
 19 A Oh, yes.
 20 Q You do?
 21 A Yes.
 22 Q Is the professional development offered through
 23 the district required also?
 24 A Yes.
 25 Q And all of it or some of it is?

1 A All of it is.
 2 Q Have you found that the professional
 3 development that the district offers also was effective
 4 in assisting teachers?
 5 A Yes.
 6 Q I want to ask you something about -- some
 7 questions about the teachers at Balboa themselves. I
 8 think I remember that your first day you testified that
 9 there were 59 classroom teachers at Balboa for the
 10 2000-2001 school year. Do you remember that?
 11 A Yes.
 12 Q Is that number an approximation?
 13 A I think it's right.
 14 Q Okay. I'm going to show you a document and ask
 15 for your help in reading it.
 16 We will mark it -- this will be Exhibit 2.
 17 (Recess taken.)
 18 (Defendant's Exhibit 2 was marked for
 19 identification by the court reporter.)
 20 MS. LHAMON: We have just marked as Exhibit 2 a
 21 document, a multipage document, the first page of which
 22 says, "Master Course Directory, Fall 1998" at the top.
 23 And it is Bates stamped DT-SF00055 through 00060.
 24 Q Ms. Gray, if you would look at the final two
 25 pages of Exhibit 2, which are Bates stamped DT-SF 29 and

1 DT-SF 60 --
 2 MR. ROSENTHAL: Note for the record, there's a
 3 second Bates stamp SFUSD-0055, which also goes through
 4 0060, just --
 5 BY MS. LHAMON:
 6 Q Looking first at the page marked 59 of
 7 Exhibit 2, that's got a date at the bottom that's
 8 10/23/00. Is it your understanding that this is -- this
 9 page is the master schedule for the fall of the
 10 2000-2001 school year?
 11 A It looks like it.
 12 Q Have you seen it before?
 13 A Yes. I have seen the master schedule before.
 14 Q But you haven't seen this one?
 15 A Well, I don't know.
 16 Q Okay. Is there anything that looks different
 17 to you about this one?
 18 A No. I don't know what everybody -- exactly
 19 what everybody teaches, but it looks right.
 20 Q Okay. And then the page marked 60, which is
 21 the final page of Exhibit 2, it says at the top, "Balboa
 22 High School Master Schedule, Spring 2001."
 23 Have you seen that page before?
 24 A Again, same thing, yes.
 25 Q If you could take a look at these two pages.

1 When I count them, I find 62 teachers listed, but I'm
 2 wondering if there are teachers who you are not
 3 including in the classroom teacher list.
 4 A Right. Ms. Benz is paid for through a grant,
 5 so I wasn't including her.
 6 Q This isn't actually a trick question. I really
 7 am trying to figure out how many classroom teachers
 8 there are and how to read the documents.
 9 A Joan Bank is not considered one of mine, even
 10 though she works there. She will be next year, but
 11 she's ROP this past year, Regional Occupation.
 12 Q Program?
 13 A Mm-hmm. And so she was not included.
 14 Q But next year she will be included?
 15 A Yes.
 16 Q Because she won't be in the ROP program
 17 anymore?
 18 A Well, we get the one -- the allocation instead
 19 of it being separate.
 20 Baldizer I don't think was included because
 21 he's paid for out of the grant.
 22 Q And that's B-a-l-d-i-z-e-r?
 23 A Right.
 24 Q Have I got this down to -- is there anyone else
 25 on this list?

1 A No.
 2 Q Could you take a look at the final page, which
 3 is the page marked 60, for the spring 2001. Could you
 4 look and see if there's anybody in that list that you
 5 don't include in the classroom teacher count.
 6 A No, it's the same.
 7 Q Okay. Thank you. Clears it up for me.
 8 You said that the Teacher Benz, B-e-n-z, was
 9 paid for through a grant.
 10 A Mm-hmm.
 11 Q What grant is that?
 12 A CSRD, comprehensive school reform demonstration
 13 grant.
 14 Q Is that the same grant that pays for the
 15 Teacher Baldizer?
 16 A No. I think his is through Digital High
 17 School.
 18 Q Okay. Well, starting with the CSRD grant, is
 19 that -- will that grant continue to pay for that
 20 teacher? Ms. Benz, is it, or Mr. --
 21 A Ms. Benz.
 22 Q For a teacher at Balboa in the 2001, 2002
 23 school year?
 24 A Yes.
 25 Q How long with will that grant continue to pay

1 for the teacher position?
 2 A 2001-2002.
 3 Q Was it just two years total?
 4 A It was three.
 5 Q '99-2000, 2000-2001, 2001-2002?
 6 A Yes.
 7 Q And how -- why is that position funded through
 8 CSRD?
 9 MR. OJEDA: Calls for speculation.
 10 THE WITNESS: The grant -- we got the grant, and we
 11 decided to use it for a literacy specialist, which is
 12 what we have.
 13 BY MS. LHAMON:
 14 Q Could the school have elected to use the funds
 15 for some other purpose?
 16 A Yes.
 17 Q And then the funds will run out after the
 18 2001-2002 school year?
 19 A Yes.
 20 Q Is there any chance for renewing the funds?
 21 A Not that I know of.
 22 Q Is that distressing to you?
 23 A Yes, it is.
 24 Q Has Ms. Benz been the teacher teaching in that
 25 position for the whole time so far on that grant?

1 A Yes.
 2 Q And then for the Digital High School grant that
 3 funds Mr. -- is it Mr. Baldizer?
 4 A Mr. Baldizer.
 5 Q -- his position, how did Balboa happen to get
 6 those funds, do you know?
 7 A Many schools in the district get the Digital
 8 High School funds. That was before I got there. I
 9 don't know.
 10 Q Okay. Are those funds time limited, will they
 11 run out at any point?
 12 A That I don't know.
 13 Q Are there special classes or particular classes
 14 that Mr. Baldizer has to teach because of that funding?
 15 A Yes.
 16 Q And what are those classes?
 17 A He has to be involved in -- he doesn't have to
 18 teach, but he -- no, he doesn't have to teach.
 19 Q What does he have to be involved in?
 20 A Computers.
 21 Q Okay. And does Mr. Baldizer teach also?
 22 A No.
 23 Q So he -- Mr. Baldizer is in fact not a
 24 classroom teacher?
 25 A That's right.

1 Q Is Ms. Benz a classroom teacher?
 2 A That's not true. He is teaching a computer art
 3 class, one class.
 4 Q Okay.
 5 A On the last page.
 6 Q Okay.
 7 A And Ms. Benz teaches one class, one
 8 academic-level class.
 9 Q Okay. And does the CSRD grant require her to
 10 teach that class?
 11 A No.
 12 Q And does the Digital classroom grant require
 13 Mr. Baldizer to teach the class he teaches?
 14 A No.
 15 Q And for Ms. Bank, who is the ROP teacher, does
 16 she teach a classroom? Does she teach a class, I mean?
 17 A She teaches classes in computer accounting,
 18 which is ROP.
 19 Q And will the ROP program continue to fund her
 20 for the 2001-2002 school year?
 21 A It will be included in our allocation and not
 22 separate, as it has been in the past.
 23 Q And do you know why that is?
 24 A To give us an aura of flexibility.
 25 Q Is that a choice that you made, or is that a

1 choice that you didn't get to make?
 2 A Oh, yes, it was a choice that we got to make.
 3 Q Were there classes that began -- well, strike
 4 that.
 5 Were there classes during the 2000-2001 school
 6 year that began a semester or the year without a
 7 permanent teacher assigned to the class?
 8 A That began the year?
 9 Q Or a semester, for a semester-long class.
 10 A Yes.
 11 Q What classes were those?
 12 A The second semester began an art class
 13 without -- a chorus class without a permanent teacher,
 14 and then -- actually, that's it.
 15 Q If you could look at -- that was the second
 16 semester of the 2001 -- 2000-2001 school year?
 17 A Yes.
 18 Q If you could look at the final page of
 19 Exhibit 2, the page Bates marked 60.
 20 A Okay. And Mr. --
 21 MR. OJEDA: There's no question pending.
 22 THE WITNESS: Okay. I was just going to correct
 23 something.
 24 MR. OJEDA: Go ahead. Sure.
 25 THE WITNESS: Mr. Gabutero's class also began

1 without a teacher; I just remembered that.
 2 May I take a minute to look down again?
 3 BY MS. LHAMON:
 4 Q Sure. Please.
 5 A Actually, Mr. Gabutero was the only one. The
 6 art position was filled by Ms. Valdez, and she finished
 7 the year.
 8 Q Are you through looking at the chart?
 9 A Give me just one minute. I just want to make
 10 sure.
 11 MS. LHAMON: Okay. Just so we are all clear, I have
 12 given Ms. Gray a document that she can write on, and
 13 it's not the document that we are using as an exhibit
 14 today, unless any counsel has objection to that, in
 15 which case we can use the one that she's marked as an
 16 exhibit.
 17 Q My understanding, Ms. Gray, is you are just
 18 making marks for yourself?
 19 A It's just for myself.
 20 MS. LHAMON: So unless counsel has no objection,
 21 it's okay for me that it not be a part of the exhibit.
 22 MR. OJEDA: Yes, that's fine.
 23 MR. ROSENTHAL: I have no objection.
 24 BY MS. LHAMON:
 25 Q So as I understand it, Mr. Gabutero's class

1 began the second semester of the 2000-2001 school year
 2 without a permanent teacher; is that right?
 3 A Yes.
 4 Q And the chorus class, you first testified that
 5 it began the second semester without a permanent
 6 teacher, but then you corrected that?
 7 A Right.
 8 Q In fact, that position had been filled by
 9 Ms. Valdez by the time the second semester began?
 10 A Right. But I do need to think of something
 11 else.
 12 Q Okay. Take the time you need.
 13 A The Staff C.
 14 Q That's listed on Exhibit 2 on the final page?
 15 A On the final page, yes.
 16 That one started without a teacher, so Gabutero
 17 and Staff C.
 18 Q Could we go first to the art position that you
 19 first mentioned. Had the class -- the position that was
 20 filled by Ms. Valdez, was that position open at the
 21 beginning of the 2000-2001 school year, so in the fall?
 22 A No, it was not.
 23 Q Okay. Could you tell me, do you know what made
 24 you think that that -- step back.
 25 Is that an art position or a chorus position?

1 A It was a chorus position at the beginning of
 2 the year. The teacher left at midyear, and we made it
 3 an art class the second semester.
 4 Q When Ms. Valdez came?
 5 A Yes.
 6 Q So for the entire first semester of the
 7 2000-2001 school year, the chorus class or classes had a
 8 teacher for that entire semester?
 9 A That's right.
 10 Q Then between the two semesters that class was
 11 switched to -- those classes were switched to art
 12 classes with a new teacher?
 13 A Not between. At the beginning of the new
 14 semester. Ms. -- the chorus teacher had given me prior
 15 notice that she was not coming back the second semester.
 16 So in high school, classes change at semester.
 17 Q Okay.
 18 A So we changed it at semester.
 19 Q Okay. But there wasn't any part of a school
 20 year where the students in the chorus classes or the art
 21 classes didn't have a teacher assigned to them?
 22 A That's right.
 23 Q Okay. Thanks.
 24 And then for Mr. Gabutero's class at the
 25 beginning of the second semester of the 2000-2001 school

1 Q And for the -- most of the rest of the year.
 2 So the end of the fall semester and most of the second
 3 semester, was it a single sub who taught the class or
 4 were there more than one substitute teachers who taught
 5 those classes?
 6 A Mainly one sub taught the class, mainly.
 7 Q But there were a couple of other subs as well?
 8 A For a few weeks.
 9 Q And were those few weeks at the beginning while
 10 you were looking for a sub, or were they just dispersed
 11 throughout that time?
 12 A At the beginning and then at the end.
 13 Q And starting with the beginning, why were there
 14 a couple of different subs who were teaching the class
 15 then?
 16 A Because we didn't find a person to teach the
 17 class.
 18 Q For the whole time?
 19 A Right.
 20 Q For that beginning period while you were
 21 looking for someone to teach the class, do you know how
 22 many different substitutes there were filling that
 23 position?
 24 A No.
 25 Q Do you have an estimate? I mean, is it 10?

1 year -- well, strike that.
 2 For Mr. Gabutero's class -- was Mr. Gabutero
 3 there for the entire first semester of the 2000-2001
 4 school year?
 5 A Almost.
 6 Q So he left just before the end of that
 7 semester?
 8 A Right.
 9 Q Do you know how many days or weeks before the
 10 end of the semester he left?
 11 A A matter of days.
 12 Q And then the next semester began, and then
 13 there wasn't a permanent teacher assigned at the
 14 beginning of that semester?
 15 A That's right.
 16 Q Do you know how long it took to get a permanent
 17 teacher for those classes?
 18 A We had a sub in there that we used most of the
 19 year.
 20 Q For the rest of the semester?
 21 A Most of the rest of the semester, yes.
 22 Q And what did Mr. Gabutero teach?
 23 A Health and physical education.
 24 Q And he taught five classes; is that right?
 25 A Yes.

1 A No. One or two.
 2 Q And then for the period at the end when there
 3 were substitutes, again different from the person who
 4 had been there most of the time, do you know why the
 5 person who had been there most of the time wasn't still
 6 there?
 7 A Yes.
 8 Q Why was that?
 9 A We asked him not to come back.
 10 Q Okay. Do you know how many substitutes there
 11 were for that final period at the end?
 12 A One.
 13 Q And how long was that period?
 14 A Couple weeks.
 15 Q So there were a couple weeks on either side and
 16 then a stretch of time when there was another sub who
 17 was there for the bulk of the time?
 18 A That's right.
 19 Q Has -- well, is that position still unfilled
 20 for -- well, strike that.
 21 For the beginning of the 2002 -- the 2001-2002
 22 school year, has that position been filled?
 23 A The position has been consolidated.
 24 Q With what?
 25 A With no longer having that position.

1 Q Right.
 2 So you don't need to offer as many health
 3 classes as were offered this year?
 4 A That's right.
 5 Q And you don't need to offer as many PE classes
 6 as were offered this year?
 7 A That's right.
 8 Q Is that because there will be fewer students
 9 next year?
 10 A It's because we encourage the kids to take it
 11 during the summer.
 12 Q Okay.
 13 A And because I consolidate positions.
 14 Q Was that a budgetary decision?
 15 A Yes.
 16 Q And was that a decision that was mandated by
 17 the district, or how did -- how did that budgetary
 18 position come about?
 19 A The number of consolidations was mandated by
 20 the district. The actual classes was left to us.
 21 Q Okay. And a consolidation, so I understand it,
 22 is a reduction in number of teaching positions at the
 23 school?
 24 A Right.
 25 Q How many fewer teaching positions will there be

1 for the 2001-2002 school year?
 2 MR. OJEDA: Objection; overbroad. Are you referring
 3 specifically to Balboa?
 4 MS. LHAMON: Yes, thank you, I am.
 5 THE WITNESS: I think I had consolidated seven
 6 positions.
 7 BY MS. LHAMON:
 8 Q Is it -- do you have projections for the number
 9 of students who will be at Balboa for the 2001-2002
 10 school year?
 11 A We can use I think the CBEDS state -- CBEDS
 12 number.
 13 Q From the 2000-2001 school year?
 14 A Yes.
 15 Q So right now your projection is there will be
 16 roughly the same number of students who will be at --
 17 A Yes.
 18 Q But seven fewer teaching positions?
 19 A Yes.
 20 Q Is that stressful for you?
 21 A Yes.
 22 Q What do you -- what's your plan for how to
 23 serve the students' needs with seven fewer teachers?
 24 A Well, actually we had too many teachers.
 25 Q You did?

1 A Mm-hmm. For the enrollment.
 2 Q And how do you assess that, having too many
 3 teachers?
 4 A The classes are smaller than the district
 5 average.
 6 Q What's the district average number of students
 7 in a class?
 8 A 9th grade math and English is 20, and all
 9 others need 34.5.
 10 Q And what were the average -- excluding the 9th
 11 grade English and math classes, what was the average
 12 number of students in classes at Balboa?
 13 A I don't know, but well under 35.
 14 Q Okay. Is it your expectation that with the
 15 seven fewer teachers at Balboa, Balboa will offer
 16 classes that come closer to the district average in
 17 class size during the 2001-2002 school year?
 18 MR. ROSENTHAL: Objection; calls for speculation.
 19 MR. OJEDA: Join.
 20 THE WITNESS: I don't know.
 21 BY MS. LHAMON:
 22 Q Well, let me ask it a different way.
 23 We started talking about what you thought you
 24 would do to meet the students' needs at Balboa. And you
 25 started telling me during the 2000-2001 school year

1 there was a surplus of teachers at Balboa.
 2 Was that surplus equal to seven teachers?
 3 A I don't know. I just know with -- I don't
 4 know.
 5 Q Okay. Absent a budgetary mandate, would you
 6 have elected to reduce the number of teachers at Balboa
 7 by seven?
 8 A No.
 9 Q Would you have elected to reduce the number of
 10 teachers at Balboa at all?
 11 A No.
 12 Q Are you concerned about the quality of
 13 education offered at Balboa, that will be offered at
 14 Balboa for the 2001-2002 school year because of the
 15 reduction in number of teachers?
 16 A Not really.
 17 Q Okay. And why is that?
 18 A Because we have other ways of -- we have other
 19 sources of funding to try to make up for the difference.
 20 Q And will those sources of funding be used for
 21 teachers or instructional aids or for other things at
 22 the school?
 23 A Lots of different things.
 24 Q So you will make up for the difference in
 25 number of teachers not necessarily with other personnel

1 who will be teaching, but possibly with other means as
 2 well?
 3 A With other personnel, through the grants and
 4 through shifting the budget, shifting some things in the
 5 budget.
 6 Q Okay. Starting with the grants, will there
 7 be -- are you referring only to the CSRD and the Digital
 8 High School grants?
 9 A No.
 10 Q What are the other grants you are referring to?
 11 A With our 21st Century grant, we have a
 12 partnership grant, a partnership grant, small learning
 13 community grant. I don't remember all of them.
 14 Q But there may be more than the three that you
 15 named?
 16 A Yes. The three, plus the Digital High and the
 17 CSRD.
 18 Q Are the -- is the 21st Century grant a new
 19 grant to the school?
 20 A It is.
 21 Q And so it will start for the 2001-2002 school
 22 year?
 23 A Yes.
 24 Q And is the partnership grant a new grant?
 25 A Yes.

1 Q It will start the 2001-2002 school year?
 2 A Yes.
 3 Q And the small learning community grant, is that
 4 new?
 5 A Yes. I'm not even sure if we have that, but we
 6 are supposed to get it.
 7 Q Okay. How are you sure you are supposed to get
 8 it if you are not sure you have it?
 9 A Well, I'm going to assume that we got it. They
 10 said it looks good.
 11 Q So we can bank on it?
 12 A Pretty much.
 13 Q Starting with the 21st Century grant, what does
 14 that grant fund?
 15 A Don't know. Just got it. We are supposed to
 16 meet.
 17 Q And who is the grant from?
 18 A Don't know.
 19 Q Okay. So you didn't participate in applying
 20 for it?
 21 A I did not.
 22 Q Do you have any idea how much money the grant
 23 provides?
 24 A 125,000; 130,000.
 25 Q And that's per year?

1 A Per year.
 2 Q And the partnership grant, do you know where
 3 that's from?
 4 A I don't. I don't know how much that is.
 5 Q Do you know what it's designed to fund?
 6 A School career partnerships, I think.
 7 Q And do you know how long that grant will last,
 8 for how many years?
 9 A No, I don't.
 10 Q I didn't ask you about the 21st Century.
 11 A Three years.
 12 Q And the small learning community grant,
 13 assuming that you in fact get that for Balboa, do you
 14 know how many years that will last?
 15 A I don't.
 16 Q Do you know what it's supposed to fund?
 17 MR. OJEDA: Objection.
 18 THE WITNESS: Small learning communities, for which
 19 our school is divided into small learning communities,
 20 and it's to help to make sure we can continue that.
 21 BY MS. LHAMON:
 22 Q And that -- one of those small learning
 23 communities is a special education community, as you
 24 told me earlier; is that right?
 25 A No, not really.

1 Q Okay. I misunderstood.
 2 A Yeah. Although special ed kids will be a part
 3 of each of the small learning communities. I mentioned
 4 the ELL is what I said was the oldest smallest running.
 5 Q So that's one separate small learning
 6 community?
 7 A Yes.
 8 Q And how many other small learning communities
 9 are divided -- will there be a math community or is it
 10 9th-graders?
 11 A 9th -- it's by grade -- we have three small
 12 learning communities; action, sage, and LLL, lifelong
 13 learning. The three have a community service focus.
 14 The 10th grade, there are two small learning
 15 communities; communication arts, which is an academy;
 16 and Action 2.
 17 11th and 12th grade are the school-to-career --
 18 well, let's start -- scratch school-to-career.
 19 Communication arts, law academy, wilderness arts and
 20 literacy collaborative, health and science. And there's
 21 one more that I can't recall right now.
 22 Q And I remember testimony from you the first day
 23 about the law academy and the wilderness arts and
 24 science?
 25 A Wilderness arts and literacy collaborative.

1 Q Thank you.
 2 So is it correct that at least the 11th and
 3 12th grades' small learning communities have been in
 4 existence before the beginning of the 2001-2002 school
 5 year?
 6 A Yes.
 7 Q For the 9th and the 10th grade small learning
 8 communities, had they also been in existence before the
 9 beginning of the fall?
 10 A One.
 11 Q Which one?
 12 A Action.
 13 What's your question again? Since the
 14 beginning of the fall?
 15 Q Had they been in existence before the beginning
 16 of the coming fall?
 17 A Action.
 18 Q Had Balboa received a small learning community
 19 grant before now, then?
 20 A No.
 21 Q That was just the reform that you had
 22 implemented?
 23 A Yes.
 24 Q Okay. So it will be nice to get some extra
 25 funds for it, then?

1 A Yes.
 2 Q Will the students -- how does it work? If the
 3 9th grade students are in three different learning
 4 academies, but in 10th grade there's only two, and
 5 action is one of the two that continues, how do the
 6 students progress from the learning communities in the
 7 9th grade to the learning communities in the 10th grade?
 8 A Action 2 is not a continuation of Action 1. We
 9 have, first of all, fewer students in 10th grade, and
 10 the classes can be larger. 9th grade classes have to be
 11 20 to 22. So when they get to 10th grade, the classes
 12 can be larger, so you need fewer communities.
 13 Q Okay. Do you know how much the small learning
 14 community grant will be, assuming that Balboa does get
 15 it?
 16 A No, I don't.
 17 Q Do you know how many years it will last?
 18 A No.
 19 Q Okay. I think you testified, and correct me if
 20 I'm wrong, please, that one of the ways that you intend
 21 to serve the students' needs in spite of seven fewer
 22 teachers beginning in the 2001-2002 school year is to
 23 use some of these grants to satisfy students' needs; is
 24 that correct?
 25 A That's correct.

1 Q What are the kinds of needs that you will be
 2 able to satisfy that are related to the teacher -- the
 3 reduction in the number of teachers?
 4 MR. OJEDA: Objection; overbroad, vague and
 5 ambiguous.
 6 THE WITNESS: Can you be more specific.
 7 BY MS. LHAMON:
 8 Q Yes.
 9 I'm trying to figure out, what's the
 10 relationship between the reduction in the number of
 11 teachers that you will have on your staff between the
 12 2001-2002 school year and the 2000 and 2001 school year
 13 and the grants that you have identified for me. And so
 14 I'm asking you to amplify your answer.
 15 A I can't be specific, but what I can say is that
 16 each of the grants provides for a coordinator. So
 17 that's a .2 here and a .2 there and a .2 there. So when
 18 you keep adding up the .2s that each of them provide, it
 19 adds up to teacher allocation.
 20 Q So when you say it provides for a coordinator
 21 and that's a .2 here, it's .2 of a staff position?
 22 A That's right.
 23 Q And you can add them up and get to a 1?
 24 A Yes.
 25 Q And that staff position is a teacher?

1 A That's right.
 2 Q Okay. But even though -- even with those
 3 additional funds, you will have seven fewer teachers at
 4 the school; is that right?
 5 A Not really, I don't think so.
 6 Q So with those additional funds you will be able
 7 to have more teachers than the seven than the district
 8 has required Balboa to reduce?
 9 A That's right.
 10 Q So these additional teachers will be funded
 11 through the grants and not through the district?
 12 A Yes, except the ROP. We will get .02 from ROP.
 13 Q Okay. That makes it clear for me. Thank you.
 14 You also testified that at the beginning of the
 15 second semester in the 2000-2001 school year there was a
 16 Staff C class --
 17 A Mm-hmm.
 18 Q -- that had a vacant teacher position?
 19 A Mm-hmm.
 20 Q Looking at Exhibit 2, the final page, which is
 21 Bates stamped 60, that Staff C position am I correct
 22 was -- tell me which classes that Staff C position was
 23 to teach.
 24 A Mathematics.
 25 Q And it's five mathematics classes?

1 A Yes.

2 Q How long -- do you know how long that Staff C
3 position was vacant?

4 A As I testified earlier, there was a sub there
5 that stayed in there until I found a math major. At the
6 last deposition I couldn't remember his name, but his
7 name is Steve Dolgin, D-o-l-g-i-n?

8 Mr. Dolgin was the teacher for that class until
9 I found a math major.

10 MR. OJEDA: She just asked you how long the position
11 was open, I believe.

12 THE WITNESS: Okay.

13 I'm not sure how long it was open.

14 BY MS. LHAMON:

15 Q Okay. Had it -- it was -- was the position
16 open starting the beginning of the 2000 -- the second
17 semester of the 2000-2001 school year, or was it open
18 also before the end of the fall semester?

19 A It was open before the end of the fall
20 semester.

21 Q Do you know how many weeks or days it was open
22 before the end of the fall semester?

23 A The teacher left in November.

24 Q And so from November to the end of the fall
25 semester it was open?

1 Q Okay. What were the other vacancies during
2 that school year?

3 A For a short period of time there was a sub -- I
4 testified to this at the last one -- for the positions
5 which Mr. Duca accepted, D-u-c-a. Another teacher had
6 the position and left after a number of weeks, and
7 Mr. Duca filled the position.

8 Q So the -- I didn't mean to cut you off.

9 A That's all right.

10 Mr. Morgan left, and that position had to be
11 filled by someone else. And the teacher before
12 Mr. Morgan that year was Mr. Briskin.

13 Q How do you spell Briskin?

14 A B-r-i-s-k-i-n. It's on 59.

15 Q Of Exhibit 2?

16 A Yes.

17 Q Thank you.

18 Is that all the vacancies you can recollect for
19 the 2000-2001 school year?

20 A Well, we already talked about Ms. Valdez that
21 took Ms. Carson's place.

22 Q So the art course/chorus position, which was
23 Ms. Valdez ultimate position, Mr. Gabutero's class, the
24 Staff C position, Mr. Duca's position, and Mr. Morgan's
25 position, and that's it; right?

1 A Mr. Dolgin.

2 Q Okay. But it was an unfilled position?

3 A Right.

4 Q And for some period of time at the beginning of
5 the second semester, it was also an unfilled position?

6 A Right. With Mr. Dolgin.

7 Q And Mr. Dolgin was the only person who taught
8 the class during the period when the position was
9 unfilled; is that right?

10 A I think so.

11 Q So there weren't any other substitute teachers
12 in there?

13 A I can't say that for a fact, but I think so.

14 Q Okay. So students in those five math classes
15 for the entire school year 2000-2001 saw approximately
16 three teachers; one who started, Mr. Dolgin, and then
17 the math major who replaced Mr. Dolgin?

18 A That's right.

19 Q And that's barring a day or two of substitutes?

20 A That's right.

21 Q Okay. Thanks.

22 And those are the only vacancies for the entire
23 2000-2001 school year; is that right, the Staff C
24 position and the Mr. Gabutero position?

25 A No.

1 A I think so.

2 Q Starting with Mr. Duca's position, what did
3 Mr. Duca teach?

4 A Math.

5 Q And who had -- was Mr. Duca teaching math at
6 Balboa High School at the beginning of the fall of the
7 2000-2001 school year?

8 A No, he took the position when it was vacated by
9 another teacher.

10 Q So the school year started with one teacher,
11 that teacher left. Did Mr. Duca come in immediately
12 after that teacher left, or was there a period when
13 there was somebody else in the class?

14 A Within 10 days.

15 Q And during that 10-day period, was there the
16 same one teacher for the classes?

17 A I don't think so.

18 Q Okay. So there were some substitutes?

19 A Yes.

20 Q Okay. And then Mr. Duca stayed for the rest of
21 the 2001 -- the 2000-2001 school year?

22 A Yes.

23 Q And he began the second semester with the
24 class?

25 A Yes.

1 Q And then for Mr. Morgan's class, what did
2 Mr. Morgan teach?
3 A Math.
4 Q And Mr. Briskin you testified had been there at
5 the beginning of the 2000-2001 school year?
6 A That's right.
7 Q And he left before the end of the fall semester
8 of that year?
9 A No. He left at the end of the semester.
10 Q And then Mr. Morgan began the new semester?
11 A That's right.
12 Q Was there any period of time when the students
13 didn't have a teacher assigned to that class?
14 A Yes.
15 Q And when was that?
16 A When Mr. Morgan left.
17 Q Thank you.
18 And so he left before the second semester of
19 2000-2001 school year?
20 A Yes, left after attending five days, ten days.
21 Q Okay. And who -- how long did it take to have
22 that position filled after Mr. Morgan left?
23 A A matter of weeks.
24 Q And was there one person who taught in the
25 interim?

1 A No.
2 Q So there were a couple of different subs then?
3 A Yes.
4 Q And the person -- who was it who came after a
5 matter of weeks to fill the position?
6 A Mr. Herrera.
7 Q How do you spell that?
8 A I don't know. H-e-r-r-e-r-a.
9 Q Okay. Thank you.
10 Did Mr. Herrera stay for the rest of the school
11 year?
12 A Yes.
13 Q Will he be returning in the fall?
14 A He will.
15 Q I appreciate your working me through this
16 history; it helps me to read these documents.
17 For Mr. Morgan's position, you testified that
18 it took a matter of weeks to fill the position. Why did
19 it take a matter of weeks to fill the position after
20 Mr. Morgan left?
21 A To find a teacher that could teach math and be
22 there for the rest of the year.
23 Q Had Mr. Morgan given you any notice that he was
24 going to leave?
25 A I was not there. I was out on sick leave.

1 Q Okay. I actually wanted to ask you about that
2 also. I remember you testified your first day that you
3 had been out on sick leave for a period of time.
4 Without asking anything personal about the sick leave,
5 do you know how long you were gone during the school
6 year?
7 A About six or seven weeks.
8 Q And do you know which part of the school
9 year --
10 A Yes, January 1st through February 7th, so more
11 like five or six.
12 Q Okay. Was there an acting principal in your
13 absence?
14 A Yes.
15 Q And who was that?
16 A Gilbert Chung, my assistant principal.
17 Q And Mr. Morgan obviously left -- because he
18 left only five days after the semester started, so he
19 left while you were out on sick leave?
20 A Yes.
21 Q And you don't know if he gave notice that he
22 was going to leave?
23 A I don't.
24 Q Do you know if the teacher Mr. Duca replaced
25 had given notice before that teacher left?

1 A Yes, he did.
2 Q And but there was some short period of time
3 between when that teacher left and when Mr. Duca started
4 where the position was unfilled?
5 A Yes.
6 Q And why was that?
7 A Because he gave me such short notice.
8 Q Okay. With your counsel's indulgence, I can
9 ask this question in cumulative fashion rather than
10 going through each one.
11 Just when there were positions absent or when
12 there were vacant positions at the school, was it
13 because teachers hadn't given you enough notice to fill
14 each position in time?
15 A Or it was difficult to find a person who is
16 credentialed in the area.
17 Q Okay. But for each of the absences that you
18 have told me about, excluding the one that took place
19 when you were out on sick leave, you diligently looked
20 for another teacher as soon as you found out there was
21 going to be an absence; is that right?
22 A Yes.
23 Q Okay. You didn't wait?
24 A No.
25 Q Okay. Thanks.

1 Could we turn to the 2000 -- the '99-2000
2 school year.
3 MR. OJEDA: Can we take -- Counsel, it's 12:15.
4 What are your plans in regards to lunch?
5 MS. LHAMON: I'm happy to take lunch now.
6 THE WITNESS: Let's take a break.
7 (Lunch recess was taken at 12:16 p.m.)
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1 Ms. Marquicias was killed and was replaced with
2 the teacher that we have now.
3 Q And who is the teacher who replaced her?
4 A Or Jane Cumagun, Cumagun.
5 Q And for the court reporter, Marquicias,
6 M-a-r-q-u-i --
7 A C-i-a-s.
8 Q And is Cumagun, C-u-m-a-g-a-n?
9 A C-u-m-a-g-u-n.
10 Mr. Miller was the Spanish teacher that I
11 testified about before.
12 Q Who left midway through the year?
13 A Yes, November.
14 Q Okay.
15 A I don't know what this Teacher B is. Evidently
16 that was filled right away with someone, because I know
17 there was not a special ed position left open.
18 And that's it.
19 Q Okay. And that's for the fall. Can you do the
20 spring also, which is Bates stamped 58 of Exhibit 2.
21 A Yes.
22 End of the semester Mr. Duncan.
23 Q At the end of the first semester?
24 A Mm-hmm.
25 At the end of fall '99 semester, which was

1 AFTERNOON SESSION 1:20 P.M.
2 EXAMINATION (Resumed)
3 BY MS. LHAMON:
4 Q So before the last break we talked about the
5 2000 to 2001 school year. I would like to ask you about
6 vacancies during the '99 to 2000 school year.
7 Do you remember -- or looking at Exhibit 2 can
8 you identify whether there were any vacancies during
9 that school year?
10 MR. OJEDA: Objection; overbroad. I believe asked
11 and answered as well.
12 THE WITNESS: I would have to look. I'm not sure if
13 I -- vacancies during the year, is that what you are
14 asking, like the last one?
15 BY MS. LHAMON:
16 Q That's right.
17 A I don't think so, but I couldn't say for sure.
18 Q If you could look at Exhibit 2 and see if
19 anything comes to mind. I'm asking about the '99 to
20 2000 school year.
21 A Which is which pages?
22 Q 57 and 58 of Exhibit 2. Fall '99?
23 A Fall of '99 was -- Bagatelos took sick leave.
24 Q Is Bagatelos B-a-g-a --
25 A T-e-l-o-s.

1 January 2000, Mr. Duncan left and Mr. -- but Mr. -- and
2 when he left Mr. Chatmon took his place.
3 I mention Mr. Miller earlier.
4 Q Yes.
5 A That's all.
6 Q Thank you for looking through the document.
7 What was it that Mr. Bagatelos taught when he
8 was at the school?
9 A Drivers Ed.
10 Q And also health Ed class; is that right?
11 A Yes.
12 Q And you said he took sick leave?
13 A Yes.
14 Q Do you remember when his sick leave started?
15 A Beginning of the year, right away.
16 Q Okay. And who replaced Mr. Bagatelos?
17 A We -- I didn't have a replacement.
18 Q Do you know who taught the classes while he was
19 on sick leave?
20 A I dissolved his schedule, as it is here.
21 Q And what happened to the students who were in
22 those classes then, when the schedule was dissolved?
23 A The ones at health ed took another health ed
24 teacher, and the ones in drivers ed took it after
25 school.

1 Q With another teacher?
 2 A Yes.
 3 Q Was it being offered after school already?
 4 A No, it was -- they did that because we were
 5 able to have someone come after school to do it, but not
 6 get someone to come during the day.
 7 Q Okay. And was Mr. Bagatelos on sick leave for
 8 the rest of that school year?
 9 A Yes.
 10 Q And then did he return for the --
 11 A No.
 12 Q For Mrs. Marquicias, do you remember when she
 13 was killed?
 14 A October 10th, 1999.
 15 Q Okay. I'm totally sorry to hear that.
 16 Did -- you said that Jane Cumagun replaced her?
 17 A Or Jane, mm-hmm.
 18 Q Did she come right away or was there a period
 19 when --
 20 A She came right away, although -- she came right
 21 away.
 22 Q So there were no teachers in between
 23 Mrs. Marquicias and Ms. Cumagun?
 24 A She came right away, but there was a sub in the
 25 classroom with her at first until the fingerprints

1 cleared, etc., etc., etc.
 2 Q So for some period of time students had two
 3 teachers in that classroom?
 4 A Right.
 5 Q Once she cleared the district's process, then
 6 she became the teacher for the rest --
 7 A Normal teacher.
 8 Q And she stayed for the rest of the school year?
 9 A Yes.
 10 Q And for Mr. Miller, you testified that he left
 11 in November?
 12 A Mm-hmm.
 13 Q How long did it take before a teacher came to
 14 that class to stay for the rest of the term?
 15 A I don't know. I -- for the rest of the term?
 16 Q Mm-hmm. For the rest of the school year.
 17 A I think I testified that we had a substitute
 18 that stayed the majority of the year. It took a few
 19 weeks before we got him.
 20 Q And then that substitute stayed for the rest of
 21 the year?
 22 A He stayed for the rest of the year, yes.
 23 Q And for our special education, though, was the
 24 teacher of B class, you don't remember that?
 25 A I don't.

1 Q Okay. Do you -- when I've looked at Exhibit 2
 2 on pages 57 and 58, it looks to me like a teacher whose
 3 last name is spelled E-h-e-a-r-t --
 4 A Eheart.
 5 Q -- took that position and was there certainly
 6 by the second semester.
 7 A She was there from the beginning.
 8 Q That's your memory?
 9 A Yes.
 10 Q Okay.
 11 A It just wasn't changed on there.
 12 Q Okay. And then you said at the end of fall of
 13 '99 semester, Mr. Duncan left and a Mr. Chatmon took his
 14 place?
 15 A Right.
 16 Q What was that class?
 17 A American Democracy.
 18 Q Okay. And did Mr. --
 19 A And Modern World.
 20 Q Did Mr. Chatmon come immediately, or was there
 21 a period when students had different teachers?
 22 A He came immediately.
 23 Q Okay. For each of the teachers who filled in,
 24 so excluding the Bagatelos vacancy, because that class
 25 was then dissolved, but for Ms. Cumagun, for the teacher

1 who took over Mr. Miller's class for the most of the
 2 rest of the year, for Ms. Eheart and Mr. Chatmon, is
 3 each of those teachers fully credentialed?
 4 A No.
 5 Q Which of them is not or are not?
 6 A The teacher that took over Mr. Miller's class
 7 was not; he was an emergency, a long-term sub.
 8 Q Okay. And how about for the others?
 9 A Marquicias was fully credentialed. Ms. Eheart
 10 is an emergency teacher, that was Teacher B.
 11 What was the other one?
 12 Q Mr. Chatmon.
 13 A Mr. Chatmon was credentialed.
 14 Q So it's just Ms. Eheart and the teacher who
 15 took over after Mr. Miller left; is that correct, who
 16 are not fully credentialed of these teachers?
 17 A Right.
 18 Q Is there a reason that the teacher that --
 19 Ms. Eheart for the special education class was not
 20 credentialed, was there not a credentialed teacher
 21 available for that class?
 22 A It's -- special ed is a special -- is a
 23 shortage area, and she's emergency credentialed.
 24 Q Okay. And for the teacher who took over
 25 Mr. Miller's class, he wasn't fully credentialed because

1 he was a substitute; is that right?
 2 A Right.
 3 Q Okay. Will it stretch things too much if I ask
 4 you for the '98-'99 school year? If we look at these
 5 documents, will you be able to remember that far back?
 6 A '98-'99?
 7 Q Yes.
 8 A I was not there '98-'99 except four weeks,
 9 three. From August the whatever until September, the
 10 14th. About a month. I was there about a month.
 11 Q Okay. So should I ask you about that fall
 12 period then, or should I -- is that going to be too hard
 13 for you to remember?
 14 A I won't remember anything.
 15 Q Okay. I'll let the documents speak for
 16 themselves on that one.
 17 A Okay.
 18 Q Thank you.
 19 All right. For the 2001-2002 school year, are
 20 all of the teacher positions filled now, or are you
 21 hiring still for any of the teacher positions?
 22 A Still hiring.
 23 Q For which positions are you still hiring?
 24 A I need a dean to replace Mr. Courtney. I think
 25 that's all.

1 Q You can't figure out if there's any classroom
 2 teachers' positions that are unfilled right now?
 3 A No. Well, I -- no. I've turned in a request
 4 for each of the positions, yes.
 5 Q When you say you turned in a request for each
 6 of the positions, does that mean that you have requested
 7 to have a teacher there?
 8 A Requested to hire someone for each of the
 9 vacant positions.
 10 Q And has someone agreed to that request?
 11 A Yes.
 12 Q So they are filled, there's a person who has
 13 been filled for each position?
 14 MR. OJEDA: Calls for speculation.
 15 THE WITNESS: That's right; I don't know whether the
 16 district has hired them or not.
 17 BY MS. LHAMON:
 18 Q Okay. I didn't understand that.
 19 That's the regular process, that if -- when you
 20 want to hire a teacher, you request it at the district
 21 level?
 22 A Yes.
 23 Q When do you expect to be notified about whether
 24 those positions have been hired?
 25 A Depends. It's usually by the beginning of the

1 year, but immediately after they do the investigation,
 2 the background check, and go through all the paperwork.
 3 Q Okay. And when you make the request to the
 4 district, does that take place after you have offered a
 5 position to the teacher and the teacher has accepted?
 6 A When I make a request to hire a teacher?
 7 Q Yes.
 8 A Yes.
 9 Q Okay. So assuming that the district passes off
 10 on the person, that personally come to campus?
 11 A Right.
 12 Q Okay. Thanks.
 13 Have you in your time as principal at Balboa
 14 received complaints from anyone about teacher vacancies
 15 at the school?
 16 A Yes.
 17 Q From whom have you received those complaints?
 18 A I've heard from students.
 19 Q And what have you heard from the students?
 20 A They want to know when I was going to get them
 21 a teacher.
 22 Q And was that during the school year that just
 23 ended, the 2000 to 2001 school year?
 24 A Both, when Mr. Miller left as well as whenever
 25 someone leaves.

1 Q Sure.
 2 And it's just routine when someone leaves you
 3 hear from the students that -- they want to know when
 4 they are going to get a new teacher?
 5 A Pretty much.
 6 Q What do you tell them?
 7 A That I'm doing the best I can.
 8 Q Okay. And do they -- they just ask you when
 9 they see you in the halls, because they see you in the
 10 halls a lot?
 11 A Sometimes they come to the office, especially
 12 if the substitute, they feel, is not meeting their
 13 needs.
 14 Q Okay. Do you have an estimate of how many
 15 students you heard from during the 2000 to 2001 school
 16 year about that?
 17 A Two or three, maybe.
 18 Q And how about for the prior school year?
 19 A More, because of Mr. Miller's absence.
 20 Q Okay. So that was the Spanish classes?
 21 A Yes.
 22 Q Have you ever heard from parents about concerns
 23 about the teacher vacancies at Balboa?
 24 A Maybe one.
 25 Q And that was during the school year that just

1 ended?
 2 A No, the one before.
 3 Q And was that about Mr. Miller also?
 4 A Yes.
 5 Q What did you say to that parent, do you
 6 remember?
 7 A No.
 8 Q And have you heard from any teachers about
 9 teacher vacancies at the school?
 10 A What do you mean, heard from teachers?
 11 Q Have any teachers complained to you about
 12 having teacher vacancies at the school?
 13 A No.
 14 Q Have they commented to you, have you heard
 15 anything about it from the teachers?
 16 A Not really.
 17 Q Okay. Thanks.
 18 Do you think it impacts students' learning to
 19 take classes when there's not a permanent teacher
 20 assigned to that class?
 21 A If it's for an extended period of time.
 22 Q Why is that?
 23 A Because kids need a permanent teacher.
 24 Q Is that because it provides consistency to the
 25 kids?

1 A Yes.
 2 Q Is there any other reason you can think of?
 3 A As I said, they are relationship-driven, and if
 4 they establish the relationship, they tend to do better.
 5 Q You have described to me earlier this morning
 6 the process that you go through to hire teachers at the
 7 school. Is that the same process that you go through to
 8 fill teacher vacancies when they come up?
 9 A Yes.
 10 Q At the -- during the '99 to 2000 school year
 11 when you were hearing complaints from students and maybe
 12 from a parent about the vacancies from Mr. Miller's
 13 class, did you take any steps in addition to the steps
 14 that you would ordinarily take to fill a vacancy?
 15 A I was already going beyond, I felt, what I
 16 could do every time I had an opportunity. So I just
 17 told them I was doing the best I could, and I continued
 18 to do the best I could.
 19 Q When you say you were already going beyond, is
 20 that you just were already taking every step you could
 21 think of?
 22 A Every step I could think of.
 23 Q Did you ever ask anyone at the State level to
 24 assist you with the vacancy?
 25 A No, just the district.

1 Q Okay. Thanks.
 2 A And the other teachers.
 3 Q And what did you ask the other teachers?
 4 A If they knew anyone.
 5 Q Did that produce any candidates, did anybody
 6 interview?
 7 A Not for Mr. Miller's position.
 8 Q But for some of the other ones?
 9 A Yes.
 10 Q Is that a pretty good source for finding
 11 teachers, other teachers in the school, if you need
 12 them, if you ask the teachers who they know?
 13 A No.
 14 Q Not usually?
 15 A Not usually.
 16 Q Okay. Do you keep hiring memos for the
 17 teachers that you hire at the school?
 18 A What are hiring memos?
 19 Q Fair point.
 20 Do you write -- do you write a letter offering
 21 a teacher a position?
 22 A No.
 23 Q Is there anything in writing that indicates
 24 that a teacher has been hired?
 25 A Yes.

1 Q And what's that called?
 2 A It's called a SRPA, S-R-P-A, I think, and I
 3 don't know what it stands for.
 4 Q I don't either. Okay.
 5 And that's something you give to the district;
 6 is that right?
 7 A I give that to the district and a copy to the
 8 teacher and I keep the copy.
 9 Q And that's what initiates the process the
 10 district goes through to decide?
 11 A Yes.
 12 Q And you do keep copies of those; is that right?
 13 A Yes.
 14 MS. LHAMON: Counsel, that's probably something we
 15 would like to receive, copy of those hiring letters or
 16 SRPA memos also.
 17 MR. OJEDA: You haven't clarified what time period.
 18 MS. LHAMON: The same time period that we always are
 19 talking about, the '98 to '99 school year to now. And
 20 for Ms. Gray, certainly the time period -- certainly the
 21 time period she's been at the school.
 22 Q Is there a daily absent list for teachers at
 23 the school, so if a teacher's going to be absent you
 24 write down which --
 25 A There's a sign-in sheet with the teachers who

1 are absent or who are present, and there is a log of
 2 substitutes who are at the school on a particular day
 3 and for whom they are subbing.
 4 Q And that's something you keep at the school?
 5 A Yes.
 6 Q Is that something that you then have to share
 7 with the district, or does that just stay at the school
 8 site?
 9 A It stays at the school site. The A role is
 10 sent in on a monthly basis.
 11 Q So that's how the district knows how many
 12 substitute teachers were at the campus?
 13 A That's how they know the absences for the
 14 teachers and -- yes, the number of substitutes.
 15 Q Okay. You testified on your first day that
 16 there's been a high teacher turnover rate at Balboa and
 17 it's been decreasing since you have been principal; is
 18 that right?
 19 A Yes.
 20 Q Do you think that the teacher turnover rate
 21 impacts kids' learning?
 22 A Yes.
 23 Q How does it impact them?
 24 A Because there's no consistency and the
 25 relationships are broken.

1 Q Okay. And have you heard from any of the kids
 2 any complaints about the teacher turnover at the school?
 3 A No. Not about the teacher turnover.
 4 Q Okay. You heard about teachers?
 5 A Yes.
 6 Q Have you heard from teachers any concern about
 7 the teacher turnover at the school?
 8 A Yes.
 9 Q What have they said to you?
 10 A That they wish we didn't have as much teacher
 11 turnover.
 12 Q Did they offer suggestions for ways to keep
 13 teachers at the school?
 14 A Yes.
 15 Q Do you -- what are the kind of suggestions you
 16 have heard from teachers?
 17 A They are things I've been trying to do.
 18 Q So you follow their suggestions?
 19 A I'm already doing it. Basically I'm already
 20 doing them.
 21 Q What kinds of things are you doing?
 22 A Make the teachers feel appreciated, mainly.
 23 Look for teachers who want to be there, make sure that
 24 they know what kinds of demands and challenges they
 25 would have.

1 Q You do that when you are interviewing them?
 2 A Absolutely.
 3 Q Have teachers told you they appreciate that or
 4 that helps them?
 5 A They have.
 6 Q Do you know whether other schools in
 7 San Francisco have similar teacher turnover rates to the
 8 one at Balboa?
 9 A I don't know.
 10 Q And do you know whether other schools in the
 11 state have similar teacher turnover rates?
 12 A I don't know.
 13 Q Have you heard anybody talk about whether other
 14 schools in the state or in the district do?
 15 A No.
 16 Q Do you receive any assistance from anyone at
 17 the district level to try to retain teachers at Balboa?
 18 A I'm not sure what you are asking. What kind of
 19 assistance?
 20 Q Well, anything. I mean you said what you try
 21 to do to keep teachers at Balboa is to support them and
 22 to make them feel appreciated. Has there been anything
 23 from the school district that would assist you in that
 24 effort?
 25 A I think the peer assistance and review program

1 is one way of keeping teachers because it gives them
 2 support, and that's from the district.
 3 Q Okay. Can you think of anything else in
 4 addition to that?
 5 A Not offhand.
 6 Q Okay. And have you received any assistance
 7 from anyone at the State level to try to retain teachers
 8 at Balboa?
 9 A No.
 10 Q You testified on your first day that at Balboa
 11 you keep a list of the credentials that teachers have.
 12 How often is that list updated?
 13 A First of all, that was an error.
 14 Q Okay.
 15 A I have -- what was -- what did I testify to,
 16 that I had a list?
 17 Q That you had a list of the credentials teachers
 18 have.
 19 A Right. I do have that list.
 20 Q What's --
 21 A I thought you were asking something else.
 22 Q Okay. You should feel free to let me know if
 23 you have something you have to correct from the first
 24 day also or from this morning.
 25 MR. OJEDA: Counsel, if I can interject, I believe

1 what you are referring to is her testimony that she has
 2 copies of the actual credentials pertaining to teachers.
 3 THE WITNESS: Right.
 4 MR. OJEDA: That's the clarification.
 5 THE WITNESS: I don't have copies. I have copies of
 6 a few of the credentials. I have a list of the teachers
 7 and what their credentials are, and then I have a few of
 8 the copies of the credentials where there was some
 9 questions.
 10 BY MS. LHAMON:
 11 Q Okay. And where there were questions about
 12 whether they actually had the credentials that they had?
 13 A Right.
 14 Q But you do have a list of the credentials that
 15 the district tells you the teachers have; is that
 16 correct?
 17 A That's right.
 18 Q And how often is that list updated?
 19 A I only had it once and that was this year.
 20 Q The 2000 to 2001 school year you kept that
 21 list?
 22 A Right.
 23 Q Will you do it again next year, do you think?
 24 A I don't know. That was the first time I was
 25 given that.

1 Q You were given it by the district?
 2 A Yes.
 3 Q That would certainly help us to find out who
 4 has credentials if we had that list.
 5 THE WITNESS: You have that list.
 6 MR. OJEDA: I'll review it.
 7 MS. LHAMON: Thanks. And I would like to see it.
 8 THE WITNESS: I put --
 9 MR. OJEDA: That's okay.
 10 BY MS. LHAMON:
 11 Q How many teachers in the math department have
 12 full emergency teacher credentials?
 13 A I will have to look.
 14 MR. OJEDA: Vague as to time.
 15 MS. LHAMON: Well, I'm asking for the school year
 16 that just ended first and then we can go back.
 17 MR. ROSENTHAL: Didn't we cover that the first day
 18 of deposition?
 19 THE WITNESS: Yeah, we did.
 20 MR. OJEDA: I believe so.
 21 BY MS. LHAMON:
 22 Q I don't believe we got the answer to the
 23 question I'm asking, though.
 24 MR. OJEDA: Can you read back the question, please.
 25 (The record was read as follows:

1 "Question: How many teachers in the math
 2 department have full emergency teacher
 3 credentials?")
 4 THE WITNESS: How many are fully credentialed?
 5 (The record was read as follows:
 6 "Question: How many teachers in the math
 7 department have full nonemergency teacher
 8 credentials?
 9 THE WITNESS: Four.
 10 BY MS. LHAMON:
 11 Q Four have full credentials?
 12 A Yes.
 13 Q And how many total teachers are there in the
 14 math department?
 15 A I think seven.
 16 Q And how is it that you remember who does and
 17 does not have a credential?
 18 A Well, I just know. I know Ms. Leonida does.
 19 I know Mr. Hom does, and I know Mr. Binkowski does. I
 20 know Mr. Nguyen is a math major. I went through who
 21 was math major, but not fully credentialed yet.
 22 Q Okay. So you just remember that?
 23 A Yes.
 24 Q Okay. Thank you.
 25 Will you be able to tell me for the other

1 departments as well? Or if not, is it because you are
 2 not as familiar with the other departments?
 3 A I don't know as much about the other
 4 departments.
 5 Q Okay. Do you know how many teachers at Balboa
 6 teach subjects for which they are not fully
 7 credentialed? So for example, teachers who teach
 8 history, but who have a credential in math or something
 9 like that?
 10 A Every teacher that teaches a subject has to
 11 have at least the emergency credential in that subject.
 12 Q And I take that point.
 13 So what I'm asking is, do you know how many
 14 teachers teach subjects for which they have something
 15 less than a full nonemergency credential in that
 16 subject?
 17 A No, I don't know of any, but I think I
 18 testified before I thought it was around 38 or something
 19 like that.
 20 Q Okay. Thanks.
 21 Does Balboa have any substitute teachers who
 22 are specifically assigned to Balboa or what's called I
 23 think a stip sub?
 24 A No.
 25 Q Do you know why that is?

1 A Up until this year it's not -- it wasn't a
2 policy.
3 Q And is it a policy this year?
4 A It will be for next year, yes.
5 Q And that's a district-wide policy?
6 A Yes.
7 Q How many stip subs will Balboa then have?
8 A I don't know.
9 Q But you do know there will be some?
10 A Yes.
11 Q Or one?
12 A Yes.
13 Q Will that help you -- do you anticipate that
14 will help?
15 A Yes.
16 Q And why is that?
17 A Consistency and we need more substitutes.
18 Q Because it's a consistent face on campus?
19 A Yes.
20 Q And do you know -- strike that.
21 Do you have -- up until now have you had
22 trouble finding substitutes teachers to come to Balboa's
23 campus?
24 A Sometimes.
25 Q Do you know why that is?

1 A No.
2 Q Do the teachers tell you -- substitute teachers
3 tell you that they don't want to come?
4 A Just some do, some don't. Some tell me why
5 they like it, some tell me why they don't like it.
6 Q Okay. What have you heard about why they do
7 like it for substitutes?
8 MR. OJEDA: Objection; overbroad.
9 THE WITNESS: The latest one, a lady said she liked
10 it, it was a light load and the kids were great and she
11 liked the atmosphere.
12 BY MS. LHAMON:
13 Q Did you think she was a good teacher?
14 A The kids worked for her.
15 Q That's great.
16 And what have you heard about why teachers
17 don't like it at Balboa?
18 MR. OJEDA: Same objection.
19 THE WITNESS: Just felt it was too difficult.
20 That's all they said.
21 BY MS. LHAMON:
22 Q And so that's not somebody you would have hired
23 for long-term?
24 A No.
25 Q Okay. Does the district assist you in finding

1 substitute teachers for Balboa?
2 A Yes. There's a sub pool.
3 Q And that's where you would get all the
4 substitutes from, from that sub pool?
5 A Unless we know someone who has expressed an
6 interest in being there and given us their PIN number,
7 yes, we get them from a sub pool.
8 Q Does it happen often that you find somebody
9 who's given you the PIN number who's expressed an
10 interest and is not in the sub pool?
11 A They are all in the sub pool, but someone that
12 will give you their number and say please call me, yes.
13 Q So you don't get those people through the
14 district, but they are all part of the sub pool, you
15 just call them directly?
16 A Yes.
17 Q How many people during the 2000-2001 school
18 year had given you their PIN numbers that you could just
19 call directly?
20 A I don't handle that anyway, so they wouldn't
21 give it to me; they would give it to a teacher or my
22 secretary.
23 (Discussion off the record.)
24 BY MS. LHAMON:
25 Q When a teacher will be absent for more than one

1 day, is it your practice at Balboa to use one substitute
2 teacher for the duration of the teacher's absence?
3 A We try.
4 Q And what would prevent you from being able to
5 do that?
6 A If the teacher accepted the job for just one
7 day and they -- the substitute accepted a job for one
8 day and they may have committed somewhere else for the
9 other day.
10 Q Okay. Is there any other reason that would
11 prevent you from being able to have the same substitute
12 for the duration?
13 A No.
14 Q Do you monitor what substitutes do during class
15 time when they are on campus?
16 A Personally, no.
17 Q Is there someone at Balboa who does?
18 A Not one person, because there are generally a
19 lot of subs, as in the district. You just go in, make
20 sure the class is going on. And the security guards
21 check by to make sure the classroom --
22 Q So somebody visits a substitute class --
23 A Yes.
24 Q -- every day that there's a substitute?
25 A Yes.

1 Q Are there any classes at Balboa for which there
2 are more substitutes than seats in the class?
3 A No.
4 Q So everybody has a seat in all the classes?
5 A Yes.
6 Q And is that true for every day in the school
7 year, or have there been any days when there were more
8 students than seats in a class?
9 MR. OJEDA: Objection; vague as to time, overbroad.
10 BY MS. LHAMON:
11 Q You can answer.
12 A Well, specifically in the -- what do you call
13 those things? The allegations or whatever, there was
14 one about the art class. And I think that she had --
15 she needed more seats the first day, but she got the
16 seats the second day.
17 Q The art teacher you are referring to?
18 A Yes.
19 Q Okay. So it's your understanding that for that
20 teacher it was one day when there were more students
21 than seats?
22 A Right.
23 Q But after that --
24 A Right.
25 Q And did you check the class yourself to make

1 sure there were no seats then?
2 A No. As I testified before, Mr. Chung took care
3 of that.
4 Q Okay. And does an exterminator come to Balboa
5 on a regular basis?
6 A When called.
7 Q But not every three months an exterminator
8 comes to campus?
9 A That I don't know.
10 Q But you do know one comes if someone calls?
11 A Yes.
12 Q Do you know what the exterminator does when the
13 exterminator comes to campus? Are there areas the
14 exterminator regularly services?
15 MR. OJEDA: Calls for speculation, overbroad, vague
16 as to time.
17 THE WITNESS: When they come, they put out the
18 sticky pads wherever we ask them or tell them we might
19 need them.
20 BY MS. LHAMON:
21 Q Okay. And I'm asking I think a little bit
22 different question, which is, is there something that --
23 sticky pads are one thing an exterminator might do.
24 Is there something regular that the
25 exterminator would do when they come to campus?

1 A It's against the district policy, the board
2 policy to spray any kind of pesticide.
3 Q So they don't do that, then?
4 A So they don't do that.
5 Q Okay.
6 A It's all preventive, the sticky pads, or fill
7 in holes --
8 Q Okay.
9 A -- in the walls, things like that.
10 Q Okay. You anticipated one of my questions,
11 which is, does the district provide any guidance about
12 what schools should do to deal with pest problems. And
13 I take it they do?
14 A Yes.
15 Q And part of the guidance is don't spray
16 pesticides; is that right?
17 A That's against the district policy, so, right,
18 you can't do that.
19 Q Okay. What else is part of the guidance from
20 the district?
21 A Well, they have someone they send to evaluate
22 and see what we would need to do. If rooms need to be
23 cleaned out more or holes need to be filled, as I said,
24 that's it. All suggestions.
25 Q Does that person come with the exterminator?

1 A That person comes on a separate trip.
2 Q Is that routine that the person comes?
3 A No.
4 Q So that person also comes when called?
5 A Right.
6 Q Does the State offer any assistance to Balboa
7 about how to deal with pests?
8 A I don't know.
9 Q You testified on your first day that you had
10 never counted the bathrooms. Have you had occasion to
11 count them?
12 A No.
13 Q Fortunately your counsel provided us a map of
14 the campus, and I'm going to mark that map as Exhibit 3
15 and give you a copy.
16 (Defendant's Exhibit 3 was marked for
17 identification by the court reporter.)
18 BY MS. LHAMON:
19 Q Exhibit 3 is a two-page document, and it's
20 Bates stamped at the bottom SF01056 through SF01057.
21 And it appears from the map that there are simply
22 different floors of the campus on the pages.
23 Is that accurate, Ms. Gray, there's different
24 floors on --
25 A On each page?

1 Q I think there's two floors on the second page;
2 is that right?
3 A Yes.
4 Q And so the first page is just the first floor
5 and the basement?
6 A And the basement, right.
7 Q Could you look at this map and identify for me
8 which are the student bathrooms on the map.
9 A Did you ask me to do the first page first?
10 Q Both pages works for me. Actually, if it's
11 okay with you, we may want to use the map that you are
12 writing on as our exhibit so we can see which were the
13 bathrooms.
14 Would that be all right with you, or are you
15 writing things you don't want us to see?
16 A No, just circling the bathrooms.
17 So the gym isn't on here.
18 Q Well, there's a gymnasium box on the first
19 page.
20 A Oh, okay. I think that's it.
21 Q I see you have marked an X two places on the
22 gymnasium box on Exhibit 3 and written "girls" next to
23 one of the X's and "boys" next to the other. You were
24 identifying an additional two bathrooms; is that right?
25 A Right.

1 Q And then the other bathrooms that you circled
2 on page 1, are they all student bathrooms?
3 A Yes.
4 Q So the --
5 A I didn't circle the --
6 Q So at the top of the page closest to the words
7 "Otsego Avenue," where it says, "WM," and you circled
8 them, that's not adult bathrooms, that's student
9 bathrooms?
10 A Yes. I didn't circle adult bathrooms.
11 Q First could you tell me how many total
12 bathrooms there are for girls?
13 A For girls?
14 Q Yeah.
15 MR. OJEDA: I'll just object that the document
16 speaks for itself.
17 THE WITNESS: I don't know if I'm missing anything
18 without my glasses.
19 BY MS. LHAMON:
20 Q But you have mine.
21 A I know. They are not easy to -- I keep looking
22 at things that say, "W" and "M" and "boys" and "girls"
23 and that's not necessarily it.
24 MR. OJEDA: If you don't know, that's fine.
25 THE WITNESS: That's the best I can do.

1 BY MS. LHAMON:
2 Q The best you can do from looking at it right
3 now, how many girls' bathrooms are you seeing?
4 A No, here's another one.
5 Q It's helpful you are doing this, because the
6 map didn't have the two bathrooms in the gymnasium you
7 marked in. So it's helpful to have you, with knowledge
8 of the school, identify it for us.
9 How many boys' bathrooms are you seeing or can
10 you identify now, looking at the map?
11 A Eight.
12 Q And how many -- for the girls' bathrooms, how
13 many toilets does each bathroom have?
14 A Don't know.
15 Q Do you know how many toilets any of the
16 bathrooms for girls have?
17 A I think one on the second floor has three or
18 four stalls, four.
19 Q Do you know how many any of the other bathrooms
20 have?
21 A No.
22 Q And for the boys do you know how many toilets
23 any of them have?
24 A No.
25 Q Are all of the five girls' bathrooms you have

1 identified and eight boys' bathrooms you have identified
2 kept open and unlocked during the school day?
3 A They are open during passing periods.
4 Q But not the rest of the school day?
5 A Not during the -- during class. They are not
6 open during class.
7 Q And none of them is open during class time,
8 then?
9 A The one over here in the quad maybe.
10 Q You have indicated "over here in the quad."
11 It's the boys' bathroom between the tennis court and the
12 quad on the campus map?
13 A Right.
14 Q And there's -- is there any girls' bathroom
15 that's open also during class time?
16 A No.
17 Q Okay. How come the boys get an open bathroom
18 during class time?
19 A That one's open because the clinic is over
20 here, and there are people from the outside that come
21 through to go to the clinic, and so that's why that one
22 is left open. The restrooms that are used exclusively
23 by the students, when they are not open the kids there
24 are -- what do you call it, escorted by security.
25 Q So the bathroom that's marked as a boys'

1 bathroom between the tennis court and the quad, is that
2 bathroom also available for women or girls coming to the
3 clinic?

4 A No.

5 Q So it is just a boys' bathroom?

6 A It is. And it's the location.

7 Q And that's why it's left open?

8 A (Witness nods head.)

9 Q Okay. So just to make sure I understand, all
10 the other bathrooms on campus are locked except during
11 passing periods; is that right?

12 A No, that's not quite exactly right. They are
13 locked except during passing periods, except during
14 lunch. Certain ones are opened so that the kids will
15 have restrooms to go to during lunch.

16 Q Okay. Is it -- are there particular ones open,
17 so you could tell me it's this --

18 A Yes.

19 Q Which ones are the girls' bathrooms open during
20 lunch?

21 A The girls' bathroom in the auditorium is open
22 during lunch.

23 Q Looks like there's two girls' bathrooms in the
24 auditorium, one marked "girl"?

25 A One marked "girl."

1 Q How regularly are the bathrooms cleaned at
2 Balboa?

3 A Daily and during the day.

4 Q Daily and during the day? Does that mean twice
5 a day?

6 A They are checked. They are cleaned once a day
7 at the end of the day, and they are checked during the
8 day.

9 Q And that check during the day is the check for
10 stocking that you testified about?

11 A Yes. Right.

12 Q Okay. Thank you.

13 Do you ever tour the bathrooms yourself to find
14 out whether they have supplies and are clean?

15 A No.

16 Q Do you know if anyone on your staff does tour
17 the bathrooms separate from the custodial staff who
18 actually does --

19 A On a regular basis, no.

20 Q Is there anyone who does it on an occasional
21 basis?

22 A Yes.

23 Q Who is that?

24 A Periodically. The principal -- assistant
25 principal in charge of buildings and grounds.

1 Q And that's on the first page of Exhibit 3?

2 A Yes.

3 Q Okay. Is there any other girls' bathroom open
4 during lunch?

5 A No. Anyone else would have to be escorted by
6 security.

7 Q How about for boys, are there any boys'
8 bathrooms open during lunch?

9 A This one between the tennis courts and the
10 quad.

11 Q And there's no other boys' bathroom open during
12 lunch?

13 A No.

14 Q Okay. And so far we have been talking about --
15 I meant to be asking you about all the bathrooms on
16 campus, not just the ones on the first page. Did you
17 understand that?

18 A Yes.

19 Q And the girls' bathroom that's open during
20 lunch, you don't know how many toilet stalls there are
21 in that bathroom?

22 A I don't.

23 Q And the boys' bathroom that is open all the
24 time, you don't know how many stalls are in that one?

25 A No.

1 Q Okay. And who is that person?

2 A When?

3 Q That's the position that's changing; is that
4 right?

5 A Right.

6 Q Okay. Thank you.

7 Do you ever receive complaints about the
8 bathrooms from students?

9 A Yes.

10 MR. OJEDA: Objection; vague as to time, overbroad.

11 BY MS. LHAMON:

12 Q I'll say it over.

13 What do you hear from the students about the
14 bathrooms?

15 A That they are dirty and smelly, as I indicated
16 the last time, and sometimes out of toilet paper and
17 soap.

18 Q And what do you do in response to those
19 complaints?

20 MR. OJEDA: Same objection. You are referring to
21 Balboa High School? You didn't even specify what school
22 you are referring to. Can we assume that much at least?

23 MR. ROSENTHAL: We covered a lot of this during the
24 first day.

25 MR. OJEDA: This has been asked and answered.

1 THE WITNESS: Could you repeat the question.

2 BY MS. LHAMON:

3 Q You told me which complaints you received from
4 students, and I asked you what you did in response to
5 these complaints about the bathrooms at Balboa.

6 A I call the janitor, ask him to check it out.
7 I've talked with buildings and grounds assistant
8 principal to try to make adjustments, like trying to get
9 a larger toilet paper holder so they don't run out of
10 toilet paper so fast.

11 Q Do you have an estimate of how many students
12 you heard from during the 2000-2001 school year
13 complaining about the bathrooms at Balboa?

14 A No.

15 Q Do you have an estimate for any of the years
16 you have been at Balboa as principal?

17 A No.

18 Q Do you ever receive complaints about the
19 bathrooms at Balboa from parents?

20 A Once.

21 Q And which school year did that complaint occur
22 in?

23 A Year before last.

24 Q What did the parent say?

25 A About bathrooms being locked.

1 take responsibility for throwing things in the trash and
2 that I know that they are cleaned every morning. I
3 have -- you know, I did send someone -- I didn't go
4 myself, but I sent someone to check.

5 Q And that was on a particular day?

6 A Yes. After this last deposition.

7 Q Oh, did you? Did that person report back to
8 you?

9 A Bathrooms were clean.

10 Q So that was sometime at the end of May or
11 beginning of June?

12 A Right.

13 Q Who was it that you sent?

14 A A student. Just random a teacher called for
15 security to escort a kid to the bathroom, and I asked
16 that the student come back and give me a report as to
17 how it looked.

18 Q Okay.

19 A And I don't know who the student was. It was
20 totally random.

21 Q That's good to hear.

22 Have you ever sought any help from the district
23 concerning bathrooms at Balboa?

24 A Concerning the bathrooms how?

25 Q Well, for anything, for cleanliness or

1 Q What did you tell that parent?

2 A That the bathrooms are locked for the safety of
3 the students and that anytime a child needs to go to the
4 restroom the teacher calls for security to escort them.

5 Q And was the parent satisfied with that
6 explanation?

7 A Yes.

8 Q Have you ever heard any complaints about the
9 bathrooms at Balboa from teachers?

10 A Yes.

11 Q Were they complaining about the student
12 bathrooms?

13 A Yes.

14 Q What did they say?

15 A That the students were complaining about the
16 bathrooms.

17 Q Okay. Do you have an estimate for how many
18 teachers you have heard from about those complaints?

19 A Two or three.

20 Q What school year did they say that to you?

21 A Both.

22 Q And what did you say to the teachers when they
23 told you?

24 A That we have the janitors clean the restrooms,
25 that we can't have janitors on call and kids have to

1 custodial health or security or for supplies?

2 MR. OJEDA: Objection; lacks foundation.

3 THE WITNESS: The district already gives supplies.
4 The custodial staff I did talk with about making sure
5 they checked during the day to make sure that they've
6 got supplies. If I call the janitorial supervisor, he's
7 always very supportive, but I haven't had any need to
8 call him.

9 BY MS. LHAMON:

10 Q But he's at the district, not at the school?

11 A Right.

12 Q You haven't had any need to call him since you
13 have been principal at Balboa?

14 A No, I didn't say that.

15 Q Sorry.

16 A No, I have called him.

17 Q But not about the bathrooms?

18 A I called him about the bathrooms. I called and
19 asked if he would pressure clean the boys' bathroom in
20 the quad over the holiday, that kind of thing.

21 Q And did he do that --

22 A Yes.

23 Q -- or did he have that done?

24 A Yes.

25 Q Have you ever received any guidance from the

1 district about the number of bathrooms the campus should
2 have at Balboa?

3 A No.

4 Q Have you ever received any guidance from the
5 State about the number of bathrooms the campus should
6 have at Balboa?

7 A No.

8 Q If you did receive instruction that Balboa
9 should have one toilet for every 30 girls in the
10 bathroom that's open and unlocked during the school day
11 all day, would you change any of your practices at
12 Balboa?

13 MR. OJEDA: Objection; calls for speculation, lacks
14 foundation.

15 Just, Patricia, for our benefit, if you can
16 pause after the question, thanks.

17 THE WITNESS: Okay.

18 BY MS. LHAMON:

19 Q You can answer, though.

20 A Would you repeat the question.

21 Q Sure.

22 I asked you, if you did receive instruction
23 that Balboa should have one toilet to every 30 girls in
24 a bathroom that is open and unlocked during the school
25 day, would you change any of your practices at Balboa?

1 aside, but then we got someone there right away.

2 Q Let me phrase the question differently.

3 You never heard of a student who was prevented
4 from getting into the bathroom because it was locked and
5 couldn't find somebody to open it?

6 A And could not find anyone at all, no, that's
7 true.

8 Q Okay. That's a relief.

9 Have you ever received complaints from teachers
10 about classroom temperatures at Balboa?

11 MR. OJEDA: Can we take a short break?

12 MS. LHAMON: I've got a question pending so we
13 should answer the question.

14 MR. OJEDA: Okay. After this question.

15 THE WITNESS: No.

16 BY MS. LHAMON:

17 Q No, you haven't?

18 A About the temperature?

19 Q Classroom temperature, right.

20 A No.

21 Q Okay.

22 (Recess taken.)

23 (The record was read as follows:

24 "Question: Have you ever received complaints
25 from teachers about classroom temperatures at

1 MR. OJEDA: Same objection.

2 THE WITNESS: I would not change anything that I'm
3 doing. Because what I am doing is for the safety of the
4 students, and they all have access to a restroom the
5 entire time they are at school.

6 BY MS. LHAMON:

7 Q So the safety concern would override any kind
8 of instruction; is that right?

9 MR. OJEDA: Same objection.

10 THE WITNESS: Instruction, you mean from the
11 district?

12 BY MS. LHAMON:

13 Q From the district or State about the number of
14 toilets that should be available for students.

15 A The bathrooms are unlocked when needed. I
16 would be meeting my safety needs as well as the
17 directive from the State.

18 Q Because you would have somebody let the
19 students in the bathroom if the students needed to go?

20 A That's right.

21 Q You never heard of a student that needed to go
22 to the bathroom and couldn't find a security guard or
23 couldn't get in?

24 A I have had someone call that said I need to get
25 in, where is the security guard, who might have stepped

1 Balboa?

2 "Answer: No.

3 "Question: No, you haven't?

4 "Answer: About the temperature?

5 "Question: Classroom temperature, right.

6 "Answer: No.")

7 BY MS. LHAMON:

8 Q Have you received complaints from students
9 about classroom temperatures?

10 A No.

11 Q What do you understand the term "school fees"
12 or "fees" to mean?

13 A School fees or fees? Being charged, the kids
14 being charged for something.

15 Q Right. So we can use that definition?

16 A Yes.

17 Q My next set of questions.

18 Have you ever circulated a written notice or
19 policy to teachers explaining they should not ask
20 students to pay fees to take classes or take
21 extracurricular activities?

22 A Yes.

23 Q When did you do that?

24 A Can't remember exactly. Within the last four
25 weeks, five weeks.

1 Q Does that mean you distributed it to the summer
2 school teachers?

3 A No, I didn't. So it was during -- so it was
4 before that.

5 Q Okay.

6 A The regular school teachers.

7 Q What prompted you to circulate that?

8 A Sent to me from the district.

9 Q Do you know if that was a new policy from the
10 district?

11 A I don't know if that was a new policy, but that
12 was the first time I had seen it in writing.

13 MS. LHAMON: Okay. Counsel, I haven't seen that
14 policy either, and I think it's responsive to our
15 records.

16 MR. OJEDA: Like with all other document requests,
17 you can request it in writing to us.

18 MS. LHAMON: We have sent the request, and I don't
19 think you responded to it. And it's responsive to our
20 business records subpoena.

21 MR. OJEDA: I don't think it is. If you could
22 submit any further request in writing.

23 MS. LHAMON: I don't need to do that. I think I
24 should just be able to just get it.

25 (Attorney-client conference.)

1 for anything, but the students may have to pay for
2 something. As I said, a movie. If they are going to a
3 movie, they might have to pay for the movie.

4 Q That would be a class trip to the movies?

5 A Yes.

6 Q Not for educational purposes, but for an extra
7 trip?

8 A Yes.

9 Q Okay. When did you inform teachers orally that
10 they shouldn't be charging fees to the students?

11 A When I found out that the art teacher had
12 charged the kids to pick up some supplies.

13 Q Okay. And had you informed the teachers before
14 then?

15 A No.

16 Q Have you ever reviewed Balboa's budget to
17 ascertain whether teachers have received moneys from
18 students to participate in their classes?

19 A A budget? That wouldn't reflect teachers
20 charging students for anything.

21 Q Because they wouldn't report that to the
22 school, that I got -- for example, for the teacher when
23 she got \$5 from students, did she report that?

24 A No.

25 Q Have you ever conducted any other review to

1 BY MS. LHAMON:

2 Q Before you distributed the policy from the
3 district about not charging fees to students, had you
4 informed teachers orally that the teachers should not
5 charge students to participate in extracurricular
6 activities or in academic class activities?

7 MR. OJEDA: Vague as to time.

8 THE WITNESS: That depends on when and where and
9 what they are doing. As far as going to a movie, they
10 may have to pay for the movie.

11 BY MS. LHAMON:

12 Q I mean to be -- maybe I wasn't clear.

13 I mean to be asking about extracurricular
14 activities at the school or about academic activities
15 for the class.

16 So if the students are -- have you ever told
17 teachers students should not be charged fees to
18 participate in classroom activities or extracurricular
19 activities at Balboa High School?

20 A I've told the teachers that the students should
21 not be charged for supplies or for anything that should
22 be provided by the district.

23 Q Are there things that it's your understanding
24 that it's okay for the teachers to charge students for?

25 A No. The teachers shouldn't charge the students

1 ascertain whether students have -- teachers have charged
2 students to participate in school activities?

3 A I just made sure that we discussed it at
4 faculty meetings to make sure that it didn't happen
5 again.

6 Q That was during the 2000-2001 school year?

7 A Yes.

8 Q If students don't have textbooks to use in
9 their classes, would that concern you?

10 A If they didn't have them, yes.

11 Q And why would that be?

12 A Because as I said earlier, they are good
13 reference to the teacher and reference for the students.

14 Q And you testified on your first day of
15 testimony that one of the times you received a complaint
16 from a parent about textbooks was a time when you
17 learned that the math teacher chose to use a book that
18 was still okay to use, while the school was moving to a
19 different, newly adopted text; is that right?

20 A That's right.

21 Q Did Balboa have enough textbooks for each math
22 student to use of the textbook that was before the newly
23 adopted text?

24 A During what period of time?

25 Q At the time that you reviewed that parent's

1 complaint, when the teacher was using the prior textbook
 2 while the school was moving to the newly adopted text.
 3 A If the teacher got an extra student and didn't
 4 have enough, that teacher made copies until we got -- we
 5 were able to get another book.
 6 Q Do you know if that happened?
 7 A Yes.
 8 Q And it was just for that one teacher or for
 9 more than one?
 10 A Just that one teacher.
 11 Q Okay. Do you know how many more students that
 12 teacher had than textbooks at that time?
 13 A No.
 14 Q Okay. But you know it was at least one more?
 15 A Yes.
 16 Q Okay. And when was that that the teacher was
 17 using the book while the newly adopted text was coming
 18 in?
 19 A It was the '99-2000 school year.
 20 Q Do you know if that teacher ever got the newly
 21 adopted texts for that class?
 22 A When he decided he wanted to use it, which was
 23 later.
 24 Q And at the time that he hadn't been detained,
 25 were the newly adopted texts on campus and available to

1 him?
 2 A Yes.
 3 Q Okay. Did Balboa at that time have enough of
 4 the newly adopted math texts available for the teacher
 5 to have assigned them to students to take home for
 6 homework as well?
 7 A Yes.
 8 Q Other than the two complaints about which you
 9 testified on your first day of deposition about not
 10 having enough textbooks, have you heard from any
 11 students who have not been able to take textbooks home
 12 for homework?
 13 A No.
 14 Q And have you personally reviewed or
 15 investigated the availability of textbooks at Balboa?
 16 A Yes.
 17 Q You have?
 18 A Yes.
 19 Q When was that?
 20 A I had the -- I've been in the book room several
 21 times.
 22 Q During the 2000-2001 school year?
 23 A Yes.
 24 Q And the '99-2000 school year?
 25 A No, 2000-2001.

1 Q What took you into the book room those several
 2 times?
 3 A Because I knew we were ordering the books, and
 4 I wanted to see where they were, what came in.
 5 Q When you went into the textbook room, were you
 6 looking to see what books were on the shelves, or did
 7 you look for anything else while you were there?
 8 A I'm not sure. Look for something else, like
 9 what?
 10 Q Well, did you look at a list of how many books
 11 a teacher requested for a class?
 12 A No.
 13 Q Or how many books were signed out?
 14 A No.
 15 Q So you just went to look to see what was on the
 16 shelves?
 17 A Yes.
 18 Q That satisfied you there were textbooks on
 19 campus available for students to use?
 20 A I also talked with the assistant principal in
 21 charge of it, who told me what had come in and what had
 22 been ordered, how much money was spent, etc.
 23 Q Okay. So you knew what had been ordered, you
 24 knew how much the school spent on books, and you knew
 25 there were books on the shelves in the textbook room?

1 A Right.
 2 Q But you didn't look over any list of how many
 3 books a teacher had for class or wanted for a class?
 4 A No.
 5 Q Or students?
 6 A No.
 7 Q Since you have been principal at Balboa, have
 8 you reviewed the number of textbooks available for all
 9 classes in the math department?
 10 A No. I have an assistant principal that takes
 11 care of that.
 12 Q And that would be true for all the departments
 13 then, the assistant principal would do that?
 14 A Yes.
 15 Q Okay. Thanks.
 16 So are you as sure about the textbook
 17 availability at Balboa as you are about everything else
 18 you have testified to?
 19 A I sure am.
 20 Q And how is that?
 21 A Because I know how much money has been spent.
 22 I signed all the purchase orders.
 23 Q Okay.
 24 A And then when the books came in, my secretary
 25 would let me know that they had come in, either by the

1 boxes being there in the office or someone saying can
 2 you get the gate open, etc., etc.
 3 Q Is it possible that books are on campus and
 4 have been purchased and could be used for classes, but
 5 aren't making it into students' hands for any reason?
 6 A No.
 7 MR. OJEDA: Objection.
 8 You need to pause.
 9 Calls for speculation.
 10 BY MS. LHAMON:
 11 Q And why is it not possible?
 12 A Why is it not possible that books are on campus
 13 and not being used?
 14 Q Right.
 15 A Because I have very capable assistant
 16 principals and a book room clerk, as I testified to
 17 before, who make sure that the books get to where they
 18 belong with the assistance of the department heads.
 19 Q Okay.
 20 A Books get where they are supposed to go.
 21 Q Okay. Do you know if anyone at the school
 22 conducts inventories about the school's need for books?
 23 A Yes.
 24 Q And that's your -- the department heads or the
 25 assistant principal?

1 A Both.
 2 Q And how does that process -- do you know how
 3 that process works?
 4 A Not exactly.
 5 Q Do you have an understanding of how it works?
 6 A It's my understanding that the department heads
 7 check the books out to the teachers, keep a list of who
 8 has what. And then the inventory is checked by the
 9 assistant principal, with the help of the department
 10 heads.
 11 MS. LHAMON: Again, Counsel, that's something that
 12 we haven't received, and I think we should receive. We
 13 can talk about that.
 14 THE WITNESS: What is it you wanted?
 15 BY MS. LHAMON:
 16 Q The inventories you are referring to that
 17 identify which teachers have which books.
 18 To your knowledge, are there any procedures for
 19 reporting to anyone at the State Department of Education
 20 when your school lacks textbooks for the students?
 21 A Is there a procedure in place for reporting to
 22 the State Department? I don't know.
 23 Q But not that you know of?
 24 A Not that I know of.
 25 Q And there's no such procedure for reporting

1 lack of textbooks at your school to anyone at the State
 2 level that you know of; is that right?
 3 A Not that I know of.
 4 Q Is there a procedure for reporting a lack of
 5 textbooks at Balboa to the district?
 6 A The procedure is to try to -- for me to
 7 identify the need and then use the budget to replace old
 8 books.
 9 Q And so it's not to report to the district, it's
 10 to buy the books at your campus through your budget; is
 11 that right?
 12 A Right.
 13 Q What have you done to try to increase the
 14 number of textbooks at Balboa since you have been
 15 principal there?
 16 MR. OJEDA: Objection; vague and ambiguous, lacks
 17 foundation.
 18 BY MS. LHAMON:
 19 Q You can answer.
 20 A What have I done to increase the textbooks, is
 21 that what you asked?
 22 Q That's right.
 23 A Most of the textbooks have been ordered when I
 24 got there in the summer of '99, and I signed the
 25 purchase orders.

1 Q And since then you just have done the usual
 2 book-ordering process?
 3 A Mm-hmm.
 4 Q And there hasn't been any extraordinary
 5 measures or anything like that?
 6 A No.
 7 Q Are there any sources of funds for textbooks at
 8 Balboa High School that are not in the district itself
 9 or from the State?
 10 A No.
 11 Q So you haven't received any private grants for
 12 textbooks or anything like that?
 13 A No.
 14 Q And are there any short-term-use sources of
 15 funds, for example, like a CSRD grant or something like
 16 that?
 17 A Can't do that.
 18 Q You can't do that for books?
 19 A No, not for textbooks.
 20 Q What kind of books can you buy with CSRD
 21 grants?
 22 A Books for reading, libraries, books for
 23 classroom libraries, things like that.
 24 Q So novels you could buy, but you couldn't buy a
 25 social studies textbook?

1 A No.

2 Q Do you know why that is, what's the
3 distinction?

4 A Stipulation of the grant.

5 Q Okay. Are there any grant funds that you can
6 use for textbooks at Balboa?

7 A No.

8 Q What are the accounts in the budget out of
9 which you can buy textbooks at Balboa?

10 A There's textbooks -- money earmarked
11 specifically for textbooks, either for newly adopted
12 text or replacements.

13 Q Does that have a -- is there like a budget
14 number?

15 A I'm sure, but I don't know it.

16 Q Okay. Is that something your assistant
17 principal would know?

18 A The ex-assistant principal, yes, Mr. Chung.

19 Q And the new one probably doesn't know?

20 A Right, he doesn't know.

21 Q Okay. Would it work a hardship on the school
22 to ask the students to fill out a form saying whether
23 they have textbooks at the beginning of a school year?

24 MR. OJEDA: Objection; calls for speculation, vague
25 and ambiguous.

1 and not saying what they said they were going to do and
2 not saying what they said they did by asking students to
3 fill out a form.

4 BY MS. LHAMON:

5 Q So the hardship would be it would evidence a
6 lack of respect for teachers if they were to do that at
7 Balboa?

8 A I don't see the need for doing it. There are
9 too many other things that need to be done.

10 Q Okay. Could you describe for me the textbook
11 ordering process at Balboa. Like once you know we need
12 some math books, what happens next?

13 MR. OJEDA: Objection; asked and answered.

14 THE WITNESS: The department handles it.

15 BY MS. LHAMON:

16 Q So they do the whole ordering of the books?

17 A Yes. And then the assistant principal in
18 charge, Mr. Chung, would make sure all the purchase
19 orders were done and then hand it to me, and I would
20 sign it.

21 Q And then do the books always arrive on time
22 once they have been ordered?

23 A As far as I know, yes.

24 Q Okay. But you don't check to see if they come
25 in on the day they were supposed to come in or something

1 THE WITNESS: I don't know what you are asking.
2 Would you rephrase the question.

3 BY MS. LHAMON:

4 Q Sure.

5 Would it be onerous, would it take too much
6 time, would there be any reason not to ask students to
7 fill out a form saying whether they have textbooks in
8 their classes at the beginning of the school year?

9 MR. OJEDA: Objection; compound as well.

10 THE WITNESS: If the teachers told me they passed
11 the book out to the student, then why would I -- I don't
12 feel the need to ask a student if they have a textbook.

13 If the teachers told me they have given textbooks to
14 each of their students -- they wouldn't do it at any
15 other school, why would I do it at Balboa?

16 BY MS. LHAMON:

17 Q Sure.

18 Put aside the assumption they don't do this at
19 any other school. So maybe they do it at other schools
20 as well. Would it be a hardship to do it at all, to ask
21 students whether they have books in their classes?

22 MR. OJEDA: Same objections, also object that it's
23 argumentative.

24 THE WITNESS: I would not want to imply that my
25 teachers were not doing what they were supposed to do

1 like that?

2 A They are usually ready in the summer and there
3 for the beginning of the school year.

4 Q Okay. And is summertime the only time that
5 there's textbook ordering, or are there any times during
6 the school year itself?

7 A Usually the summer.

8 Q But there are times also during the school
9 year?

10 A Not since I've been there.

11 Q And have the books been ordered already for the
12 2001-2002 school year?

13 A Yes.

14 Q But they haven't arrived on campus yet?

15 A Summer have. And we are going to pick some up.

16 Q At the district?

17 A No, from Barnes and Nobles.

18 Q How come you did that, to go pick them up?

19 A To keep from paying the delivery fee.

20 Q Are there any classes at Balboa that don't have
21 enough nontext instructional supplies for the classes?

22 MR. OJEDA: Vague as to time.

23 THE WITNESS: No one's complained about it.

24 BY MS. LHAMON:

25 Q Okay. So for example, in the PE department

1 there are enough balls or jump ropes or other nontext
 2 equipment for the kids?
 3 A As far as I know.
 4 Q And for the science department there's enough
 5 laboratory equipment for the kids?
 6 A As far as I know.
 7 Q In the art departments there's enough art
 8 supplies?
 9 A The art teacher feels she needs more, yes.
 10 Q Okay. And have you been able to get more for
 11 her or has she asked you to get more?
 12 A We have ordered what we can.
 13 Q Do you know if she's found another source as
 14 well for some art supplies?
 15 A I don't know.
 16 Q Do you know if she makes any purchases herself
 17 for art supplies?
 18 A I don't know.
 19 Q Is there someone on campus other than the art
 20 teacher who does know?
 21 A Who does know if she's ordered more things on
 22 her own?
 23 Q Mm-hmm.
 24 A I don't think so.
 25 Q Okay. Does Balboa undergo fiscal audit of its

1 budget?
 2 A I don't think so. Just at the school site
 3 council; they are the ones that approve it.
 4 Q Okay. And has Balboa -- has the district
 5 audited Balboa's budget since you have been principal at
 6 Balboa?
 7 A The district consistently -- the district has
 8 people downtown who consistently go through the budget
 9 and make sure we are meeting the budget as it is and
 10 doing the things we are supposed to be doing.
 11 Q You haven't had to make a special reporting
 12 about here's what I spent this set of funds on to anyone
 13 at the district?
 14 A If there are questions, yes. If they call and
 15 question.
 16 Q Has that happened since you have been
 17 principal?
 18 A If I have asked to spend some money on
 19 something, they will question me, if I have to do a
 20 budget transfer or something. If we apply to spend some
 21 money on something and there's not enough left in that
 22 particular category, then I might get a call saying
 23 there's no money in that, you will need to do a budget
 24 transfer, and it has to be a legal budget transfer. You
 25 can't use CSR money to pay for textbooks, as I

1 mentioned earlier. And they will call.
 2 Q And that has happened since you have been
 3 there?
 4 A Yes.
 5 Q And were you able to find a legal budget
 6 transfer source for those funds when that happened?
 7 A Yes.
 8 Q Did you find that helpful, that there were
 9 auditors who would be that careful with the budget at
 10 Balboa at the district level?
 11 A Yes.
 12 Q And why is that, why was it helpful?
 13 A They kept the budget balanced.
 14 Q Has anyone at the State level ever asked for
 15 any more documentation about the budget at Balboa High
 16 School?
 17 A (Witness shook head.)
 18 Q You have never had to send any material to
 19 anyone at the State level about the budget at Balboa
 20 High School?
 21 A No.
 22 Q When was the last time Balboa was reviewed as
 23 part of coordinated complaints review or CCR?
 24 MR. OJEDA: Calls for speculation.
 25 THE WITNESS: I wasn't there.

1 BY MS. LHAMON:
 2 Q You weren't vice principal when it happened
 3 either?
 4 A As a matter of fact, yes.
 5 Q Do you know when that was?
 6 A '97, I think.
 7 Q Did you participate in the CCR review as
 8 assistant principal at Balboa in '97?
 9 A Minimally.
 10 Q I'm sorry?
 11 A Minimally.
 12 Q What does that mean?
 13 A It means only when I was asked to contribute by
 14 the principal. She took care of most of it, along with
 15 another assistant principal, with input from the
 16 teachers.
 17 Q And what were you asked to participate in,
 18 for -- what kind of contributions did you need to make
 19 for that?
 20 A As I recall, things dealing with making sure we
 21 had nonsmoking signs around and things that dealt with
 22 people -- with safety and things like that.
 23 Q Okay. Did you find the CCR review process
 24 helpful?
 25 A You know, I really can't say, because I wasn't

1 involved enough during it, and I left right afterwards.
 2 Q Okay. And Balboa is not right now is scheduled
 3 for another CCR review that you know of?
 4 A No.
 5 Q Are there any other State level review
 6 processes that Balboa undergoes?
 7 A Yes.
 8 Q What are those?
 9 A WASC (phonetic).
 10 Q The WASC?
 11 A Mm-hmm.
 12 Q When was the last WASC review at Balboa?
 13 A Spring of '99.
 14 Q I think you testified the first time, but I
 15 can't remember what was the -- what --
 16 A They got a six-year accreditation.
 17 Q Okay. And that's the only other State review
 18 process that Balboa undergoes?
 19 A I mentioned the special ed review.
 20 Q Okay. And that was from the State and not
 21 from -- I wasn't sure if that was from the Federal
 22 government or the State.
 23 A One was Feds and one was State.
 24 Q One of the ones that happened in that two-year
 25 period you testified to?

1 A Yes.
 2 Q Can you think of any other State level review
 3 that Balboa has undergone?
 4 A No.
 5 Q Did you find the WASC review was helpful?
 6 A Yes.
 7 Q Why was that?
 8 A It's a self-study and allows you to reflect and
 9 see what you can do better.
 10 Q Okay. You testified on your first day that you
 11 read a San Francisco Weekly article about this case and
 12 Balboa High School. Other than that article, have you
 13 read any articles about this case?
 14 A I don't think so.
 15 Q Okay. Have you had any discussions with any
 16 teachers or administrators about this case?
 17 A No, not discussions.
 18 Q Have you talked to any teachers or
 19 administrators about this case?
 20 A I mentioned the deposition.
 21 Q To whom did you mention it?
 22 A Shane Safir.
 23 Q What did you say?
 24 A Asked her if she had been deposed.
 25 Q What did she say?

1 A "Yes."
 2 Q Did you have any further conversation with her?
 3 A No.
 4 Q Okay. Did you talk to anybody else about the
 5 deposition?
 6 A My assistant principals.
 7 Q All of them?
 8 A Yes.
 9 Q And was that in a single meeting?
 10 A No.
 11 Q Just in conversation in the halls?
 12 A Well, not in the halls, but I was out of school
 13 for a whole day.
 14 Q And what did you tell the assistant principals
 15 about the deposition?
 16 A That it was long and that I felt personally --
 17 I felt that I was being attacked personally, not by you,
 18 but by the suit, saying that I was not a good principal,
 19 that I would sit around and watch a tampon and a soiled
 20 napkin and an ice cream thing being -- hanging around
 21 the bathroom and not doing anything about it. I
 22 resented it.
 23 Q I'm very sorry that the lawsuit made you feel
 24 that way.
 25 Did you say anything else about the lawsuit to

1 the assistant principals?
 2 A No.
 3 Q Did they say anything to you?
 4 A Yes. Privileged information.
 5 Q I'm not sure it is privileged information. If
 6 you could tell me.
 7 A They say you guys should be out there in the
 8 trenches, see what we are doing and helping out, rather
 9 than spending all the time and money, I thought this is
 10 quite expensive, helping the kids.
 11 Q Okay. Did they say anything else?
 12 A No.
 13 Q Have you seen any other nonnewspaper news
 14 coverage about this case? Like have you seen anything
 15 on TV or heard about it on the radio?
 16 A I don't recall.
 17 Q After we filed this lawsuit, did you receive
 18 any communication from anyone associated with the State
 19 Board of Education regarding any of the allegations
 20 concerning Balboa High School?
 21 A From the State Board of Education, no.
 22 Q Okay. From the State Department of Education?
 23 A No.
 24 Q From the State Superintendent?
 25 A No.

1 Q From anyone at the State?
 2 A No.
 3 Q But you did receive communication from the
 4 district about this; right?
 5 A Yes.
 6 Q Separate from your deposition testimony on the
 7 24th of May and today, have you discussed this case with
 8 anyone from O'Melveny & Myers?
 9 A With whom?
 10 Q O'Melveny & Myers. That's the name of the law
 11 firm where we are today and Mr. Rosenthal is from.
 12 MR. ROSENTHAL: That's my law firm.
 13 THE WITNESS: No.
 14 BY MS. LHAMON:
 15 Q Have you discussed this case with anyone at the
 16 State level, the State Department of Education, State
 17 Superintendent, or State Board of Education?
 18 A No.
 19 Q Have you given a declaration to anyone in this
 20 case which is something you would sign? It's a written
 21 document.
 22 A No.
 23 Q Okay. Can you tell me what you did to prepare
 24 for your deposition today.
 25 A Nothing.

1 Q Did you do anything to prepare for your
 2 deposition on May 24th?
 3 A No.
 4 Q You didn't have any meetings with counsel?
 5 A Only 15 minutes before or 30 minutes before.
 6 Q Before each day?
 7 A Yeah.
 8 Q And you didn't review any documents with
 9 counsel or anything like that?
 10 A In preparation for the case, no.
 11 Q But you have reviewed some documents in
 12 response to our subpoena request they gave to us; is
 13 that right?
 14 A Is that the documents that you asked about?
 15 Q Yes.
 16 A I didn't review those with -- called me asking
 17 for them, and I got them together and sent them.
 18 Q I appreciate that.
 19 A And faxed them.
 20 Q Thank you.
 21 MS. LHAMON: I appreciate it too, Counsel.
 22 I think I'm done with my questions for the time
 23 being. I can't close the deposition right now because
 24 we haven't received all the documents we have asked for
 25 from the school district. And there's a possibility I

1 will need to ask some more questions once I see those
 2 documents.
 3 But for the time being I really appreciate your
 4 time and your commitment to the case, and I think
 5 Mr. Rosenthal had a few questions that he would like to
 6 ask.
 7 MR. ROSENTHAL: I do have a few questions. We can
 8 take a few minutes' break.
 9 (Recess taken.)
 10 EXAMINATION
 11 BY MR. ROSENTHAL:
 12 Q Good afternoon, Ms. Gray.
 13 As you probably remember, my name is Michael
 14 Rosenthal, and I represent the State of California in
 15 this action. And I just want to go over some of the
 16 areas that you covered with Ms. Lhamon earlier today
 17 just to clarify a few points. Hopefully it won't take
 18 too long.
 19 I know we spent nearly a full day back in May
 20 and almost a full day here today, so I'll try to go as
 21 quickly as I can.
 22 You mentioned earlier today that you had heard
 23 that schools like Lincoln and Lowell had been able to
 24 obtain teachers somewhat easier than Balboa High School;
 25 is that right?

1 A Yes.
 2 Q And you said one of the reasons was because
 3 teachers thought it was easier to teach there?
 4 A Yes.
 5 Q Is it your opinion that Lincoln and Lowell
 6 typically get better teachers than Balboa High School?
 7 MR. OJEDA: Objection; calls for speculation.
 8 BY MR. ROSENTHAL:
 9 Q To the extent you know.
 10 A I don't know.
 11 Q Would you say that -- I think you previously
 12 did say that it's a challenge to teach at Balboa High
 13 School?
 14 A Yes.
 15 Q Do you think as a result of that oftentimes you
 16 get teachers who are eager to undertake the challenge?
 17 A Yes, I do.
 18 Q You think you get energetic teachers at Balboa
 19 High School?
 20 A Yes.
 21 Q You also discussed a pretty vigorous interview
 22 process when you hire a new teacher, and you said that
 23 one of the things you do is you have them teach you a
 24 lesson basically as part of that interview process; is
 25 that right?

1 A Yes.
 2 MS. LHAMON: Objection; mischaracterizes testimony.
 3 She testified to math teachers only.
 4 THE WITNESS: Some of the other APs also do.
 5 BY MR. ROSENTHAL:
 6 Q As far as you know, is it done for not only
 7 math teachers, but additional teachers as well --
 8 A I personally do it for math teachers.
 9 MR. OJEDA: Let him finish his question.
 10 THE WITNESS: Okay.
 11 BY MR. ROSENTHAL:
 12 Q You said during this interview process and when
 13 they are teaching you a lesson, sometimes you are able
 14 to tell that they are a natural at teaching; is that
 15 right?
 16 A Yes.
 17 Q And would you say that people who are able to
 18 teach you the lesson well are people you consider to be
 19 a naturally gifted teacher?
 20 A Either they are naturally gifted or they have
 21 had training in it.
 22 Q Let's focus on the new teachers who you
 23 interviewed, teachers who have had no prior teaching
 24 experience.
 25 If they are able to convey to you a lesson in a

1 manner that you deem acceptable, would you say generally
 2 they are naturally gifted, as you used the term earlier
 3 today?
 4 A Not necessarily. They could have had some
 5 training in college on it, or they could have had a good
 6 mentor teacher, a teacher that taught them and their
 7 patterning, their teaching behind that teacher, or they
 8 could be natural.
 9 Q But if they teach the lesson to you well, you
 10 are more likely to hire them; is that correct?
 11 A That's right.
 12 Q If they can't teach a lesson to you very well,
 13 you wouldn't hire them?
 14 A That's right.
 15 Q You previously testified during your first day
 16 with me that I believe Wednesday afternoons is when you
 17 have teacher common planning. Is that what it's called?
 18 A That's right.
 19 Q Would you -- can you tell me what you do during
 20 teacher common planning.
 21 A All kinds of staff development. Sometimes the
 22 Bay Area Writing Project, which is a focus on literacy.
 23 Sometimes sharing student work, sometimes classroom
 24 management, sometimes department meetings, sometimes
 25 small learning community meetings.

1 Q So would you say it's an additional source of
 2 support that's provided to the teachers?
 3 A Yes.
 4 Q Ms. Lhamon also asked you about some teachers
 5 who were either absent or had left Balboa during the
 6 past couple of years. I know I asked you some of that
 7 during our first day, and I just wanted to clarify a few
 8 points to make sure we are clear.
 9 A lot of these times it was the same teacher,
 10 so I want to make sure we run through those.
 11 You mentioned Mr. Gabutero was for a period of
 12 time not teaching; isn't that right?
 13 A Yes.
 14 Q At Balboa?
 15 A Yes.
 16 Q He was the health and PE teacher?
 17 A Yes.
 18 Q During your first day of testimony, you said
 19 that he was no longer teaching because of a discipline
 20 problem?
 21 A Yes.
 22 Q And you also previously testified that you got
 23 a permanent sub to replace Mr. Gabutero; is that right?
 24 A Yes.
 25 Q Do you remember who that was?

1 A Mr. Alexander.
 2 Q Is Mr. Alexander still teaching at Balboa or
 3 was he just a substitute to fill in for the year?
 4 A He was a substitute.
 5 Q So he just stayed for the year?
 6 A Until the last few weeks.
 7 Q Okay. When we were looking at the teacher list
 8 before, there was a teacher listed at Staff C who taught
 9 some math courses. Do you remember that?
 10 A Yes.
 11 Q Is that the class where the teacher at issue
 12 was on administrative leave because of the accusation of
 13 hitting a student?
 14 A Yes.
 15 Q And you said Mr. Dolgin was a sub in that class
 16 for a while?
 17 A Yes.
 18 Q Didn't you testify during your first day that
 19 you were not able to hire a permanent replacement for
 20 the teacher who was on administrative leave until that
 21 issue had been resolved?
 22 A No. No. That particular one I was able to
 23 hire someone.
 24 Q Wasn't there a period of time when you couldn't
 25 hire a full-time replacement while there was an

1 investigation ongoing, or am I not right on that?
 2 A I don't know if that's what I said, but I
 3 was -- as soon as I was able to find a math major to
 4 take that person's place, I hired him to finish the
 5 year.
 6 Q Were you able to start looking as soon as that
 7 teacher was put on administrative leave?
 8 A No.
 9 Q So there was a period of time when you were not
 10 able to start looking?
 11 A Yes. But actually that was because I was sick.
 12 Q Not because there was any other restriction on
 13 your ability?
 14 A I don't think so.
 15 Q And you also testified that Mr. Duca replaced
 16 Mr. Larson; is that right?
 17 A Yes.
 18 Q Is Mr. Duca still teaching at Balboa?
 19 A Yes.
 20 Q Is he coming back next year?
 21 A Yes.
 22 Q And finally, you said that Mr. Briskin was
 23 replaced briefly by Mr. Morgan and eventually Mr. Morgan
 24 was replaced by Mr. Herrera?
 25 A Right.

1 Q You told me during our first day when we met
 2 that -- I believe during the two years you have been at
 3 Balboa, there were 13 teachers who have left during that
 4 time period. Do you remember that?
 5 A Yes.
 6 Q Of those 13, you did mention that Mr. Briskin
 7 and Mr. Morgan were two of those 13; right?
 8 A Right.
 9 Q But in fact, in that instance anyway, that was
 10 two teachers for one particular class. It wasn't 13
 11 teachers for 13 separate class schedules, in some
 12 instances -- at least in one instance, it was two
 13 teachers for the same class?
 14 A That's right.
 15 Q Do you remember any other instances like that?
 16 A For the same class?
 17 Q Right.
 18 A Mr. Dolgin and Mr. -- I'm not sure. Let's see.
 19 The same position had more than one teacher, right.
 20 That's what you are saying?
 21 Q Right. That you included in the 13 -- you said
 22 there were 13 teachers who had left?
 23 A I think so, yes.
 24 Q Are there instances you remember or you think
 25 that was the only one?

1 A I think that's it.
 2 Q You also testified that you were consolidating
 3 seven teaching positions. I don't have the teacher
 4 list, but maybe you have yours in front of you. If you
 5 don't, we can take a --
 6 A I do.
 7 MR. OJEDA: Exhibit 2 you are referring to?
 8 MR. ROSENTHAL: Yes.
 9 Q Can you tell me -- why don't we look on the
 10 last page which is -- the last two digits in the Bates
 11 stamp is 60. Can you tell me which seven teachers
 12 aren't coming back next year? Or let's --
 13 MS. LHAMON: Objection.
 14 BY MR. ROSENTHAL:
 15 Q Can you tell me which seven positions are being
 16 consolidated, to the extent you can?
 17 A Yeah. That would be difficult, because some
 18 were not coming back and some I did not ask to return,
 19 so that would be difficult.
 20 Q As you look at the list now, are there any you
 21 can tell me?
 22 A Yes.
 23 Q Can you tell me the ones you know.
 24 A That have been consolidated?
 25 Q Consolidated, right, going forward.

1 A Mr. Alexander's position was consolidated.
 2 Mr. Gabutero's position was consolidated.
 3 Ms. Safir's position was consolidated.
 4 Ms. Valdez's position was consolidated.
 5 Mr. Vega's position was consolidated.
 6 That's all I can really say. I know that some
 7 other things were done, but that's all I can remember.
 8 Q That's five. That's pretty good. Most of the
 9 class listings are pretty self-explanatory.
 10 I'm looking at Mr. Alexander. His classes are
 11 listed as "study skills." Can you tell me what that is,
 12 if you know?
 13 A It's -- basically it's an academic literacy
 14 class taught with a social studies perspective, because
 15 that was his major.
 16 Q Does he teach a particular grade?
 17 A 9th grade, that's migrated, action academy.
 18 Q And looking -- again looking at the schedule
 19 list, I don't see any other teachers who teach what's
 20 listed here as study skills. What will those 9th grade
 21 students be taking when Mr. Alexander is not teaching
 22 next year?
 23 A It will be an academic literacy class taught by
 24 Mr. -- taught by another teacher.
 25 Q You don't know the name of the teacher?

1 A I do.
 2 Q Can you tell me who it is?
 3 A Patty Garber, she's not on there.
 4 Q Is she a new hire at the school?
 5 A She's a new hire.
 6 Q Does she come with any teaching experience?
 7 A She does, Ph.D. and she's taught in high school
 8 and college.
 9 Q Do you know what high school she's taught at,
 10 by any chance?
 11 A No.
 12 Q Do you know if she's fully credentialed?
 13 A She definitely is.
 14 Q Did you hire her personally?
 15 A I personally hired her.
 16 Q Excited about her?
 17 A I am.
 18 Q You also mentioned Ms. Safir's classes have
 19 been consolidated. Is she not coming back in the fall?
 20 A She is not.
 21 Q Do you know why that is?
 22 A Yes.
 23 Q Can you tell me?
 24 A She and Mr. Alexander are opening a school or
 25 attempting to open a new school.

1 Q A private school of some sort?
 2 A They want it to be a charter school. But at
 3 least a small necessary school.
 4 Q Did Ms. Safir teach a particular grade, or was
 5 she teaching more than one grade?
 6 A More than one grade.
 7 Q So that would be 11th and 12th grade?
 8 A Yes.
 9 Q Will there be similar courses available to
 10 students who wanted to take the courses she had
 11 typically been teaching?
 12 A Yes.
 13 Q Do you know who will be teaching those?
 14 A Yes. Mr. De Guia.
 15 MS. LHAMON: For the court reporter that's D-e space
 16 G-u-i-a; is that right?
 17 THE WITNESS: That's right.
 18 BY MR. ROSENTHAL:
 19 Q For all the positions that are being
 20 consolidated, will students still be able to take these
 21 sorts of classes that have been offered this past year?
 22 A Yes.
 23 Q And the only difference is that the -- aside
 24 from the teachers being different, is the class size
 25 might be a little bit larger, but still below the 34.5

1 limit mandated by the district?
 2 MS. LHAMON: Objection; mischaracterizes the
 3 testimony. She also testified to a different source of
 4 funding for those teachers.
 5 THE WITNESS: So it may or may not affect the class
 6 size.
 7 BY MR. ROSENTHAL:
 8 Q So class sizes might stay the same?
 9 A Right.
 10 Q Do you know if part of the reason -- and this
 11 is just to the extent that you know, that the -- let me
 12 step back.
 13 You said the district required some of these
 14 classes to be consolidated; is that right?
 15 A No. The district required some positions to be
 16 consolidated.
 17 Q Okay. Forgive me.
 18 Do you know if the district -- if the fact that
 19 Balboa was receiving grants from other sources through
 20 which they are able to hire additional teachers was a
 21 factor that came into the decision?
 22 A I'm sure it did not.
 23 Q Do you know a Mr. Medina?
 24 A I do.
 25 Q Was he a teacher at Balboa High School?

1 A He was.
 2 Q Is he currently a teacher?
 3 A No.
 4 Q Can you tell me which subject he teaches?
 5 A Math.
 6 MS. LHAMON: Objection. He taught.
 7 THE WITNESS: Taught.
 8 MR. ROSENTHAL: Yes, thank you.
 9 Q Do you recall how long Mr. Medina was at Balboa
 10 High School?
 11 A About two and a half years, I think, three
 12 years.
 13 Q Do you recall when he left?
 14 A Yes. He was -- he left in -- he left in 2000.
 15 He didn't come back for the 2000-2001 school year.
 16 Q So after the 1999-2000 school year, after that
 17 he didn't come back?
 18 A Yes, that's right.
 19 Q But he finished out that one school year?
 20 A Yes.
 21 Q You discussed earlier the process you undergo
 22 for reviewing teachers, visiting, stopping in on their
 23 classes. And you said in particular you stop in math
 24 classes, that's at least your primary focus; isn't that
 25 right?

1 A Yes.
 2 Q At least you said -- sometimes you help teach
 3 in math classes?
 4 A Right.
 5 Q That's where you are more involved in the
 6 actual teaching of the class; is that right?
 7 A That's right.
 8 Q Did you ever visit Mr. Medina's class while he
 9 was teaching at Balboa?
 10 A Did I.
 11 Q Do you recall how many times you visited him?
 12 A Several.
 13 Q So if Mr. Medina said he had only been reviewed
 14 by anybody in the administration once over his
 15 three-year career at Balboa, would you say that's
 16 correct?
 17 A If Mr. Medina said he had been reviewed -- a
 18 formal review?
 19 Q Why don't we go with formal reviews first.
 20 A I wasn't there -- if Mr. Medina said -- repeat
 21 the question.
 22 Q If Mr. Medina said he had been formally
 23 reviewed by somebody in the administration only once
 24 during his three years at Balboa, would you say that's
 25 accurate?

1 A I wouldn't know. I don't know if that's
 2 possible or not.
 3 Q Did you ever formally review Mr. Medina?
 4 A Yes.
 5 Q Do you recall how many times?
 6 A No.
 7 Q Do you remember if it was more than once?
 8 A No, I don't remember.
 9 Q Might have been once?
 10 A Yes.
 11 Q Did you review him informally?
 12 A All the time.
 13 Q When you say, "all the time," can you tell me
 14 approximately.
 15 A Weekly, sometimes more often.
 16 Q Did you review him more often than other
 17 teachers?
 18 A Not really.
 19 Q When Mr. Medina that -- strike that.
 20 Do you know if Mr. Medina -- was he fully
 21 credentialed, do you know?
 22 A No, he was not.
 23 Q The fact that he was -- did he have emergency
 24 credentials?
 25 A He did.

1 Q Was that one of the reasons you reviewed him
 2 frequently?
 3 A There were several reasons: One, he was an
 4 emergency credential; one was that I had divided up the
 5 AP calculus classes and I wanted to see how that was
 6 going; and because it's a math class and I like to go
 7 into the math classes.
 8 Q You mentioned that one of the newer teachers at
 9 Balboa High School was -- I believe it's a Ms. Eheart.
 10 Am I pronouncing that right?
 11 A Yes.
 12 Q Would you say she's a good teacher?
 13 A I would say so.
 14 Q Is she coming back next year?
 15 A Yes.
 16 Q Are you familiar with school accountability
 17 report cards?
 18 A Yes.
 19 Q Do you know who drafts those for Balboa High
 20 School?
 21 A The district does.
 22 Q Are you involved in providing information that
 23 goes in those reports cards?
 24 A Just the description. I forgot what it's
 25 called.

1 Q Are you involved in creating any other parts of
 2 that?
 3 A No.
 4 Q Do you know if the school accountability report
 5 cards are sent to the State by the district?
 6 A I don't know.
 7 Q You mentioned that you have received complaints
 8 from students regarding various things, such as
 9 substitute teachers, and I believe you said bathrooms as
 10 well and a few other items.
 11 Was Alondra Jones one of the students who
 12 complained to you?
 13 A Yes.
 14 Q Did she complain to you about more than one of
 15 the categories we discussed?
 16 A Not that I recall.
 17 Q Do you recall what she complained to you about?
 18 A I would be guessing.
 19 Q This is very simple clarification.
 20 You mentioned that -- before I think you said
 21 that there were 38 teachers at Balboa on emergency
 22 credentials. On your first day you said 38 percent.
 23 Did you mean to say 38 percent?
 24 A Gosh. What did I -- yeah, 38 percent, I would
 25 say.

1 Q So it's less than 38 percent, the number of
2 teachers at Balboa who have credentials?
3 A Yes.
4 Q Just want to make sure the record's clear,
5 that's all.
6 A Yes.
7 Q We also talked about bathrooms. Other than
8 having to go to the bathroom, do students -- have you
9 ever heard that students go to the bathrooms for any
10 other reasons?
11 A I'm sorry, would you repeat that.
12 Q That wasn't the clearest question. Let me give
13 an example.
14 Have you ever heard that students go to the
15 bathrooms just to hang out?
16 A That's why the bathrooms are locked, except for
17 when there are students being escorted. That's one of
18 the reasons.
19 Q Was it a problem before and that's why the
20 bathrooms are now locked during class periods?
21 A That's one of the reasons.
22 Q And also for safety reasons I guess you said?
23 A Right.
24 Q You also mentioned that you haven't received
25 any complaints about the condition of the adult

1 bathrooms at Balboa; isn't that right?
2 A Right.
3 Q The same janitors clean the adult bathrooms
4 that clean the student bathrooms?
5 A Yes.
6 Q And you have never received any complaints of
7 janitors not doing an adequate job in the adult
8 bathrooms?
9 A No.
10 MR. ROSENTHAL: Now, I just quickly want to do this
11 as quickly as we can. I would like to mark as an
12 exhibit a declaration of Alondra Jones dated February
13 7th, 2001, and I don't remember what number we are up
14 to.
15 (Defendant's Exhibit 4 was marked for
16 identification by the court reporter.)
17 BY MR. ROSENTHAL:
18 Q Why don't I give you a couple minutes just to
19 read through it. It's only almost four pages long.
20 A Where is this Exhibit A? Says, "I have
21 attached a copy of article" -- oh, the article. Sorry.
22 Q That's the San Francisco Weekly article. I
23 don't think it was actually attached to a copy of the
24 declaration.
25 MS. LHAMON: It was. I'm sure it was.

1 MR. ROSENTHAL: One incarnation of it.
2 THE WITNESS: Okay.
3 BY MR. ROSENTHAL:
4 Q I know we have covered a lot of this
5 information before, so I'm going to try to go through it
6 as quickly as possible.
7 Basically I want to know if you have heard of
8 these allegations before, if Ms. Jones ever told you,
9 ever complained to you about any of these problems and
10 whether you have any reaction to their veracity, whether
11 they were true or not?
12 A Some of them. I don't recall her ever, ever
13 mentioning the mice.
14 Q Why don't we go through them quickly paragraph
15 by paragraph.
16 Let's focus your attention on paragraph 3. Did
17 you ever hear the allegations contained in paragraph 3?
18 A Yes, but not from her.
19 Q Did you hear them from somebody else?
20 A Yes. Ms. Safir.
21 Q And is that the instance -- I think there was
22 an instance after Christmas in -- I'm forgetting the
23 year now?
24 A '99.
25 Q After Christmas '99, that's the instance you

1 testified to that she had reported seeing mouse
2 droppings in her classroom?
3 A Yes.
4 Q You have never heard of any other instances
5 about people seeing mice every three months at Balboa?
6 A Every three months, no.
7 Q So do you have any opinion of the veracity of
8 the statement contained in paragraph 3?
9 MR. OJEDA: Objection; overbroad, vague and
10 ambiguous.
11 THE WITNESS: Can you be more specific.
12 BY MR. ROSENTHAL:
13 Q I can break it down. I was just trying to go
14 through it as quickly as possible. But --
15 MR. OJEDA: Can I object that -- an ongoing
16 objection that this document covers many of the same
17 allegations contained in the Complaint that we covered
18 at length. And I just object. If we are going to go
19 line by line, paragraph by paragraph asking questions on
20 each.
21 If we can limit it possibly to questions
22 regarding complaints made by Ms. Jones, perhaps that
23 would expedite the process.
24 MR. ROSENTHAL: Well, what I can do is, there are a
25 number of allegations contained here that we did not

1 cover, but I know there are a fair number we have gone
2 through. So what I can try to do is, I'll just try to
3 ask some more general questions, see if Ms. Gray has
4 anything additional to add to her previous testimony, if
5 there are any other instances regarding those complaints
6 that we have covered and we can try it that way and try
7 to get through as quickly as we possibly can. We will
8 see if -- I'll do the best I can.

9 Q Just as far as paragraph 3, that basically is
10 dealing with mice problems at Balboa; isn't that right?

11 A Paragraph 3 deals mainly with mice problems at
12 Balboa, yes.

13 Q Other than what you have testified to already,
14 is there anything else you can add about any instance of
15 there being mice at Balboa?

16 A Yes.

17 Q You have additional information?

18 A Yes.

19 Q Can you tell me what that is.

20 A On the last day of school, the 8th of June, the
21 superintendent was supposed to come out and visit and a
22 teacher was cleaning her room and she complained of
23 mice.

24 Q Do you remember what teacher that was?

25 A Ms. Morehouse.

1 this particular instance?

2 A Yes.

3 Q And did the exterminator do what the
4 exterminator had done in the past, put out sticky pads
5 and plug up holes that he or she saw?

6 A Yes.

7 Q Any other complaints about mice that you have
8 heard of?

9 A No.

10 Q That you haven't already testified about?

11 A No.

12 Q Why don't we take a look at paragraph 4, and
13 this deals with classroom temperatures which is
14 something I did not go through with you during the first
15 day, but has been brought up today.

16 Do you want a moment to look at it?

17 A No, I've seen it and I read it.

18 Q Did you ever hear about this particular
19 complaint that Ms. Jones had?

20 A Absolutely not.

21 Q Have you heard about this complaint from
22 anybody else?

23 A No, first time I've seen it.

24 Q Have there been any teachers who complain about
25 temperatures at Balboa?

1 Q Did she say she had seen the mouse?

2 A Yes.

3 Q Did she see more than one?

4 A Yes.

5 Q Did she say how many?

6 A No.

7 Q And what did you do as a result of hearing
8 about Ms. Morehouse's complaints?

9 A I contacted my superior and expressed an
10 interest in having some -- having someone come out in
11 addition to the regular exterminator that we call. And
12 he sent someone out to go through and evaluate and tell
13 us what we need to do to minimize the problem.

14 Q And do you remember what that person told you?

15 A It was a written report. I didn't talk with
16 him. The written report was that we not have food in
17 the classroom, eliminate any trash in certain areas,
18 clean out drainage pipes, close holes.

19 MR. OJEDA: He just asked you what the response was.

20 THE WITNESS: That was the response.

21 MS. LHAMON: You are identifying the response.

22 THE WITNESS: Which I mentioned earlier I think to
23 you.

24 BY MR. ROSENTHAL:

25 Q Did an exterminator come as well to deal with

1 MS. LHAMON: Asked and answered.

2 THE WITNESS: No.

3 BY MR. ROSENTHAL:

4 Q As far as you know, do the teachers work in all
5 the classrooms at Balboa?

6 A I do.

7 Q And you know they work?

8 A That's right.

9 Q Is there a particular floor at Balboa High
10 School that's colder than others on certain days?

11 A No.

12 Q You have never heard the third floor is
13 particularly cold compared to other floors at Balboa.

14 A No. It would surprise me if it did.

15 Q Why don't we take a look at paragraph 5, then.

16 A Okay.

17 Q Ever hear the complaint that's described in
18 paragraph 5?

19 A Yes.

20 Q Would you say that paragraph 5 is accurate?

21 MS. LHAMON: Objection; calls for speculation.

22 BY MR. ROSENTHAL:

23 Q To the extent you know. You are the principal
24 of the school. I imagine -- do you understand which
25 doors the paragraph 5 is referring to?

1 A Are you asking if they are still cracked?
 2 Q Why don't we deal with, first, were they ever?
 3 A Yes.
 4 Q Are they cracked as we sit here today?
 5 A No.
 6 Q How about the window panes in the gym, says the
 7 window panes in the gym are missing.
 8 A I don't know about those. They still may need
 9 fixing.
 10 Q The windows cracked in the right wing double
 11 doors, those have been fixed?
 12 A Yes.
 13 Q Do you recall how long those windows were
 14 broken?
 15 A The window panes are fixed as soon as I know
 16 that they are broken.
 17 Q How did you find out they were broken?
 18 A The kids reported to the office or the janitor
 19 reports it to the office, my secretary places a work
 20 order, and then the workmen come out and fix it.
 21 Q Do you think you found out about the cracked
 22 windows in a timely fashion?
 23 A I do.
 24 Q Any reason to believe that they were cracked
 25 for a significant amount of time before you found out

1 the article we have marked as Exhibit No. 1. Do you
 2 have a reaction to that?
 3 A The books were ordered July of 1999.
 4 Q So is it your opinion the article had
 5 absolutely nothing to do with the books arriving at the
 6 school?
 7 A I know for a fact the article had nothing to do
 8 with books arriving at the school.
 9 Q So in your opinion paragraph 8 is false?
 10 A Absolutely.
 11 Q Paragraph 9 is a long one, also about books.
 12 Do you have anything else to add there?
 13 A No.
 14 Q Do you remember Japanese being taught at Balboa
 15 High School?
 16 A Yes.
 17 Q Japanese is no longer taught there; is that
 18 right?
 19 A No, it's not.
 20 Q Do you know if there was a Japanese textbook in
 21 use when Japanese was taught?
 22 A I don't know that.
 23 Q Are there other languages being taught at
 24 Balboa currently?
 25 A Yes.

1 about it?
 2 A No.
 3 MS. LHAMON: Vague as to "significant."
 4 BY MR. ROSENTHAL:
 5 Q Paragraph -- the information contained in
 6 paragraph 6, we have largely covered that. Do you have
 7 anything additional to add?
 8 A No.
 9 Q Regarding bathrooms?
 10 A No.
 11 Q Would you say that the allegation here that
 12 there are two bathrooms for girls is false?
 13 A It's false.
 14 Q Why don't we go to paragraph 7. We have talked
 15 somewhat about textbooks. Here's an allegation about a
 16 particular Spanish class, that there are not enough
 17 books. Have you heard of that complaint before?
 18 A No.
 19 Q Do you believe it to be true?
 20 A I don't believe it to be true.
 21 Q Do you believe it to be false?
 22 A Yes, I do.
 23 Q Let's briefly look at paragraph 8.
 24 Paragraph 8, I'm summarizing, seems to imply that the
 25 school obtained books as a result of a news article, in

1 Q I know Spanish is being taught. Is French
 2 being taught?
 3 A French, Spanish, Filipino.
 4 Q Do you know if Filipino was being taught at
 5 Balboa at the same time Japanese was being taught, or is
 6 that a new language that was added?
 7 A Filipino was being taught.
 8 Q Was there any language added to replace
 9 Japanese?
 10 A French. French was not taught before.
 11 Q So Balboa has consistently for the past couple
 12 of years taught three -- offered three different
 13 languages?
 14 A That's right.
 15 MS. LHAMON: English is a fourth.
 16 THE WITNESS: Oh, that's right.
 17 BY MR. ROSENTHAL:
 18 Q I think we can skip over paragraph 10.
 19 Paragraph 11, we have talked about that as
 20 well.
 21 Let's add a little detail to plaintiffs' claim.
 22 I believe you previously testified there was -- correct
 23 me if I'm wrong, but I thought you testified that it was
 24 an art class that had a number -- that had more students
 25 in it than was originally -- there were not enough desks

1 for students in the class, I guess?

2 A That's right.

3 Q I think you had testified during your first day
4 about a class that had approximately 50 some-odd
5 students on the role. Was that the same art class?

6 A I thought that was the class, yes. It might
7 have been this algebra class.

8 Q Do you recall that occurring in more than one
9 instance or was it just one class?

10 A No, just that year.

11 Q As you sit here --

12 A That one class.

13 Q I'm sorry.

14 As you sit here today, do you remember if it
15 was an art class or algebra class, or you just don't
16 really recall?

17 A I don't recall if the 53 were in the art class
18 or the algebra class. I do know the art teacher
19 complained about not having enough seats.

20 Q And do you remember an instance, as you
21 testified during your first day, that there was a class
22 with 50 some-odd students on the class role, but never
23 that many students in the class?

24 A Right.

25 Q Do you remember if that was the same art class

1 one time.

2 Q Was that problem resolved?

3 A Yes. The students were transferred out. The
4 class was -- class list was reduced.

5 Q And do you recall how long that took
6 approximately?

7 A It never takes over five, six, five days, five
8 school days.

9 Q If you can take a look at paragraph 12. This
10 deals with substitute teachers, which we have also
11 discussed. I believe that Ms. Jones testified that
12 there was an error in this paragraph. I think the
13 teacher she was referring to was Ms. Caliz.

14 A That's right, World Literature.

15 Q I think you previously testified that
16 Mr. Wilcox eventually was assigned to that class on a
17 permanent basis?

18 A That's right.

19 Q Mr. Wilcox is still teaching at Balboa?

20 A Yes, he is.

21 Q So Ms. Jones says that the class was taught by
22 "a bunch of substitutes." Would you say that's
23 accurate?

24 A I wasn't there. I don't know when Mr. Wilcox
25 took the position. But once he did, he was there for

1 or was that a different class?

2 A I don't recall. Now that I see this, it might
3 have been the math class. It's not uncommon during the
4 first few weeks of school to have that many kids on the
5 role and yet they are not -- the bodies are not there in
6 the classroom.

7 Q And the students who are -- when you have, for
8 example, 50 students on the role, why wouldn't all 50
9 students ever show up in that class, if you can just
10 tell me why that would never happen.

11 A The students are changing classes during that
12 period of time. And before I got to Balboa, they were
13 not filling out drops. So the teachers were adding
14 students to the class roles and not dropping the ones
15 that were changing out of their classroom roles.

16 Q If I can paraphrase, if a student was assigned
17 to Class A and then switched instead to Class B, that
18 student would be found on both class roles?

19 A That's exactly right.

20 Q Also on paragraph 11 it says after the first
21 week of class it went down to 40 students. Have you
22 ever heard of an algebra class having 40 students
23 present in it?

24 A As I recall, I do remember Mr. Medina
25 complaining about having too many students in a class at

1 that duration and still is there.

2 Q Moving on to paragraph 13. During your first
3 day you testified about -- we talked in detail about the
4 movie policy and about classes where movies had been
5 shown that were -- that you deemed inappropriate.

6 A Yes.

7 Q Do you ever recall that happening in the
8 Spanish class?

9 A I don't know. I didn't know, actually, that it
10 was happening in the Spanish class.

11 Q So you never heard that complaint before?

12 A Not about the Spanish class.

13 Q This would have been the 1990-2000 school year.
14 Is that the year -- the class that's referred to the --
15 to the extent you know, is that Mr. Miller's class?

16 A Yes.

17 Q And that class eventually got a permanent
18 substitute who was fluent in Spanish; is that right?

19 A Yes.

20 Q And who taught the class in Spanish?

21 A Along with -- yes.

22 Q Do you remember the name of that permanent sub?

23 A Mr. Robertson, Robinson, Robertson, Robertson.

24 Q He's not currently teaching at Balboa?

25 A No, he's not.

1 Q Just very quickly, if you could, look at
2 paragraph 14. Do you recall ever hearing about students
3 complaining about having to take a final exam in that
4 Spanish class?

5 A They did have to take a final exam in the
6 class, yes.

7 Q Did you ever hear students complaining that
8 they shouldn't have to because all they did in the class
9 was watch movies and never learned Spanish?

10 A Yes. And I knew that wasn't true, so they
11 would have to take a final.

12 Q So during the year they were in fact instructed
13 in Spanish?

14 A They were. They had to turn in their work.
15 The assistant principal, curriculum principal collected
16 that work and participated in determining the grades
17 since they had more than one teacher.

18 Q So if somebody performed poorly in that class,
19 would you say it was because of a lack of instruction?

20 A No.

21 MS. LHAMON: Calls for speculation.

22 BY MR. ROSENTHAL:

23 Q In your opinion, proper instruction in Spanish
24 was given in that class?

25 MS. LHAMON: Calls for speculation.

1 identification by the court reporter.)

2 BY MR. ROSENTHAL:

3 Q I'll give you a couple minutes to look that
4 over. I think it might be a little shorter.

5 A Okay.

6 Q We will do the same thing with these. I know
7 there's a number of allegations that we have covered,
8 but there's a fair number that we haven't gone through
9 as well. Why don't we take it paragraph by paragraph,
10 if that's okay with you.

11 A Yes.

12 Q Paragraph 3, we have talked about the mice.
13 Anything new you see here. She mentions mice droppings
14 in the teachers' lounge. Have you ever heard of that?

15 A No, I didn't. She just reported the mice and
16 droppings in her classroom.

17 Q She never reported anything to you about mice
18 in the teachers' lounge?

19 A No, nor about mice running through her
20 classroom.

21 Q You testified she saw mice droppings in that
22 one instance after Christmas?

23 A That's right.

24 Q She said the exterminator didn't spray
25 anything. You say that's true?

1 THE WITNESS: It would have been better had I had a
2 Spanish teacher there the entire time, but they did
3 receive instruction in Spanish.

4 BY MR. ROSENTHAL:

5 Q When you say it could be better, is that
6 because of the consistency we discussed earlier?

7 A Exactly.

8 Q Any other reason?

9 A Mr. Robertson or Robinson, whatever his name
10 was, was not a Spanish major. He knew Spanish and was
11 able to teach Spanish. If he had been a Spanish major,
12 whether credentialed or not, I think it would have been
13 a better teacher and the consistency of having the same
14 teacher.

15 Q Do you know if the entire class failed Spanish
16 that year? Did some students pass, some students do
17 well?

18 A Some students passed, some students did well.
19 The entire class did not fail.

20 Q Why don't we put that aside.

21 I want to mark one more of these, and then we
22 will be done. Why don't we mark the next exhibit,
23 No. 5. And this one is a declaration of Shane Safir
24 dated June 27th, 2000.

25 (Defendant's Exhibit 5 was marked for

1 A That's right, district's policy.

2 Q District policy?

3 A That's right.

4 Q Move on to paragraph No. 4, which talks about
5 teacher turnover. We covered that as well. Would you
6 characterize the teacher turnover at Balboa now as --
7 would you characterize the teacher turnover as high?

8 MR. OJEDA: Objection; vague and ambiguous.

9 BY MR. ROSENTHAL:

10 Q You want me to rephrase the question?

11 A No. I thought you said you were going to
12 rephrase the question.

13 Q Would you like me to?

14 A Yes.

15 Q Would you say that teacher turnover is lower at
16 Balboa now than it had been in the past?

17 A Yes.

18 Q Would you characterize the turnover that exists
19 now as high?

20 MR. OJEDA: Same objection.

21 MS. LHAMON: Vague as to time.

22 BY MR. ROSENTHAL:

23 Q How would you characterize teacher turnover at
24 Balboa?

25 MR. OJEDA: Same objection.

1 THE WITNESS: Actually, turnover's not bad. Having
2 to consolidate seven teachers means that the number will
3 be high this year, but that's not turnover.

4 BY MR. ROSENTHAL:

5 Q That's consolidation?

6 A That's right. So the number of turnover --
7 teachers leaving is still not bad.

8 Q So most of the teachers are returning other
9 than -- putting the consolidation aside?

10 A That's right.

11 Q Why don't we move on to paragraph No. 5. I
12 think we have identified these -- the teachers at issue
13 here. The drivers ed teacher was -- do you know the
14 name offhand again?

15 A Mr. Bagatelos. And what Ms. Safir didn't know
16 was that the position was consolidated and the drivers
17 ed class was offered after school.

18 Q Did Ms. Safir ever ask you about any of these
19 teacher vacancies to find out more information?

20 A No.

21 Q And the last sentence in paragraph 5 says
22 students in classes with a string of substitute teachers
23 who stay very short periods of time. Would you say
24 that's true?

25 A No, it's not true. Mr. Robinson stayed the

1 A That's right.

2 Q Take a look at paragraph 7. I know you
3 testified in a few instances there weren't enough seats.
4 Would you say that occurs for weeks during the school
5 year?

6 A No.

7 Q Approximately how long -- well, why don't we do
8 it this way.

9 Have you heard of any instance where students
10 have had their -- haven't had their own seat to sit in
11 for more than a week at Balboa?

12 A No.

13 Q Do you recall the longest period of time that
14 students have not had a desk in a particular class?

15 A No. Certainly wasn't more than five days, if
16 that long.

17 Q Can you recall any other instances in the art
18 class you previously testified about?

19 A Well, I mentioned earlier that Ms. Jones's
20 statement did trigger something about Mr. Medina
21 complaining of the size of his class.

22 Q Do you recall if that involved a lack of seats
23 for students?

24 A Too many students in the class and most of them
25 didn't want to leave. They liked Mr. Medina, and it was

1 whole rest of the year from November, most of the year.

2 Q Let's take a look at paragraph 6. Ms. Safir,
3 I'm paraphrasing here, says that classes are
4 unsupervised by any adult for a period of time in the
5 morning on occasion. I think you previously testified
6 that that's never the case.

7 A There's always someone there. If we know the
8 teacher's not there, we send someone to cover.

9 Q Has Ms. Safir ever told you she witnessed a
10 classroom with no adult supervision?

11 A No.

12 Q Looking at the last two sentences in that
13 paragraph, starting with "I think the school has a
14 responsibility to provide an adult in every room." And
15 the following sentence, "If the school cannot find a
16 substitute when a teacher is absent or when a teaching
17 position has not yet been filled, then the principal or
18 some other administration should stand in the classroom
19 with the students just to be sure an adult is in the
20 room."

21 A I agree.

22 Q Do you agree with those two sentences?

23 A I agree.

24 Q Would you say that's happened all the time you
25 have been principal at Balboa?

1 hard to get them to transfer out.

2 Q When you say there's too many students, did
3 they all have seats in the class, or was it too many
4 students for -- it was above the district's 34.5?

5 MS. LHAMON: Asked and answered.

6 MR. ROSENTHAL: I think it was asked; I don't think
7 it was answered.

8 MS. LHAMON: It was earlier today, not just now.

9 MR. ROSENTHAL: We are talking about the algebra
10 class, which you didn't ask about.

11 MS. LHAMON: But you did.

12 THE WITNESS: If I can recall correctly, once we
13 were told that they needed seats, we put as many in
14 there as we could, until the kids were transferred to
15 other classes.

16 BY MR. ROSENTHAL:

17 Q So it was the same procedure that occurred in
18 the art class?

19 A Right.

20 Q Was it Mr. Chung who handled getting additional
21 seats?

22 A Yes.

23 Q I think that's what you said during the first
24 day.

25 A Yes. And Mr. Rachesky, who was responsible for

1 transferring them out into other classes.
 2 Q The actual scheduling of the students?
 3 A Right.
 4 Q Okay. Quickly paragraph 8. Do you recall the
 5 math department ever not having enough textbooks?
 6 A No.
 7 Q Do you recall ever hearing that students had to
 8 share math textbooks?
 9 A Only in the situation where the teacher needed
 10 to make copies, when that teacher wanted to use the
 11 extra book, that I've testified to earlier.
 12 Q No other instances in sharing?
 13 A No.
 14 Q That wasn't even sharing; it was just making
 15 copies of the textbooks so there were enough, so
 16 everybody had their own?
 17 A Right.
 18 Q That's because the teacher chose to use a
 19 particular book?
 20 A That's right.
 21 MS. LHAMON: Michael, with your indulgence, would
 22 you mind telling us who that teacher was?
 23 THE WITNESS: I don't know.
 24 BY MR. ROSENTHAL:
 25 Q Briefly look at paragraph 9, see if you have

1 A No.
 2 Q Has your secretary ever been notified, to the
 3 extent you know?
 4 A Not to my knowledge.
 5 Q Mr. Chung was the third person you said?
 6 A Right.
 7 Q Do you know if he's ever been notified?
 8 A No.
 9 Q Take a look at paragraph 10. Ceiling tiles is
 10 not something we discussed, so why don't you tell me a
 11 little about that.
 12 A Never heard that at Balboa being a problem.
 13 Q Are there ceiling tiles missing in almost every
 14 classroom at Balboa?
 15 A I have not seen any missing.
 16 Q You are not aware of any ceiling tiles missing
 17 in any classroom at Balboa?
 18 A None.
 19 Q Did kids ever tell you they are worried tiles
 20 may fall on them during class?
 21 A No.
 22 Q Let's look at paragraph 11, science labs.
 23 A No. 11 is absolutely false.
 24 MR. OJEDA: There's no question pending. Why don't
 25 you wait for him to ask a question.

1 anything to add there.
 2 MR. OJEDA: That all looks like territory we have
 3 already covered.
 4 MR. ROSENTHAL: I'm adding an open-ended question.
 5 THE WITNESS: Says several stalls are missing doors.
 6 That's incorrect.
 7 BY MR. ROSENTHAL:
 8 Q As far as you know, do all the bathrooms at
 9 Balboa High School have doors on the stalls?
 10 A I know that.
 11 Q How do you know that?
 12 A Because I asked Mr. Courtney to go around and
 13 check.
 14 Q And if there was a stall door missing from a
 15 bathroom, would you hear about it?
 16 A Only if someone told me or if the janitor
 17 mentioned it.
 18 Q If a janitor walked into a bathroom that had a
 19 stall door missing, is it the janitor's responsibility
 20 to notify somebody?
 21 A Yes.
 22 Q Who would they notify?
 23 A Me or my secretary or Mr. Chung.
 24 Q Do you know if -- have you ever been notified
 25 that a bathroom stall door was missing?

1 THE WITNESS: Yes, sir.
 2 BY MR. ROSENTHAL:
 3 Q Can you tell me whether the allegation in
 4 paragraph 11 is true or false?
 5 A It's false.
 6 Q Would you say students do labs in science
 7 classes?
 8 A Yes.
 9 Q Do they have materials to do labs and
 10 experiments?
 11 A Yes.
 12 Q Have you ever heard that they don't have those
 13 kinds of materials?
 14 A No.
 15 Q Have any of the science teachers ever told you
 16 they didn't have materials to do labs?
 17 A No.
 18 MS. LHAMON: "Chemistry and biology should be
 19 dynamic, experiential classes during which students can
 20 see their lessons come alive through their labs."
 21 MR. OJEDA: Objection. Can we have one person
 22 asking questions at a time? You will have an
 23 opportunity as follow-up.
 24 BY MR. ROSENTHAL:
 25 Q I'll ask the question to speed things up.

1 Just so we are clear. In the third sentence in
2 paragraph 11, do you believe that sentence is true,
3 starting with "Chemistry and biology"?

4 A "Should be a dynamic" -- yes, I think that's
5 true. And it is at Balboa.

6 Q So science classes at Balboa are dynamic,
7 experiential classes?

8 A Yes.

9 Q And just look at the fourth sentence which says
10 students just do book work because the school doesn't
11 have material to offer them labs. Is that false?

12 A Yes.

13 Q Is Ms. Safir a science teacher?

14 A No, she's not.

15 Q Let's look at paragraph 12. Have you ever
16 heard any complaints about window shades being broken?

17 A Yes.

18 Q Have you heard complaints from Ms. Safir?

19 A Yes.

20 Q Heard complaints from any other teachers?

21 A Yes.

22 Q Would you say that's a problem at Balboa?

23 A It is.

24 Q Is anything being done to correct that problem?

25 A Yes.

1 Q Can you tell me what's being done or what has
2 been done?

3 A We got a \$30,000 block grant, and the first
4 thing the school site council voted to do was to replace
5 the shades.

6 Q And is that something -- has that been done
7 already, or is that something that's going to be done in
8 the near future?

9 A It's going to be done in the future, near
10 future.

11 Q Do you recall when it's planned?

12 A We have started the inquiry as to how to go
13 about getting it done. The district does not fix
14 shades, so we have to go through the process of getting
15 bids, etc.

16 Q Do you expect the shades to be fixed before
17 school opens in the fall?

18 A Probably not before, but soon after.

19 Q Let's take a look at paragraph 13, deals with
20 copiers at the school. Can you tell me how many copiers
21 you have at the school for teachers to use?

22 A Three or four.

23 Q So when Ms. Safir said there's one large copier
24 and one small backup copy machine, is that false?

25 A That's false.

1 Q Would you say that there are frequent problems
2 with the copy machines?

3 A There had been with one.

4 Q And when there are problems with that machine,
5 were the other machines all functioning?

6 A Yes.

7 Q Has the problem with the one machine been
8 resolved?

9 A Yes.

10 Q Can you tell me how that was resolved?

11 A Purchasing another one.

12 Q And it's been fixed?

13 A We got it fixed.

14 Q So in your opinion, are there enough copy
15 machines at the school for all the teachers' needs?

16 A Yes.

17 Q We are on the last page here. Paragraph 14
18 deals with counselors, which is another issue we really
19 haven't covered. Can you tell me whether the statements
20 in paragraph 14 are accurate?

21 MR. OJEDA: Objection; it's overbroad. There are
22 several statements unfortunately contained in that
23 paragraph. I know we all want to speed through this. I
24 just want to --

25 BY MR. ROSENTHAL:

1 Q If it's an area we haven't covered, I'll take
2 it sentence by sentence. The first sentence in
3 paragraph 14 says, "The school has only three guidance
4 counselors for about 1200 to 1400 kids." Would you say
5 that statement is accurate?

6 A That's because we have only a thousand kids.

7 Q Are there three guidance counselors at Balboa?

8 A There are three guidance counselors.

9 Q In your opinion, are three guidance counselors
10 sufficient for Balboa High School, or do you think there
11 should be more?

12 A We should have more, and the district is
13 providing another one next year.

14 Q So next year you will be getting a fourth
15 counselor?

16 A Yes.

17 Q Let's take a look at the second sentence. "One
18 of the counselors works only with the 300 or 400
19 bilingual kids, so that means the school has only two
20 counselors for the other 900 to 1,000 kids."

21 Putting the math aside, with respect to the
22 total number of students, is that statement accurate?

23 A The numbers are all wrong, but the concept is
24 right. There is one counselor out of the three who work
25 with the bilingual kids. The numbers are all wrong.

- 1 Q Do you know how many bilingual kids there are?
 2 A Approximately 250, maybe 300, 250.
 3 Q So the other two guidance counselors work with
 4 approximately 750 and 800 and change?
 5 A Right.
 6 Q Do you know if there's a district policy with
 7 respect to how many counselors should be assigned to --
 8 assigned per group of students? For example, is there a
 9 district policy regarding that there should be one
 10 counselor for 400 students at a school or something like
 11 that?
 12 A If there is, I don't know what that ratio is,
 13 but we meet the ratio.
 14 Q You meet the ratio?
 15 A Yes.
 16 Q Currently with three guidance counselors?
 17 A Yes.
 18 Q So when you get the fourth, you will be
 19 substantially below that ratio?
 20 A Yes.
 21 Q Just very briefly, the third sentence -- I
 22 won't read it, but is that a true statement?
 23 A The guidance counselors are supposed to program
 24 classes?
 25 Q Right.

- 1 A Yes.
 2 Q How about the fourth statement that the
 3 counselors are incredibly overworked with so many
 4 students to oversee?
 5 A They feel overwhelmed, yes.
 6 Q Have they complained to you about being
 7 overworked?
 8 A No.
 9 Q Have the same counselors been at Balboa since
 10 you have been principal?
 11 A Yes.
 12 Q Can you tell me their names.
 13 A Yes.
 14 Sharimar, S-h-a-r-i-m-a-r, Sharimar
 15 W-a-l-i-s-i, Walisi, does A through L, I think for all
 16 grades.
 17 Tanya -- Tanya Hart does N through Z, with
 18 general ed students.
 19 Roberto Rodriguez does the ELL students, A
 20 through Z.
 21 Then there's special ed counselors. Each
 22 special ed teacher has a free period for counseling in
 23 addition to their preparation period, and each of them
 24 each has about 13, 14 kids that are assigned to them.
 25 Q Can you tell me roughly how many total special

- 1 ed kids there are at Balboa?
 2 A One hundred fifty-six.
 3 Q So when we were figuring out how many
 4 students -- well, let me take one step back.
 5 Are some of the special ed students ELL
 6 students?
 7 A Very few.
 8 Q So the majority are general ed?
 9 A General ed, yes.
 10 Q So when we were talking about the approximately
 11 750 to 800 and change that were assigned to two
 12 counselors, in fact it's about -- test my math here --
 13 600 to 650 or so that are divided between the two
 14 counselors?
 15 A Yes, that's right.
 16 Q The last sentence in paragraph 4, counselors
 17 end up placed in the wrong classes for weeks at a time
 18 before their course schedules can be corrected?
 19 A Paragraph 14?
 20 Q Did I misspeak?
 21 A Yes.
 22 That's not true.
 23 Q Let's look at paragraph 15. Does Balboa High
 24 School have any sort of master calendar?
 25 A Of course.

- 1 Q Are things like school rallies and other events
 2 on the master calendar?
 3 A Absolutely.
 4 Q Is that something that's updated regularly?
 5 A Yes.
 6 Q Is it circulated to teachers on a regular
 7 basis?
 8 A Yes.
 9 Q Do you know how often teachers are given a copy
 10 of calendar?
 11 A Monthly.
 12 Q Have you ever heard of a situation where a
 13 teacher -- where a rally was scheduled without giving
 14 more than two days' notice to teachers?
 15 A No.
 16 Q Let's take a look at the last paragraph which
 17 deals with honors and advance placement classes. Do you
 18 recall Ms. Safir ever trying to certify any classes as
 19 honors classes?
 20 A Not since I've been there.
 21 Q Was Ms. Safir teaching at the school when you
 22 became principal?
 23 A Yes.
 24 Q But in the two years you have been at Balboa,
 25 she never tried to certify any honors classes as far as

1 you know?
 2 A No.
 3 Q Have you ever heard of a district official
 4 saying the honors work is too accelerated for Balboa
 5 student population?
 6 A No.
 7 Q You testified during your first day that there
 8 are a number of AP courses being offered at Balboa; is
 9 that right?
 10 A That's right.
 11 Q Have you been able to increase the number of AP
 12 courses at Balboa since you have been principal?
 13 A Yes, I have.
 14 Q I think that's all I have. I appreciate your
 15 time and all your hard work.
 16 A Thank you.
 17 MS. LHAMON: Thank you very much. We have been
 18 stipulating for 20 days --
 19 MR. ROSENTHAL: We have been giving 15 days.
 20 MR. OJEDA: We have been doing 30 days now. We did
 21 that early on, but we have had problems with 15 days.
 22 MR. ROSENTHAL: Off the record.
 23 (Discussion off the record.)
 24 MR. OJEDA: We can use the same stipulation we
 25 agreed to last time, with the exception of a 30-day turn

1 around on the review of the transcript.
 2 MR. ROSENTHAL: I'm ordering expedited. I would
 3 like to have it Friday.
 4 THE REPORTER: Would you like your copy expedited?
 5 MS. LHAMON: Yes, I want mine Friday as well.
 6 MR. OJEDA: No, I don't want mine expedited or a
 7 rough draft.
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 9 I, PATRICIA J. GRAY, do hereby declare under
 10 penalty of perjury that I have read the foregoing
 11 transcript; that I have made any corrections as appear
 12 noted, in ink, initialed by me; that my testimony as
 13 contained herein, as corrected, is true and correct.
 14 EXECUTED this _____ day of _____,
 15 2001, at _____, _____
 (City) (State)
 16
 17
 18 _____
 19 PATRICIA J. GRAY
 20
 21
 22
 23
 24
 25

1 STATE OF CALIFORNIA)
 :ss
 2 COUNTY OF SAN FRANCISCO)
 3
 4 I, the undersigned, a Certified Shorthand
 5 Reporter of the State of California, do hereby
 6 certify:
 7 That the foregoing proceedings were taken
 8 before me at the time and place herein set forth; that
 9 any witnesses in the foregoing proceedings, prior to
 10 testifying, were placed under oath; that a verbatim
 11 record of the proceedings was made by me using machine
 12 shorthand which was thereafter transcribed under my
 13 direction; further, that the foregoing is an accurate
 14 transcription thereof.
 15 I further certify that I am neither
 16 financially interested in the action nor a relative or
 17 employee of any attorney of any of the parties.
 18 IN WITNESS WHEREOF, I have this date
 19 subscribed my name.
 20
 21 Dated: _____
 22
 23
 24 _____
 25 RACHEL FERRIER
 CSR No. 6948