

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF SAN FRANCISCO

3
4 ELIEZER WILLIAMS, et al.,) Case No. 312 236

5 Plaintiffs,) Pages 1 - 160

6 VS.)

7 STATE OF CALIFORNIA,)

8 DELAINE EASTIN, State)

9 Superintendent Of Public)

10 Instruction, STATE)

11 DEPARTMENT OF EDUCATION,)

12 STATE BOARD OF EDUCATION,)

13 Defendants.)

14 _____)

15 AND RELATED CROSS-ACTION.)

16 _____)

17
18 DEPOSITION OF NOAH HAHN

19 TAKEN ON

20 SATURDAY, JANUARY 5, 2002

21
22
23 REPORTED BY: ASHALA TYLOR, CRR, RPR, CSR No. 2436

24 CERTIFIED REALTIME REPORTER

25

1 Deposition of NOAH HAHN, taken on behalf of the
2 Defendants at 400 South Hope Street, Los Angeles,
3 California, on SATURDAY, JANUARY 5, 2002, at
4 9:38 A.M., before ASHALA TYLOR, CSR No. 2436, RPR,
5 pursuant to Notice.

6
7 APPEARANCES:

8
9 FOR THE PLAINTIFFS:

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15
16 FOR THE DEFENDANT STATE OF CALIFORNIA:

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22
23
24
25

1 LOS ANGELES, CALIFORNIA
2 SATURDAY, DECEMBER 5, 2002; 9:38 A.M.

3
4 NOAH HAHN,
5 Having been first duly
6 sworn, was examined and testified
7 as follows:

8
9 EXAMINATION

10
11 BY MS. VANSE:

12 Q. Good morning.
13 A. Good morning.
14 Q. I know we've already introduced ourselves,
15 but my name is Jennifer Vanse. I'm an attorney
16 representing the State of California in this
17 matter.
18 Just for the record, I'd like you to state
19 and spell your full name.
20 A. My name is Noah. N-O-A-H, Hahn, H-A-H-N.
21 Q. Thank you.
22 Have you ever had your deposition taken
23 before?
24 A. No.
25 Q. I'll just explain a little bit about the

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1 process we're going to be going through.
2 We're here. You have counsel. And I'm
3 going to be asking you questions. And you're going
4 to be giving me answers to the extent that you can.
5 If you don't know the answer to a
6 question, you can say "I don't know." That's
7 perfectly fine.
8 You are under oath. The court reporter
9 has just sworn you in. So even though this is
10 pretty informal, it's a Saturday, your testimony
11 given today is going to have the same effect as if
12 we were in a courtroom and you were on the witness
13 stand. You might want to keep that in mind.
14 It's important when you answer to give yes
15 or nos, and not gestures or uh-huhs. That's
16 something that you often do in speech. It's easy
17 to fall into.
18 A. Right.
19 Q. Also it's important that you and I don't
20 speak over each other. I don't think we're going
21 to have a problem with that. But if so, I'll try
22 to remind you to either wait until I finish or --
23 and I'll do my best to do the same.
24 A. Okay.
25 Q. It's also important that you listen

1 carefully to the questions that I ask you. If you
2 don't understand something, you can let me know
3 that, please do. And I'll try to rephrase it to
4 the extent that I can so that you do understand it.
5 If you don't indicate that you haven't understood
6 what I've asked, I'll assume that you have
7 understood and answered accordingly.

8 I don't want you to guess. If you don't
9 know the answer, like I said before, it's perfectly
10 fine for you to say "I don't know" or you don't
11 recall. So, please, don't guess or speculate on an
12 answer.

13 If you need a break for any reason, please
14 let me know or let your counsel know. We can take
15 that. The only thing I would ask would be that you
16 would wait until you've answered the question
17 before taking a break. If at any point during the
18 deposition today you think of something to a
19 question I'd asked before, please feel free to
20 speak up and interject and supplement your answer.
21 That's also perfectly fine.

22 Do you have any questions about what we're
23 doing today?

24 A. No.

25 Q. Have you understood everything I just

1 any attorney-client communications.

2 BY MS. VANSE:

3 Q. I don't want you to disclose anything
4 you've talked with your attorney about. You can
5 tell me that you've spoken with your attorney.
6 That's fine. You don't need to go into the
7 conversation that you had.

8 A. Okay. I met with my attorney.

9 Q. Is that Mr. McKague who is here today?

10 A. Yes.

11 Q. And when did you meet with him?

12 A. I met with him yesterday.

13 Q. Anything else you did to prepare for your
14 deposition today?

15 A. No.

16 Q. Did you look over any documents, review
17 any notes that you might have had?

18 A. No.

19 Q. Did you speak to anyone regarding your
20 deposition today, the fact that you were going to
21 have it taken?

22 MR. MC KAGUE: Answer only to the extent
23 that your answer refers to discussions with
24 non-attorneys so that you are not revealing
25 attorney-client communication.

1 described, kind of the process?

2 A. Yes.

3 Q. Okay. Is there any reason why you
4 wouldn't be able to give your full and best
5 testimony today? You are tired?

6 A. No.

7 Q. Have you had any drugs or alcohol within
8 the last 24 hours?

9 A. Yes.

10 Q. And what did you have?

11 A. Just one beer at dinner last night.

12 Q. Is that going to affect your ability to
13 testify today?

14 A. No.

15 Q. Did you do anything to prepare for your
16 deposition today?

17 A. Yes.

18 Q. And what did you do?

19 MR. MC KAGUE: Objection. Vague and
20 ambiguous. Calls for attorney-client
21 communication.

22 BY MS. VANSE:

23 Q. You can answer the question if you can.

24 MR. MC KAGUE: But you can only answer the
25 question to the extent your answer doesn't call for

1 MS. VANSE: I think he can answer to the
2 extent that if he spoke with another attorney,
3 that's fine. I don't have to get into that
4 conversation. But if you did speak with someone
5 else who happens to be an attorney, I can still
6 find out that information.

7 MR. MC KAGUE: Maybe it would be easier --
8 maybe you could rephrase the question to avoid the
9 whole privilege problem.

10 MS. VANSE: Okay.

11 MR. MC KAGUE: It's pretty broad.

12 MS. VANSE: I can do that.

13 Q. Other than preparing for your deposition
14 today and speaking with counsel in that
15 preparation, did you speak to anyone else regarding
16 the fact that you were having your deposition taken
17 today?

18 A. Yes. I spoke with my father and my
19 girlfriend.

20 Q. When you spoke with your dad, what did you
21 tell him about having your deposition taken today?

22 A. Not any details, just I was having my
23 deposition taken.

24 Q. Is that the same for your girlfriend?

25 A. Yes.

1 Q. Very briefly, I just want to ask you a few
 2 questions about your background and education.
 3 Where did you -- I assume you went to
 4 college?
 5 A. Yes.
 6 Q. And where did you go to college?
 7 A. University of Wisconsin.
 8 Q. What degree did you get?
 9 A. A BA in history.
 10 Q. What year was that?
 11 A. I graduated in 1998.
 12 Q. Any other degrees that you received other
 13 than your BA?
 14 A. No.
 15 Q. Have you taken any additional courses
 16 since graduating from the University of Wisconsin,
 17 any college courses?
 18 A. Yes. I took courses towards getting my
 19 credential as mandated by having an emergency
 20 credential.
 21 Q. And where did you take -- did you take
 22 those all at one place, at one --
 23 A. Yeah --
 24 MR. MC KAGUE: Objection. The question is
 25 vague as to "those."

1 BY MS. VANSE:
 2 Q. Did you take all of your courses towards
 3 obtaining your credential at the same college or
 4 university?
 5 A. Yes.
 6 Q. Where was that?
 7 A. Chapman University.
 8 Q. Are you still taking those courses?
 9 A. No.
 10 Q. When did you take those courses at Chapman
 11 University?
 12 A. 1998 and 1999.
 13 Q. Did you obtain your full permanent
 14 teaching credential?
 15 A. No.
 16 Q. And what was the reason you stopped attend
 17 Chapman?
 18 MR. MC KAGUE: Objection. Lacks
 19 foundation and calls for -- well, lacks foundation.
 20 BY MS. VANSE:
 21 Q. You indicated that you are no longer
 22 taking courses at Chapman, correct?
 23 A. Yes.
 24 Q. And what is the reason that you no longer
 25 are taking courses there?

1 A. I'm employed in a different industry.
 2 Q. And what do you do now?
 3 A. I'm a commercial lender.
 4 Q. When did you begin your employment as a
 5 commercial lender?
 6 A. April or May of 2001.
 7 Q. Did you grow up in California?
 8 A. No.
 9 Q. When did you first arrive in California?
 10 MR. MC KAGUE: Objection. The question is
 11 vague and ambiguous. Do you mean when he moved
 12 here permanently or on vacation, a trip?
 13 BY MS. VANSE:
 14 Q. When did you first arrive in California
 15 for your employment?
 16 A. I would say August 1998.
 17 Q. And that was for the job at -- is it
 18 Hosler Middle School?
 19 MR. MC KAGUE: Objection. Lacks
 20 foundation.
 21 THE WITNESS: Ultimately, yes. I was part
 22 of a program called Teach For America, which is --
 23 MR. MC KAGUE: Listen to the question and
 24 just answer the question she's asking you.
 25 THE WITNESS: Okay. Ultimately, yes.

1 BY MS. VANSE:
 2 Q. So you didn't move to California for a
 3 particular job that you had already been able to
 4 find?
 5 A. I'm not sure I understand the question.
 6 Q. I'll just rephrase it. Why did you move
 7 to California for employment in August of 1998?
 8 A. Teach For America placed me in California.
 9 Q. When did you become involved with Teach
 10 For America?
 11 A. I initially applied for the program during
 12 the second semester of my senior year of college.
 13 So that would be March or April, thereabouts, 1998.
 14 Q. I take it you were ultimately accepted
 15 into the Teach For America program, correct?
 16 A. That's correct.
 17 Q. And was there a certain length of time
 18 that you had to work with or for Teach For America?
 19 Like I don't know the program that well so I'm just
 20 trying -- if you could describe it a little bit,
 21 what Teach For America does with someone like
 22 yourself.
 23 MR. MC KAGUE: So the question is describe
 24 the program?
 25 BY MS. VANSE:

1 Q. Right, your involvement in the program. I
 2 don't need to know about it -- in general, in broad
 3 strokes, just your involvement with it.
 4 A. My involvement?
 5 Q. Right.
 6 A. There was a training program in Houston
 7 once you are accepted. So I was accepted, I
 8 believe, in May of 1998. I attended a five-week
 9 training seminar in Houston that lasted from the
 10 middle of June until the end of July. I then moved
 11 to California from Chicago, as I said, in August of
 12 1998. I initially came out here because as part of
 13 the Teach For America program there's another
 14 two-week seminar to get acclimated to your region,
 15 which in this case was Los Angeles.
 16 Q. And how were -- how did Teach For America
 17 place its new teachers into different school
 18 districts or different school sites?
 19 MR. MC KAGUE: Objection. Calls for
 20 speculation.
 21 Only answer if you know.
 22 THE WITNESS: I don't know the exact
 23 process by which they do it.
 24 BY MS. VANSE:
 25 Q. Do you know how you were selected to be

1 Q. So that was one per year?
 2 A. No. I'm sorry. I -- by that, do you mean
 3 school year or do you mean actual annual year?
 4 Q. Well, you attended Chapman from, you said,
 5 1998 and 1999?
 6 A. Correct.
 7 Q. Was that just the 1998 and '99 school
 8 year?
 9 A. Correct.
 10 Q. You took two courses during that school
 11 year?
 12 A. Correct.
 13 I'm sorry. Can I say something?
 14 Q. Of course.
 15 A. I believe I took two classes during the
 16 school year.
 17 Q. Okay. Other than the courses at Chapman
 18 University, did you take any other courses that
 19 would relate to education, perhaps for the Teach
 20 For America program while you were teaching in the
 21 Lynwood Unified School District?
 22 A. No.
 23 Q. Before you were involved with Teach For
 24 America, had you been involved in education at all?
 25 Excluding your own education. I mean education of

1 placed in a certain school?
 2 A. As part of the interview that I attended,
 3 they give you a choice of three or -- you list
 4 three or four places you would like to be placed
 5 in. And, hopefully, you get one of your first
 6 choices. Los Angeles was my second choice.
 7 Q. Okay. So you got to choose an area, not
 8 specifically a school within an area?
 9 A. Correct.
 10 Q. Okay. Do you know how you were placed --
 11 you were eventually placed in the Lynwood Unified
 12 School District; is that correct?
 13 A. Correct.
 14 Q. Do you know how you were placed in Lynwood
 15 as opposed to, say, Los Angeles Unified or
 16 something of that nature?
 17 A. Again, they gave us a choice of districts.
 18 Once we knew we were placed in Los Angeles, and I
 19 chose to teach in Lynwood.
 20 Q. Do you recall what courses you took at
 21 Chapman University?
 22 A. No, I don't.
 23 Q. Do you recall how many courses total that
 24 you took at Chapman?
 25 A. I believe it was two.

1 others, of children.
 2 A. Yes.
 3 Q. What else? What have you done?
 4 A. I'm sorry, can I go back to a question?
 5 Q. Of course.
 6 A. By courses, do you mean registered
 7 courses? You had asked me if I -- other than
 8 Chapman while I was in Lynwood, did I take any
 9 courses. And so, no, I didn't take any official
 10 courses. There were seminars given by Teach For
 11 America which I did attend.
 12 Q. Okay. Thank you for clarifying that.
 13 And what seminars with Teach For America
 14 did you attend while teaching in the Lynwood
 15 Unified School District?
 16 A. I can't say specifically which seminars I
 17 attended. There were many seminars given by Teach
 18 For America which are not mandatory that you have
 19 the option to go to.
 20 Q. You don't recall how many of those you
 21 attended during that time?
 22 A. No, I don't.
 23 Q. These were seminars in the Los Angeles
 24 area?
 25 A. Correct.

1 Q. I think before we clarified that, I was
2 asking you what other experience or interaction you
3 had with education for children or others --
4 A. Correct.
5 Q. -- before you got involved with Teach For
6 America.
7 So what was that involvement?
8 A. My senior year of high school I was the
9 8th grade basketball coach at the junior high I had
10 attended.
11 Q. Anything else?
12 A. I was also a basketball coach for a summer
13 camp in Israel.
14 Q. Anything else?
15 A. No, that's it.
16 Q. When did you first learn about this
17 particular case, Williams versus State of
18 California?
19 A. I first learned about it by reading an
20 article in the Los Angeles Times.
21 Q. Do you recall when that was?
22 A. I don't recall a specific date.
23 Q. Generally do you recall when it was?
24 A. Towards the end of my second year of Teach
25 For America, which would have been sometime in the

1 spring of 2000.
2 Q. Did you do anything to become involved
3 with the lawsuit after you read that article?
4 MR. MC KAGUE: Objection. Vague as to
5 "involved."
6 THE WITNESS: Can you clarify what you
7 mean by "involved"?
8 BY MS. VANSE:
9 Q. Sure. After you read the article in the
10 Los Angeles Times sometime in the spring of 2000,
11 did you contact anyone regarding the lawsuit to
12 become -- to help or to assist in the lawsuit in
13 any way?
14 MR. MC KAGUE: Objection. Vague as to
15 assist.
16 THE WITNESS: Yes. I contacted the ACLU.
17 BY MS. VANSE:
18 Q. Was this -- when you contacted the ACLU
19 was this something you took upon yourself or had
20 someone given you contact information for the ACLU?
21 MR. MC KAGUE: Objection. It's a compound
22 question.
23 THE WITNESS: Can you ask an individual
24 question?
25 BY MS. VANSE:

1 Q. Sure. When you contacted the ACLU, had
2 someone given you the contact information in order
3 to be able to do that?
4 A. Yes.
5 Q. Do you recall who that was?
6 A. The Los Angeles Times.
7 Q. Did you call the Times and ask for the
8 information?
9 A. Yes.
10 Q. And what occurred after you contacted the
11 ACLU?
12 MR. MC KAGUE: Objection. It's vague as
13 to time frame.
14 THE WITNESS: I don't understand what you
15 mean by "occurred."
16 BY MS. VANSE:
17 Q. You read the Los Angeles Times article?
18 A. Correct.
19 Q. Did you make a decision then that you
20 wanted to help or assist in the lawsuit in some
21 way?
22 A. Yes.
23 Q. And to do that, you contacted the ACLU,
24 correct?
25 A. Correct.

1 Q. Did you do anything else before contacting
2 the ACLU in regards to helping or assisting with
3 this particular lawsuit?
4 A. No, I did not.
5 Q. So you contact the ACLU. About how long
6 after you read the Los Angeles Times article did
7 you contact the ACLU?
8 A. Within that week.
9 Q. Approximately how long after you first
10 contacted the ACLU did you decide -- let me ask
11 this question first. At some point you decided to
12 give and sign a declaration for this case, correct?
13 A. Yes, that's correct.
14 Q. How long after you contacted the ACLU did
15 you make that decision to give and sign a
16 declaration in this matter?
17 MR. MC KAGUE: Objection. The question is
18 vague as to the time frame about contacting the
19 ACLU. We're talking about back in the spring of
20 2000 or --
21 MS. VANSE: That's correct.
22 Q. And I believe you signed your declaration
23 in July of 2000.
24 A. That's correct.
25 Q. That seems like a short window of time,

1 spring of 2000, July of 2000. I'm trying to get a
2 sense of the steps you took from when you first
3 contacted the ACLU until you signed your
4 declaration, what that process was for you.

5 MR. MC KAGUE: Can you repeat the
6 question?

7 THE WITNESS: Is there a specific
8 question?

9 BY MS. VANSE:

10 Q. Sure. After you contacted the ACLU, did
11 you decide at that initial contact to give a
12 declaration for this matter?

13 A. By that you mean my first contact with the
14 ACLU?

15 Q. That's correct.

16 A. No.

17 Q. So you had follow up -- did you have
18 follow up contact with the ACLU after that initial
19 contact?

20 A. I did not have follow up. They followed
21 up with me.

22 Q. Approximately how long after you initially
23 contacted them did the ACLU follow up with you?

24 A. I can't give a specific time frame.

25 Q. Do you recall if it was within days or a

1 reporter for identification and is attached
2 hereto.)

3 BY MS. VANSE:

4 Q. Can you please look at what's marked as
5 Exhibit 1 and tell me what it is?

6 A. It's a declaration that I made.

7 Q. And if you turn to the third page of the
8 exhibit, is that your signature?

9 A. Yes.

10 Q. And did you review this document on or
11 about July 17, 2000 and sign it?

12 A. Yes, I did.

13 Q. Was the information that's contained in
14 this declaration correct when you signed it?

15 A. Yes.

16 Q. Now, looking at Exhibit 1, is this
17 something that you drafted or that someone else
18 drafted for you that you reviewed?

19 MR. MC KAGUE: Objection. Compound
20 question.

21 BY MS. VANSE:

22 Q. Did you draft this document?

23 A. Yes, I drafted this document.

24 Q. And did anyone --

25 MR. MC KAGUE: You actually drafted the

1 week after you initially contacted them?

2 A. Again, I can't say that I recall
3 specifically. I would say that it was relatively
4 quickly.

5 Q. Do you recall when you decided to make a
6 declaration and submit it in this matter, in this
7 case?

8 A. A specific date that I agreed to do it?

9 Q. No. Do you recall, I guess, generally,
10 when that occurred your time line with the ACLU and
11 your contact with them? Was this something that
12 you were brought in and wanted to do right away, or
13 is this something that developed throughout your
14 contact?

15 MR. MC KAGUE: Objection. The question
16 now as phrased is compound.

17 THE WITNESS: I don't understand. I'm
18 sorry.

19 BY MS. VANSE:

20 Q. Okay. That's fine.

21 I'll try it a different way, the
22 questioning. Did you draft -- well, let me give
23 you this first.

24 Can we mark this as Exhibit 1?

25 (Deposition Exhibit 1 was marked by the

1 document? I mean that's the question that she
2 asked you. Did you physically draft the document?

3 THE WITNESS: I don't understand the
4 question.

5 BY MS. VANSE:

6 Q. All I'm asking for is whether or not you
7 actually sat down and wrote this document or
8 someone else wrote it for you at which time you
9 then reviewed it, perhaps made changes, I don't
10 know, and signed it?

11 MR. MC KAGUE: She's asking who physically
12 typed the document? Did you physically type the
13 document?

14 THE WITNESS: No, I did not physically
15 type the document.

16 BY MS. VANSE:

17 Q. How did this document become created? Do
18 you know?

19 A. Through my conversations with Catherine
20 Lhamon at the ACLU.

21 Q. So you and Catherine had a conversation.
22 Was that one of the contacts with the ACLU we
23 already talked about, either the first or second?

24 A. She was my first contact, yes.

25 Q. So during one of your conversations with

1 Catherine, you gave her some information and she
2 drafted this document from that information?

3 A. I can't say that I know what she did.

4 Q. Okay. Is the information that's contained
5 in Exhibit 1 the information that you gave to
6 Catherine?

7 A. Yes.

8 Q. Did she give this declaration or what she
9 had done, apparently, to you at some point to
10 review?

11 A. Yes.

12 Q. When she did that, did you have any
13 changes or additions to what she had given you?

14 A. I don't recall.

15 Q. Do you recall if Exhibit 1 is
16 substantially similar to the first document you saw
17 from Catherine?

18 MR. MC KAGUE: Objection. Lacks
19 foundation. Assumes there was more than one
20 document. The witness hasn't testified as such.

21 BY MS. VANSE:

22 Q. Did you see -- have you ever seen a
23 declaration of yourself that's different from this
24 version here?

25 A. I don't recall.

1 Q. Other than giving and signing this
2 declaration, did you have any other involvement
3 with this lawsuit and the ACLU?

4 MR. MC KAGUE: Objection to the extent the
5 question calls for attorney-client communications.

6 THE WITNESS: Can you rephrase the
7 question? I don't -- I'm not clear what you mean
8 by "involvement."

9 BY MS. VANSE:

10 Q. Okay. You've given your declaration to
11 the ACLU and they submitted it in this matter.
12 Other than that, is there anything else you've done
13 in conjunction with the ACLU to aid or assist in
14 this litigation?

15 MR. MC KAGUE: Objection on the basis of
16 attorney-client privilege. Don't answer the
17 question as phrased.

18 THE WITNESS: Okay. I don't want to
19 answer the question.

20 BY MS. VANSE:

21 Q. I don't want to get into any conversations
22 you might have had or perhaps even what they've
23 directed you to do. Have you spoken to anyone else
24 about becoming involved in this lawsuit, any other
25 teachers or friends that you might have had?

1 MR. MC KAGUE: Objection. It's a compound
2 question. It might be better if we break it down.

3 BY MS. VANSE:

4 Q. Okay. I think the question as phrased is
5 just one, but I can rephrase it. That's fine with
6 me.

7 Have you spoken to anyone else about
8 becoming involved in the lawsuit of Williams versus
9 State of California?

10 A. Yes. As mentioned, I spoke with my father
11 before I came in today. I had spoken with my
12 girlfriend about it.

13 MR. MC KAGUE: Don't reveal any kind of
14 communications you have had with your attorneys.

15 THE WITNESS: Okay.

16 BY MS. VANSE:

17 Q. I don't want to get into conversations
18 with your attorney.

19 A. Okay.

20 Q. And I just -- and perhaps there's no one
21 you've spoken to, and that's perfectly fine. I'm
22 just wondering if there might be other people
23 you've spoken to, not your dad or your girlfriend,
24 about these other people, if they exist, actually
25 becoming involved in this lawsuit, they themselves

1 either giving a declaration or some other
2 involvement of some type.

3 A. I have spoken with my old roommate who was
4 also a teacher at Hosler. I had heard through a
5 mutual friend of ours that he was involved.

6 Q. Do you recall his name?

7 A. Greg Colleton, G-R-E-G, I'm not sure of
8 the spelling but I believe it's C-O-L-L-E-T-O-N. I
9 would say I don't know the nature of his
10 involvement.

11 Q. So you just learned that he was involved,
12 not -- you didn't actually speak to him yourself
13 about becoming involved?

14 A. Correct.

15 MR. MC KAGUE: Can -- can we confer for
16 just a moment?

17 MS. VANSE: Sure.

18 (Witness and his counsel confer.)

19 MS. VANSE: Could you read back the last
20 question and answer.

21 (The following text was read by the
22 reporter):

23 "Q. So you just learned that he was
24 involved, not -- you didn't actually
25 speak to him yourself about becoming

1 involved?

2 "A. Correct."

3 BY MS. VANSE:

4 Q. So was there anyone not previous -- or
5 not, to your knowledge, previously involved or
6 aiding the ACLU in this lawsuit that you spoke to
7 about becoming involved, aiding and assisting in
8 this lawsuit?

9 MR. MC KAGUE: Objection. Lacks
10 foundation. The question is vague and ambiguous as
11 to "involved and aiding." It calls for speculation
12 on the part of the witness.

13 THE WITNESS: I also didn't understand the
14 question.

15 BY MS. VANSE:

16 Q. Okay. Let me ask this. What do you
17 consider -- you've given a declaration in this
18 lawsuit. Do you consider that to be involvement in
19 a lawsuit?

20 A. Yes, I would consider that involvement.

21 Q. Okay. Did you speak to anyone about their
22 becoming involved in this lawsuit in the same way
23 that you had become involved in this lawsuit?

24 A. By that do you mean did I speak to anybody
25 directly?

1 A. I was living and traveling in Costa Rica.

2 Q. That's nice.

3 So no teaching during that time?

4 A. I taught English for two months during
5 that time.

6 Q. Was that in Costa Rica?

7 A. Correct.

8 Q. Was that through a program?

9 A. No.

10 Q. If you look at paragraph 1 of what we've
11 marked as Exhibit 1. It states, the last line, The
12 first year you taught 6th grade history and your
13 second year you taught 7th grade history; is that
14 correct?

15 A. No, that is not correct.

16 Q. What did you teach your first year?

17 A. My first year I taught 6th grade
18 self-contained classroom, which means I taught all
19 of the subjects.

20 Q. And your second year?

21 A. I taught 7th grade history.

22 Q. Hosler Middle School was actually an
23 elementary school in the 1998-99 school year; is
24 that correct?

25 A. Yes, that is correct.

1 Q. Yes.

2 A. No, I did not.

3 Q. Did you speak to anyone indirectly?

4 A. Can you clarify the question?

5 Q. Sure. You said -- you had asked me did I
6 speak to anyone directly. I was wondering if there
7 was anyone you spoke to indirectly.

8 A. No.

9 Q. Okay. When did you begin teaching at
10 Hosler Middle School?

11 A. You mean a specific day?

12 Q. You can give me a general date. That's
13 fine.

14 A. Generally, it would have been -- I don't
15 recall if it's late August or early September 1998.
16 Excuse me.

17 Q. And how long did you work at Hosler Middle
18 School?

19 A. I was employed until approximately June of
20 2000.

21 Q. You said you started your employment as a
22 commercial lender in April or May of 2001?

23 A. 2001, that's correct.

24 Q. What employment did you have between June
25 of 2000 and April, May 2001, if any?

1 Q. And it changed to a middle school for the
2 99-2000 school year?

3 A. Yes, that is correct.

4 Q. When was the last time you were at Hosler
5 Middle School?

6 A. I would say sometime between February and
7 April 2001.

8 Q. And why were you at Hosler during that
9 time period?

10 A. I was a substitute teacher when I returned
11 from Costa Rica.

12 Q. You were a substitute teacher just for
13 Hosler Middle School?

14 A. For Lynwood.

15 Q. And that was from February to April of
16 2001?

17 A. Correct.

18 Q. Do you recall how often you were able to
19 substitute teach during that time period?

20 A. I would say --

21 MR. MC KAGUE: Objection. Vague and
22 ambiguous. When he was physically able?

23 BY MS. VANSE:

24 Q. Actually, I can rephrase it as this: Do
25 you recall how many times you actually did

1 substitute teach during that time frame?
 2 A. I don't recall a specific number, no.
 3 Q. Was this -- would you substitute teach
 4 every week?
 5 A. At least once a week.
 6 Q. During that time you were a substitute at
 7 Hosler Middle School?
 8 A. Yes, at Hosler but also at other schools.
 9 Q. Okay. You beat me to it.
 10 What other school sites do you recall that
 11 you substitute taught at?
 12 A. There's something called -- I'm not sure
 13 if I'm 100 percent correct in this. But there's
 14 something called Hosler, which is Hosler. And
 15 there's also Lynwood Middle. And an elementary
 16 school, and I don't recall the name of the
 17 elementary school. But it was within Lynwood.
 18 Q. Are there any other sites that you don't
 19 recall but you know that you did substitute teach
 20 at?
 21 That's a poor question. Let me rephrase
 22 it.
 23 You said you recalled substitute teaching
 24 at Hosler Middle School, Lynwood Middle and an
 25 elementary school which you don't recall the name?

1 A. Correct.
 2 Q. Any other sites that you recall substitute
 3 teaching in?
 4 MR. MC KAGUE: During this time period.
 5 THE WITNESS: During this time period, no.
 6 BY MS. VANSE:
 7 Q. Were you ever a substitute teacher other
 8 than the time frame between February and April
 9 2001?
 10 A. No, I was not. I'm sorry, can I rephrase
 11 that?
 12 Q. Yes.
 13 A. I did as part of my employment during the
 14 two years that I was at Hosler, I was a substitute
 15 teacher during my planning period.
 16 Q. Was that -- were you a substitute teacher
 17 during your planning period for both of the years
 18 you taught at Hosler?
 19 A. No, I was not. Just my second year when I
 20 was teaching 7th grade history.
 21 Q. Have you kept in contact with anyone that
 22 you knew or -- not that you knew, but that you --
 23 that was at Hosler Middle School or the Lynwood
 24 Unified School District when you taught there?
 25 MR. MC KAGUE: Including students?

1 MS. VANSE: Yes.
 2 MR. MC KAGUE: Administration, anyone.
 3 THE WITNESS: This is anybody involved?
 4 And are you talking about when I was a teacher
 5 there or when I was a substitute during that
 6 two-month period?
 7 BY MS. VANSE:
 8 Q. I'll do the first section first.
 9 A. Okay.
 10 Q. Anyone that was at Hosler, student,
 11 teacher, administrator, or in the Lynwood Unified
 12 School District that you have kept in contact with
 13 since leaving full-time employment there in 2000?
 14 A. Up until the present day?
 15 Q. Yes.
 16 MR. MC KAGUE: And this would include the
 17 Teach For America people.
 18 MS. VANSE: If they are involved in one of
 19 the school districts or at the school, that's fine.
 20 If you just know them in general, I don't need to
 21 know everyone you kept in contact with.
 22 THE WITNESS: Okay. Yes, I have.
 23 BY MS. VANSE:
 24 Q. And who have you kept in contact with?
 25 A. I've kept in contact with several

1 students.
 2 Q. Any teachers or administrators?
 3 A. Two teachers. I'm sorry, I need to
 4 rephrase that.
 5 Q. Okay.
 6 A. I would say several teachers and no
 7 administrators.
 8 Q. And the students you've kept in contact
 9 with, why have you kept in contact with -- let me
 10 ask this, first. How many students have you kept
 11 in contact with at -- since you left Hosler Middle
 12 School?
 13 A. I can't give you a specific number. I
 14 would say several.
 15 Q. Why have you kept in contact with these
 16 particular students?
 17 A. I would say as a mentor.
 18 Q. Have you helped them as they continued on
 19 in their education?
 20 A. What do you mean by "helped"?
 21 Q. You said you've kept in contact with them
 22 somewhat as a mentor. Does that mean you've helped
 23 them with homework, studies, school, or just in
 24 general?
 25 A. In general.

1 Q. Okay.
 2 A. Life mentor.
 3 Q. And the teachers that you've kept in
 4 contact with, why have you kept in contact with
 5 them?
 6 A. I mentioned two teachers initially because
 7 they wrote me recommendations because I have
 8 applied to graduate business school.
 9 Q. Any other teachers you've kept in contact
 10 with other than those that were giving you the
 11 recommendations for graduate business school?
 12 A. Yes.
 13 Q. Why have you kept in contact with those
 14 teachers?
 15 A. I would say personal relationships.
 16 Q. You became friends?
 17 A. Yes.
 18 Q. The students that you've kept in contact
 19 with, have you spoken with them at all about this
 20 case?
 21 A. No, I have not.
 22 Q. And the teachers that you've kept in
 23 contact with, have you spoken to them at all about
 24 this case?
 25 A. No, I have not.

1 I'm sorry, what do you mean by "spoken to
 2 about"? Can you clarify by spoken to about for me?
 3 Q. Okay. The students that you've kept in
 4 contact with, have you ever had conversations with
 5 them?
 6 A. I'm sorry, it's not the students.
 7 Q. Just the teachers?
 8 A. Just the teachers, correct.
 9 Q. The teachers that you kept in contact
 10 with, have you ever had conversations with them
 11 about this lawsuit?
 12 A. Yes.
 13 Q. Are there just two teachers that you've
 14 kept in contact with? Those are for the
 15 recommendation?
 16 A. Yes.
 17 Q. For those two teachers that you received
 18 recommendations from, did you have conversations
 19 with them?
 20 A. No, I did not.
 21 Q. So the other teachers that you formed the
 22 personal relationships with, you have had
 23 conversations with how many of those teachers
 24 regarding this lawsuit?
 25 MR. MC KAGUE: Anything regarding the

1 lawsuit?
 2 MS. VANSE: Yes.
 3 THE WITNESS: Okay. Because I -- I've not
 4 had long in-depth conversations by any means. I
 5 only mention it because in passing I had mentioned
 6 earlier that I had a mutual friend who made me
 7 aware that the other person, Greg Colleton, was
 8 somehow involved. She mentioned it to me in
 9 passing.
 10 BY MS. VANSE:
 11 Q. So you just had general passing
 12 conversations with these teachers?
 13 A. Correct, correct.
 14 MR. MC KAGUE: I think your restatement
 15 mischaracterizes what your testimony is. It's more
 16 than one conversation and more than one teacher?
 17 Because isn't your testimony it's one conversation,
 18 one mutual friend?
 19 THE WITNESS: Correct.
 20 BY MS. VANSE:
 21 Q. So you have had one conversation with one
 22 teacher who you kept in contact with --
 23 A. Correct.
 24 Q. -- regarding this lawsuit?
 25 A. That is correct.

1 MS. VANSE: Thank you, Counsel.
 2 MR. MC KAGUE: I apologize for
 3 interrupting but I thought that's what he said.
 4 MS. VANSE: That's fine.
 5 Q. With any of the students that you kept in
 6 contact with, have you had any conversations with
 7 them about the different conditions that you've
 8 described in your declaration? And you can feel
 9 free to look at Exhibit 1 if you need to.
 10 A. No, I have not.
 11 Q. How about for the teachers that you've
 12 kept in contact with, have you had any
 13 conversations with them about the conditions or
 14 what you've described in your declaration?
 15 MR. MC KAGUE: At any time?
 16 BY MS. VANSE:
 17 Q. Well, since signing your declaration -- or
 18 actually since leaving Hosler Middle School. So
 19 since June, approximately, of 2000.
 20 A. Any conversations as to the condition of
 21 the school?
 22 Q. Right. Anything that you've described or
 23 talked about here in your declaration. I'm asking
 24 if since you left Hosler you've had any
 25 conversations with these teachers regarding what

1 you wrote or what is described in your declaration?

2 MR. MC KAGUE: And if you need to look
3 through the declaration to be sure that --

4 MS. VANSE: Yes.

5 MR. MC KAGUE: -- all the conditions are
6 listed, you should do so.

7 THE WITNESS: I would say yes, I have as
8 to the general state of the school. But I would
9 say no not specifically to specific issues listed
10 in the declaration.

11 BY MS. VANSE:

12 Q. Do you want to take a break or anything?

13 A. No.

14 Q. I want to direct your attention to
15 paragraph 4 of your declaration. If you can just
16 take a moment and read that for me, please.

17 (The witness complies.)

18 A. Okay.

19 MS. VANSE: The first sentence states:

20 "I didn't get my textbooks for my 7th
21 grade history course until November 12 or
22 13 after the school year started in
23 September."

24 Do you recall -- well, first, let me ask
25 this. Do you recall why you didn't get textbooks

1 is compound.

2 THE WITNESS: Yes, could you clarify the
3 question?

4 BY MS. VANSE:

5 Q. Prior to the textbooks. Let me clarify.
6 This is 7th grade history, so this is the second
7 year you were teaching at Hosler.

8 A. Yes, that is correct.

9 Q. Prior to receiving the textbooks in
10 your 7th grade history course, did you make any
11 inquiries at the school about obtaining textbooks
12 for your class?

13 MR. MC KAGUE: Objection. The question is
14 vague and ambiguous. Any inquiries.

15 THE WITNESS: I'm sorry, could you be more
16 specific?

17 BY MS. VANSE:

18 Q. Did you ask your principal where the
19 textbooks were?

20 A. No, I did not ask my principal.

21 Q. Did you ask any of the teachers how you
22 could get textbooks?

23 A. I asked the resource teacher if and/or
24 when we would get textbooks.

25 Q. And when did you ask the resource teacher

1 until that time?

2 MR. MC KAGUE: Objection. Calls for
3 speculation, lacks foundation.

4 Only answer if you know.

5 THE WITNESS: No, I do not know why.

6 BY MS. VANSE:

7 Q. Did you ever ask anyone why you didn't
8 have textbooks until November 12 or 13?

9 A. No, I never asked why. I never asked why,
10 no.

11 Q. Did anyone -- your second sentence states:

12 "And when those books came, they were the
13 old edition."

14 So you did get the textbooks at some
15 point, correct?

16 MR. MC KAGUE: The document speaks for
17 itself.

18 THE WITNESS: Yes, that is correct.

19 BY MS. VANSE:

20 Q. Prior to the time you received the
21 textbooks, had you been inquiring from anyone at
22 the school as to where textbooks were and how you
23 could go about getting them?

24 MR. MC KAGUE: Objection. Vague as to
25 "anyone at the school," and the question as phrased

1 this?

2 A. At some point, you know, between when
3 school started and September and when I eventually
4 got them in November.

5 Q. Did you just have one conversation with
6 the resource teacher regarding your obtaining
7 textbooks?

8 A. No. I asked, you know, if when they were
9 coming more than once. I don't recall specifically
10 how many conversations I had.

11 Q. Do you recall what the -- did the resource
12 teacher give you an answer when you asked that
13 question?

14 A. No, she did not.

15 Q. Did she say anything at all in response?

16 A. I don't recall what her response was.

17 Q. Anyone at Hosler Middle School that you
18 spoke to regarding obtaining textbooks for your 7th
19 grade history course other than the resource
20 teacher?

21 MR. MC KAGUE: Including students?

22 MS. VANSE: Yes.

23 THE WITNESS: I would say I'm not sure I
24 understand the question.

25 BY MS. VANSE:

1 Q. Okay. You said you had spoken to the
2 resource teacher about obtaining the history books.
3 A. Correct.
4 Q. Anyone else you spoke to about obtaining
5 history books?
6 A. About obtaining them, no. Actually, you
7 know what? As I recall, that's not accurate. I
8 did mention to my principal at one time on one
9 occasion that we did not have history textbooks.
10 Q. And who was the principal that year?
11 A. Linda Hembrick. I believe it's
12 H-E-M-B-R-I-C-K.
13 Q. And did Miss Hembrick say anything to you
14 when you brought that issue up to her?
15 A. It was in a very brief conversation,
16 almost in passing. And she said, "They are
17 coming," or something to that effect.
18 Q. Did you ever learn at some point why you
19 didn't have textbooks in your history class at the
20 beginning of the year in 1999-2000?
21 A. I never learned why, no.
22 Q. Do you know if there were other teachers
23 at Hosler Middle School who didn't receive
24 textbooks for their courses until after the school
25 year started?

1 MR. MC KAGUE: Objection. Calls for
2 speculation. Lacks foundation.
3 BY MS. VANSE:
4 Q. If you know.
5 A. Yes, I am aware that other teachers did
6 not have.
7 Q. What teachers are you aware of that didn't
8 have textbooks at the beginning of the school year?
9 MR. MC KAGUE: Objection. Vague and
10 ambiguous as to which school year we're discussing.
11 BY MS. VANSE:
12 Q. Second school year you were a teacher at
13 Hosler.
14 A. I am specifically only aware of one
15 teacher, but I have memories of other teachers
16 mentioning it.
17 Q. What teacher are you specifically aware
18 of?
19 A. Greg Colleton.
20 Q. You said you are generally aware that
21 other teachers had that same problem?
22 A. Correct.
23 Q. Did you ever speak to Mr. Colleton about
24 not having a textbook for the classroom at the
25 beginning of the school year?

1 MR. MC KAGUE: Vague and ambiguous as to
2 time frame. Objection.
3 THE WITNESS: I don't understand what you
4 mean by conversation.
5 BY MS. VANSE:
6 Q. From the beginning of the 99-2000 school
7 year until approximately mid-November '99 when you
8 received the textbooks in your class, did you ever
9 have any conversations with Mr. Colleton about the
10 fact that either you -- that you did not have
11 textbooks in your classroom?
12 A. Yes.
13 Q. What was the substance of that
14 conversation, if you recall?
15 A. I recall asking him for help and/or ideas
16 in preparing lessons.
17 Q. Anything else that you spoke to him,
18 Mr. Colleton, about in that -- I guess it would be
19 September to November time frame 1999 regarding not
20 having textbooks in your classroom?
21 A. I would say no.
22 Q. And when you say you were generally aware
23 that other teachers had that problem, did you speak
24 to those teachers yourself regarding the fact that
25 they didn't have textbooks in their classroom?

1 A. Yes, I recall conversations. I don't
2 recall specific conversations, but I do recall
3 generally having conversations.
4 Q. And what was said in those conversations
5 regarding not having textbooks at the beginning of
6 the school year?
7 A. I can't recall specifically.
8 I guess I need to clarify or I feel like I
9 need to clarify my conversations with Greg
10 Colleton. I don't recall if he did not have
11 textbooks per se. I do know that he was lacking
12 supplies. And I do know that he was also -- he
13 initiated a music class and had difficulty again
14 getting supplies for that class. So I guess I
15 don't know if it was textbooks per se, but it was a
16 general lack of supplies.
17 Q. Thank you for that.
18 Were there other 7th grade history
19 teachers at Hosler Middle School during the 99-2000
20 school year?
21 A. Were there other 7th grade history
22 teachers? Yes, there were.
23 Q. Do you know if they did not have textbooks
24 at the beginning of the year?
25 A. I do not know.

1 Q. From the time school started in September,
2 around September '99 until you received the
3 textbooks in your 7th grade history class, how
4 would you teach history?
5 A. I'll ask you to clarify that question.
6 It's a pretty --
7 Q. Sure. You didn't have a textbook during
8 that time, correct, between September and November
9 '99 for 7th grade history class?
10 A. Did I personally?
11 Q. The students, I'm sorry.
12 A. There was one class set.
13 Q. In your declaration in paragraph 4 when it
14 states "I didn't get my textbooks for 7th grade
15 history course," is that referring to the fact that
16 you didn't get textbooks for each student to
17 personally have and take home until that time?
18 A. Yes, that is correct.
19 Q. So during that time from September to
20 November of '99, the students had books that they
21 used during class?
22 A. I would say yes, there were books. Not
23 sufficient to cover the entire class.
24 Q. Do you recall how many students you had
25 that year in your history class?

1 A. I'm sorry. Do you mean in each individual
2 class or total?
3 Q. That's good. I obviously need to clarify
4 that. You had -- how many history courses did you
5 teach?
6 A. I taught five classes, five separate
7 periods.
8 Q. Were each of the classes the same size?
9 A. No, they were not. Classes ranged in size
10 from and I can't say specifically. But as I
11 recall, approximately between 32 and 40 students.
12 Q. Do you recall how many textbooks you had
13 in your class set?
14 A. Approximately 20.
15 Q. When the textbooks arrived in November of
16 '99, were there sufficient textbooks for each of
17 the students in all of your classes to have a
18 textbook and take it home?
19 A. Yes, there were.
20 Q. So until the textbooks arrived in November
21 of '99, did you use the textbooks, your in-class
22 set?
23 A. Did I use them?
24 Q. Yes.
25 A. Yes.

1 Q. And were there -- how would you use the
2 textbook during that time?
3 MR. MC KAGUE: Objection. Vague and
4 ambiguous.
5 THE WITNESS: Yeah, that's kind of a --
6 pretty broad.
7 BY MS. VANSE:
8 Q. In paragraph 4 of your declaration, four
9 lines down, you state:
10 "I got a copy of the textbook and I
11 created my own worksheets for the
12 students."
13 What are you referring to in that
14 sentence?
15 MR. MC KAGUE: Do you see the sentence?
16 THE WITNESS: Yeah.
17 Are you talking about line 19 and on to
18 line 20?
19 BY MS. VANSE:
20 Q. That's correct.
21 A. I would say I had one of the textbooks
22 from the class set. And I used the textbook as a
23 guideline to basically create my own curriculum.
24 And so I would read some of the material in the
25 textbook and create my own worksheets.

1 Q. Did you continue to do that after the
2 students received their textbooks in November of
3 '99?
4 A. Yes.
5 Q. So this wasn't something you did because
6 you didn't have enough textbooks for each student
7 to have to take home?
8 A. I would say no, that's not accurate. I
9 did continue to do it on some occasions. But once
10 the students had their own textbooks, the vast
11 majority of the time I used the textbook and the
12 questions in the textbook because the students
13 could then take the textbook home and answer
14 questions from the textbook.
15 Q. During your training periods for Teach For
16 America, did you ever receive any training on how
17 to create lesson plans?
18 A. Yes.
19 Q. And what type of training did you receive
20 regarding -- from Teach For America regarding
21 creating lesson plans?
22 A. I don't recall specifically.
23 Q. Okay.
24 A. I would say generally speaking, the
25 seminar in Houston was approximately 18 hours a day

1 going over many different facets of teaching,
2 including making lesson plans and, you know,
3 classroom management, et cetera.

4 Q. Were any of your courses at Chapman
5 University pertaining to or did they have any --
6 did you learn anything from Chapman University
7 regarding creating lesson plans?

8 A. I would say not that I particularly took
9 from the classes, no.

10 Q. Jumping back at line 17 in paragraph 4 of
11 your declaration, you state:

12 "When those books came, they were the old
13 editions."

14 When you say "old editions" were these old
15 from the classrooms you already had or what do you
16 mean when you say "the old edition"?

17 MR. MC KAGUE: Objection. Vague and
18 ambiguous, and it's a compound question.

19 THE WITNESS: Can you clarify it, please?

20 BY MS. VANSE:

21 Q. Sure. I'll ask the second one. When you
22 say when the books came they were the old editions,
23 what do you mean by that sentence?

24 A. I mean I was aware there was an edition
25 out there that was more recent.

1 Q. How were you aware there was an edition
2 out there that was more recent?

3 A. In conversation with the resource teacher.

4 Q. Do you recall the year that the edition
5 you had was created?

6 A. No, I do not.

7 Q. When you received the books, did you look
8 through the editions that you did receive to see
9 what was in the textbook itself?

10 A. I don't understand the question.

11 Q. When your history books came in, were they
12 the same as the classroom set you already had?

13 A. Yes.

14 Q. Had you ever, prior to that time, looked
15 through that edition or books in the class that you
16 had to kind of review the material that was in the
17 textbook?

18 MR. MC KAGUE: Prior to November?

19 MS. VANSE: Correct.

20 THE WITNESS: Prior to receiving the full
21 set?

22 BY MS. VANSE:

23 Q. Right.

24 A. Yes, I -- can you clarify "look through"?

25 Q. Sure. I'm wondering if you ever during

1 your preparation, or whenever, looked through the
2 textbook to see what material was in there?

3 A. Yes.

4 Q. For whatever reason.

5 Was there any information that you thought
6 should have been in the textbook that wasn't?

7 A. Generally speaking, I would say no.

8 Q. Same paragraph 4, line 20 and 21, you
9 state:

10 "The district never gave me a history
11 curriculum because such a curriculum
12 doesn't exist."

13 What do you mean when you were referring
14 to curriculum. I know there are several
15 definitions, but I want to know what you were
16 referring to.

17 A. I was referring to my understanding of a
18 curriculum, which was which was on curriculum
19 review during my training at Teach For America, and
20 I was not given any such thing from the district.

21 Q. But what was the curriculum? Was it like
22 a set of lesson plans?

23 A. My understanding of a curriculum was that
24 it was a guideline as to exactly and specifically
25 what was to be taught over the course of the year.

1 Q. Do you recall if the Hosler Middle School
2 had any -- I'll rephrase that. Were you given any
3 instructions about what to teach during your
4 history class at Hosler Middle School?

5 MR. MC KAGUE: Objection. Vague and
6 ambiguous regarding "instructions."

7 THE WITNESS: And was I given instruction
8 by whom? I don't understand the question.

9 BY MS. VANSE:

10 Q. You said there was no -- the curriculum
11 didn't exist.

12 A. Correct.

13 Q. Was there anything perhaps short of a
14 curriculum that you were given either by the school
15 or the district to help guide you in teaching your
16 history class?

17 A. I was -- I was not given anything from the
18 school or from the district.

19 Q. You were given something by someone else?

20 A. I did receive supplemental materials
21 through Teach For America.

22 Q. Did you ever speak with any of the other
23 history teachers at Hosler about a curriculum they
24 may have developed?

25 MR. MC KAGUE: Objection, vague as to time

1 frame.

2 BY MS. VANSE:

3 Q. Just during your second year of teaching
4 at Hosler?

5 A. No, I did not.

6 Q. Did you ever speak to your principal
7 regarding a curriculum for history at Hosler?

8 A. No, I did not. I'm sorry, may I go to the
9 bathroom?

10 MR. MC KAGUE: Take a break.

11 (Recess.)

12 BY MS. VANSE:

13 Q. Your first year of teaching at Hosler, did
14 you have textbooks for all of your students at the
15 beginning of the year?

16 A. Can you clarify the question? Because I
17 taught several subjects.

18 Q. How many subjects did you teach in 6th
19 grade during your first year at Hosler?

20 A. Again I apologize. I guess I need to
21 clarify subjects.

22 Q. Okay.

23 A. I was responsible for teaching everything,
24 including music, PE, art, so then those -- and then
25 your general core classes, math, English, science,

1 Q. Sure. Other than PE and art, which I
2 think you identified, you didn't expect you would
3 have a textbook in, for any of the other areas that
4 you taught, math, English, science, whatever you
5 taught your first year at Hosler, did you not --
6 for any of those subject areas did you not have a
7 textbook for your students at the beginning of the
8 year?

9 A. I can't say specifically which subject.
10 But I do recall being short of textbooks. And my
11 memory is that we had to push students' desks
12 together to share textbooks.

13 Q. Did that last all year that you were short
14 textbooks in certain areas?

15 MR. MC KAGUE: Objection. It's vague and
16 ambiguous.

17 Answer if you understand.

18 THE WITNESS: Can you --

19 BY MS. VANSE:

20 Q. Sure. In your 7th grade year you received
21 textbooks in November?

22 A. Correct.

23 Q. Did that -- or something like that happen
24 during your first year?

25 A. No, it did not.

1 et cetera.

2 Q. Did any of the areas you taught in 6th
3 grade during your first year at Hosler not have a
4 textbook? Let me clarify first. I don't want to
5 say you didn't have the textbook and one was
6 available. Were there any subjects -- I'm thinking
7 PE, most obviously, that you wouldn't expect to
8 have a textbook in for that subject?

9 A. PE I wouldn't expect to. I guess art I
10 wouldn't expect to have a textbook.

11 Q. All of the other areas that you taught in
12 your first year at Hosler were subjects that you
13 would expect to have a textbook in or that you,
14 yourself, expected as a teacher to have a textbook
15 in?

16 A. Yes, that's correct.

17 Q. And for any of those remaining subjects,
18 were there any subjects your first year of teaching
19 at Hosler that you did not have a textbook for your
20 students at the beginning of the year?

21 A. I'm sorry --

22 MR. MC KAGUE: Objection. Vague and
23 ambiguous.

24 THE WITNESS: Can you rephrase it?

25 BY MS. VANSE:

1 Q. So you didn't receive any additional
2 textbooks at some other point during the year?

3 A. I may. I may have. I don't recall. If
4 you are comparing it to my 7th grade year, I recall
5 around, as I mentioned, the 12 or the 13th,
6 receiving a whole batch of books. I don't recall
7 any such thing happening during my 6th grade year.

8 Q. And you said you don't recall what
9 subjects in your first year of teaching you didn't
10 have enough text books for each of the students?

11 A. That's correct, I do not recall.

12 Q. Referring back to your declaration,
13 paragraph 5, which begins at line 23, you state
14 that you complained to your superintendent about
15 not having books to use in your history class.

16 Do you recall the name of your
17 superintendent?

18 A. No, I do not. I do recall that he was an
19 interim.

20 Q. And when did you complain to him about not
21 having textbooks to use in your history class?

22 A. I don't recall a specific date. I would
23 say generally fall.

24 MR. MC KAGUE: Of what year?

25 THE WITNESS: Of my second year.

1 BY MS. VANSE:
 2 Q. So 1999?
 3 A. Yes.
 4 Q. You just had one conversation with him?
 5 A. Yes.
 6 Q. And later on in paragraph 5 you state,
 7 line 24:
 8 "He told me that if I'm a good enough
 9 teacher then I don't need textbooks."
 10 That's correct?
 11 A. That is correct.
 12 Q. Did he say anything else?
 13 A. The conversation took place over the
 14 course of approximately an hour and a half.
 15 Q. So I'm assuming you talked about other
 16 things other than textbooks for history class?
 17 A. That is correct.
 18 Q. And what else did you discuss during that
 19 conversation?
 20 A. Many things.
 21 Q. Any that you recall?
 22 A. I initially went in there because I was
 23 late in receiving a paycheck.
 24 Q. I won't go into that. Anything else?
 25 A. Generally along the same lines. The

1 mention you were late in receiving a paycheck. I
 2 don't need to know about that.
 3 Another one, another area you talked
 4 about, was history books or not having history
 5 books for your class. You mentioned in your
 6 declaration that he told you if you are a good
 7 enough teacher you didn't need textbooks.
 8 A. Correct.
 9 Q. And I'm just wondering if there's anything
 10 else other than that --
 11 A. I --
 12 Q. -- that he spoke to you about that
 13 particular topic? I'll get to the other two.
 14 A. I know specifically he said if I really
 15 felt if I needed them, that I more or less could
 16 feel free to go out and buy them myself.
 17 Q. Did he say that the school or the district
 18 would reimburse you if you did that?
 19 A. No, he did not.
 20 Q. Did he say that they would not reimburse
 21 you?
 22 A. He didn't say anything about
 23 reimbursement. My only reply was that, "You're not
 24 paying me my paycheck," which was the other issue I
 25 mentioned.

1 conversation was about the -- I would say the lack
 2 of support for new teachers. And there were
 3 comment additionally, not just the textbooks, but
 4 about the curriculum.
 5 Q. The history curriculum?
 6 A. Yes.
 7 Q. Anything else that you can recall
 8 discussing in that conversation?
 9 A. No. Not specifically, no.
 10 Q. Regarding the history books for your
 11 class, do you recall if the superintendent said
 12 anything to you other than if you're a good enough
 13 teacher you don't need textbooks?
 14 MR. MC KAGUE: Objection. Asked and
 15 answered.
 16 THE WITNESS: I do believe I answered
 17 that.
 18 BY MS. VANSE:
 19 Q. Anything else other than what you've
 20 already testified to?
 21 A. I'm sorry, can you just reask the
 22 question?
 23 Q. Sure. You mentioned four things that you
 24 recall speaking to your superintendent about on
 25 that hour and a half conversation. One of them you

1 Q. Did you go out and purchase the textbooks
 2 yourself?
 3 A. No, I did not.
 4 Q. Didn't think so.
 5 Anything else that you talked with your
 6 superintendent about in that conversation regarding
 7 history books for your class?
 8 A. Not that I recall.
 9 Q. And what did you talk about with your
 10 superintendent during that conversation regarding
 11 the lack of support for new teachers?
 12 A. I would say the conversation centered
 13 around not having the textbooks and not having a
 14 curriculum. And again, they were -- I don't recall
 15 specifically who with, but there were other issues
 16 in regards to receiving pay.
 17 Q. Was the lack of support for teachers was
 18 that tied up with the textbooks and the curriculum
 19 portions of it?
 20 A. Yes, yes.
 21 Q. Okay. And did the superintendent say
 22 anything to you regarding lack of support for new
 23 teachers?
 24 A. I don't recall.
 25 Q. Do you recall if he said anything to you

1 regarding a history curriculum for the school?

2 A. I don't recall.

3 Q. Was this just a conversation between you
4 and the superintendent or were there other people
5 in the conversation?

6 A. There was another gentleman, who I do not
7 know his name nor his position, who was in there
8 for approximately ten minutes of the conversation.
9 And then he didn't speak, didn't, whatever. He
10 just was in there and then he was not.

11 Q. Okay. After this conversation, did you
12 ever speak with the interim superintendent again?

13 A. No, I did not.

14 Q. Did you ever speak with anyone else at the
15 Lynwood Unified School District regarding these
16 issues that you had raised in your conversation
17 with the interim superintendent?

18 MR. MC KAGUE: Including students?
19 BY MS. VANSE:

20 Q. No, just in the administration of the
21 district.

22 A. I want to make sure I'm clear. Are you
23 talking the school administration is also, I guess,
24 technically part of the administration of the
25 district?

1 Q. I'll ask district first and then I'll ask
2 you about the school.

3 A. Okay.

4 Q. So after you had this conversation with
5 the interim superintendent, did you ever follow up
6 or speak to anyone else at the district, the
7 Lynwood Unified School District, regarding the
8 issues you talked about in this conversation?

9 A. Regarding pay, yes.

10 Q. Any of the other issues?

11 A. No.

12 Q. How about anyone at the school site
13 itself, at Hosler Middle School? Did you ever
14 speak to them about this?

15 A. I did speak with the principal and the
16 vice-principal.

17 Q. In the conversation with the principal,
18 was that one we've already referred to in the --

19 A. No, it was not.

20 Q. Was this just one conversation with the
21 principal?

22 A. Yeah. But I should mention, because you
23 referred to my other conversation with the
24 principal, it took place during the time period
25 that you had specified, which was between September

1 and when I received the textbooks. And as I
2 recall, this conversation with the superintendent
3 took place after I had already received the
4 textbooks and was just a general conversation
5 about -- I wasn't saying to him at this point in
6 time "I do not have textbooks." I was just, "I
7 received my textbooks late."

8 I was aware that other teachers did not
9 have textbooks. I guess I want to be clear that --
10 you know, you had asked me had I had conversations
11 with my principal. And I just want to make it
12 clear that when you had asked that question, I was
13 under the impression that you were talking between
14 September and November 13th.

15 Q. Okay. So you had conversation with your
16 principal regarding your history textbooks after
17 you received them?

18 A. In this conversation that I'm talking
19 about right after I had talked to the
20 superintendent.

21 Q. Right.

22 A. Yeah, it was a brief conversation. And I
23 briefly discussed what we had talked about as the
24 conversation I had had with the superintendent.

25 Q. Did the principal say anything additional

1 regarding the textbooks?

2 A. No.

3 Q. Were you just --

4 A. The gist of the conversation was I -- I
5 was very shocked and surprised by some of the
6 comments that the superintendent had made. And
7 so -- and again the impetus for me going to speak
8 to the superintendent was not textbooks. It was
9 the fact that I was not receiving my paycheck and I
10 was going to him to get help to receive my
11 paycheck. The conversation then took -- you know,
12 I was very angry and very upset, and so the
13 conversation took a different -- I guess while I
14 was with the superintendent I felt the need to
15 discuss other topics like, you know, not having
16 received my textbooks, et cetera.

17 MR. MC KAGUE: I'm not sure that that
18 answered the question that was actually asked.

19 BY MS. VANSE:

20 Q. I'm just wondering -- I'll ask a different
21 one.

22 When you spoke to your principal about
23 this conversation you had with the superintendent,
24 did -- you told her that you were shocked and
25 surprised about some of the things that had been

1 said to you?

2 A. Basically the two things that stuck out in
3 my mind, the conversation took place no more than,
4 you know, say, two minutes. And I basically just
5 said, "The superintendent just told me that, you
6 know, if I'm a good enough teacher I don't need
7 textbooks, and if I needed textbooks I should go
8 out and pay for them myself." That was the gist I
9 had with him and I mentioned it to my principal.

10 Q. Did your principal say anything about
11 that, about those comments?

12 A. I would say just more or less she didn't
13 have the highest regard for -- she wasn't surprised
14 that the superintendent would make those comments.

15 Q. In your conversation -- you said you had a
16 conversation with the vice-principal also.

17 A. She happened to be in the room.

18 Q. Same conversation?

19 A. Same conversation, correct.

20 Q. Other than that one conversation with the
21 principal and vice-principal, any others that you
22 had with your principal regarding the conversation
23 you had with the superintendent?

24 A. When there additional?

25 Q. Yes.

1 A. That's correct.

2 Q. Did all of them -- let me see if I can get
3 the number. Were any of the classes of history
4 that you taught, did you have sufficient number of
5 desks for those students?

6 A. I don't recall.

7 Q. Did you do anything to try and get
8 additional desks in your classroom?

9 A. I asked the resource teacher and the
10 principal for desks.

11 Q. When did you ask the resource teacher for
12 desks?

13 A. I don't recall a specific date. Sometime
14 during that first month. I guess I would say -- I
15 mean I know it happened for sure during the first
16 week of school.

17 Q. Did the resource teacher say anything to
18 you about getting you more desks?

19 A. She said, "We will get you more desks."

20 Q. Did you get more desks?

21 A. Ultimately, yes.

22 Q. Do you recall when you received additional
23 desks?

24 A. I don't recall a specific date. Towards
25 the end of September or early October.

1 A. No.

2 Q. Any other conversations you had with your
3 principal following November, mid-November '99
4 regarding textbooks in your classroom?

5 A. With my principal, no.

6 Q. With the vice-principal?

7 A. No.

8 Q. In paragraph 6 of your declaration
9 starting at line 26 you talk about having more
10 students in your class than you had desks. And for
11 the first month of the school year you had 35 to 40
12 students in the class, but only 30 desks.

13 A. That's correct.

14 Q. You said you taught five classes of
15 history? I'm sorry, let me ask this first. Was
16 this for both school years that you taught at
17 Hosler?

18 A. No. This comment was specifically geared
19 toward teaching history my second year.

20 Q. Did you have sufficient desks for the
21 students in your class the first year you taught at
22 Hosler?

23 A. Yes, I did.

24 Q. And you said your second year teaching you
25 had five different classes for history?

1 Q. Did you just have one conversation with
2 the resource teacher about obtaining desks for your
3 classroom?

4 A. I don't recall how many conversations.

5 Q. And the conversation with your principal,
6 do you recall when you spoke to her about getting
7 more desks for your classroom?

8 MR. MC KAGUE: Objection. It's vague as
9 to time frame.

10 THE WITNESS: I don't recall a specific
11 date. And I would say time frame, you know, was
12 during that first month. I can't --

13 BY MS. VANSE:

14 Q. And that would be during the first month,
15 September '99?

16 A. That's correct.

17 Q. How many conversations did you have with
18 your principal regarding obtaining desks for your
19 classroom?

20 A. I don't recall how many. I know of at
21 least one.

22 Q. Do you recall what she said to you, if
23 anything?

24 A. Same thing as the resource teacher, "You
25 will get them."

1 Q. Did you tell the resource teacher that --
2 let me ask this question, first.

3 Your declaration in paragraph 6, line 28
4 says, "Kids sat on the floor and at my desk."

5 Do you recall approximately how many
6 students sat on the floor?

7 A. As I mentioned, each class had a different
8 size, so I can't.

9 Q. Did you tell the resource teacher that you
10 had students that were sitting on the floor?

11 A. Yes, I did.

12 Q. Did you tell that to the principal that
13 you had students that were sitting on the floor?

14 A. Yes, I did.

15 Q. Did you try to get any additional seats
16 for your classroom so the students wouldn't have to
17 sit on the floor before the desks came?

18 A. Yes. I took some -- I took some chairs
19 out of the teachers lounge, which happened to be
20 the adjoining room. But they weren't desks. They
21 were just normal chairs.

22 Q. Did you ever ask the resource teacher why
23 there weren't enough desks in your classroom at the
24 beginning of the year?

25 MR. MC KAGUE: Objection, vague as to time

1 understanding of why it was.

2 Q. Did you have any understanding as to why
3 switching over the school building from an
4 elementary to a junior high had somehow delayed
5 getting, I guess, age appropriate desks for junior
6 high students?

7 MR. MC KAGUE: Objection. Lacks
8 foundation and vague and ambiguous as to "delayed."

9 THE WITNESS: I would say I don't know.

10 BY MS. VANSE:

11 Q. I want to just clarify. When you said
12 that kids sat on the floor in your classroom, did
13 they do that even after you had obtained chairs
14 from the teachers lounge?

15 A. Yes.

16 Q. So even after you had obtained additional
17 chairs, there was still students that had to sit on
18 the floor?

19 A. Only took one or two chairs out of the
20 teachers lounge. So -- I guess I would also like
21 to clarify and say that I don't recall, but it's
22 possible during -- because as I mentioned there's
23 five classes.

24 So I do know that during, you know, one
25 and/or more of those classes there were still not

1 frame.

2 BY MS. VANSE:

3 Q. Just in the September '99.

4 A. No, I did not ask her why. My
5 understanding of the problem was that we had
6 switched from an elementary school to a junior
7 high.

8 Q. You said your understanding of the problem
9 was they had switched from an elementary to a
10 junior high. Was that something someone --
11 obviously you knew that happened since you had been
12 there before. But do you know why that caused a
13 problem as far as desks in classrooms were
14 concerned?

15 A. Again, I don't know specifically, no.

16 Q. Again I'm just trying to understand when
17 you say your understanding of the problem was that
18 the building had switched over. So I'm
19 wondering --

20 A. I just -- a lot of the desks for an
21 elementary school are for very small children. And
22 so a junior high requires different desks. So I
23 don't -- that was my understanding as to what the
24 problem was. I don't -- I don't have a basis from
25 administration or anybody else. That was just my

1 enough chairs. There were still people, students
2 sitting on the floor even though I had brought in.
3 It's possible that during, you know, one of the
4 classes there happened to be enough. But, you
5 know, I can't say specifically during one period or
6 the other.

7 Q. And this -- the time period that students
8 were -- that you didn't have enough desks for your
9 classroom, that was approximately the first month,
10 September 1999?

11 A. That's correct.

12 Q. Do you know -- do you know if any other
13 teachers at Hosler had that -- had the same problem
14 that you were having as far as desks and students
15 sitting on the floor?

16 MR. MC KAGUE: Objection, vague as to time
17 frame.

18 BY MS. VANSE:

19 Q. During this beginning of the '99-2000
20 school year.

21 A. I don't recall.

22 Q. Did you speak to anyone other than the
23 resource teacher or principal about the fact that
24 you didn't have enough desks in your classroom?

25 A. Did I speak to anybody at the school you

1 mean?

2 Q. Correct.

3 A. I did. I spoke with other teachers.

4 Q. What was the substance of those
5 conversations? Was it just in passing or was it an
6 actual discussion?

7 MR. MC KAGUE: Objection. Lacks
8 foundation. Compound question.

9 THE WITNESS: Could you clarify it for me?

10 BY MS. VANSE:

11 Q. Sure. You said you spoke with other
12 teachers regarding the fact that you didn't have
13 enough desks in your classroom. Do you recall
14 approximately how many conversations you had on
15 that particular topic with other teachers?

16 A. I don't recall how many.

17 Q. Do you recall if these were substantive
18 conversations?

19 A. Can you clarify "substantive"?

20 MR. MC KAGUE: Yes.

21 BY MS. VANSE:

22 Q. If they are just passing conversations,
23 you're telling a teacher, "I don't have enough
24 desks in my classroom," if that's the gist of it,
25 then -- that's just what I'm trying to figure out.

1 having enough desks in your classroom?

2 A. Okay. So after that time period, after I
3 had already received enough desks?

4 Q. No, September of '99.

5 A. But during --

6 Q. During the problem and thereafter.

7 A. Okay. I guess I have to clarify in that
8 some of the other teachers at the school were Teach
9 For America teachers. They were the people that I
10 had that conversation with.

11 Q. Okay. So no conversations with Teach For
12 America outside of the teachers at Hosler?

13 A. I'm sorry.

14 Q. Okay. Excluding everyone that was in --
15 at Hosler Middle School with Teach For America --

16 A. Correct.

17 Q. -- any other conversations with someone
18 from Teach For America regarding not having enough
19 desks in your classroom?

20 MR. MC KAGUE: During September '99 and
21 after?

22 MS. VANSE: That's right.

23 THE WITNESS: Any time during 99-2000 up
24 to the present?

25 BY MS. VANSE:

1 A. It was more than just in passing.

2 Q. Did you discuss with any other teachers
3 how to obtain more seats or desks for your
4 classroom?

5 A. No, I did not.

6 Q. Did you ever speak to anyone at Teach For
7 America about not having enough desks for your
8 classroom?

9 MR. MC KAGUE: Objection. Vague as to the
10 time frame.

11 THE WITNESS: Are you speaking about that
12 first month of school, 1999?

13 BY MS. VANSE:

14 Q. From my understanding, and please correct
15 me if I am wrong, is that you only had a problem
16 with not having enough desks in your classroom
17 during the month of September 1999.

18 A. That's correct.

19 Q. So I'm just -- I mean whether the
20 conversation occurred -- I'm assuming it didn't
21 occur before that because you didn't have a problem
22 with that. I mean if that's incorrect --

23 A. No, that's correct.

24 Q. So at any time after September 1999, did
25 you speak to anyone at Teach For America about not

1 Q. Let me ask you this. Did you have any
2 conversations with anyone regarding not having
3 enough desks in the classroom prior to September
4 '99?

5 A. Prior to? No.

6 Q. So there's no conversation -- and I won't
7 go into any of those -- after September '99, any
8 conversations with anyone at Teach For America
9 outside of the teachers at Hosler regarding not
10 having enough desks in your classroom?

11 A. I do not recall specifically having a
12 conversation with somebody. It's possible that I
13 may have mentioned it during Teach For America
14 seminars or group meetings or social functions.

15 Q. Okay. In paragraph 8 on the second page
16 of your declaration you state that:

17 "During both years at Hosler, a lot of
18 times if a teacher was absent, the school
19 did not provide a substitute."

20 Just taking your first year at Hosler, so
21 the 1998-99 school year, do you recall how many
22 times you are aware of that a student showed up to
23 class and there was no teacher there?

24 A. I don't recall specifically, but it was, I
25 would say, a frequent problem.

1 Q. How did you become aware that students
2 would show up to a class and there would be no
3 teacher there?

4 A. My first year when I taught 6th grade, my
5 classroom was very close to the school playground
6 and close to the school cafeteria. There were, I
7 would say, frequent instances in which I would hear
8 noise outside my classroom from students. I would
9 go outside the classroom and ask those students why
10 they weren't in class. And they said there was no
11 teacher in the room.

12 Q. And how about during the 99-2000 school
13 year, how did you become aware that students would
14 show up for class and there would be no teacher
15 there?

16 A. I would say that the same type of thing.
17 It didn't -- I would say there were two ways in
18 which I found it out, the same type of thing, there
19 were students who were outside. They generally
20 tended to go towards the playground, which is why I
21 knew more about it my first year. But they still
22 happened to be outside my classroom on occasions.

23 And then other conversations with
24 particularly the Teach For America teachers who
25 were at the school who would be absent and would

1 you would -- would you go out and I mean see -- you
2 saw the student out there for yourself?

3 A. That's correct.

4 Q. Okay. When you would go out and see that
5 type of situation, did you ever see an adult
6 present with the students?

7 A. With the students, no. I mean there were
8 occasions in which, you know, other, you know, kids
9 were going to either PE or et cetera. But there
10 were -- the occasions I am talking about, there
11 were kids out there unsupervised.

12 Q. And did you do anything if you would see
13 that situation?

14 A. Yes. We had telephones in our room and I
15 would call. I would generally ask the student,
16 "Who is your teacher?" And they would say
17 so-and-so.

18 And I would go into my classroom and call
19 the front office from the telephone in our
20 classroom and say, "Such and such a teacher's
21 students are not in the classroom and they are out
22 on the playground," et cetera.

23 Q. Do you know what would happen after that?

24 A. I don't. I can't say specifically.

25 Q. So you -- when you would make the call to

1 come back and then we would have conversations, you
2 know, like perhaps over lunch or after school, you
3 know, and they would comment that the school had
4 not provided them with the sub and that there were
5 students, you know, when they had returned to the
6 class, their students had, you know, told those
7 particular teachers that their sub never showed up.

8 Q. During your first year at Hosler when you
9 would see students outside your classroom, did you
10 ever -- did you see any administrator or any adult
11 present when the students were out there?

12 MR. MC KAGUE: Objection, compound
13 questions.

14 THE WITNESS: Can you -- can you clarify
15 the question? I guess specifically, you know, who
16 you would mean by administration or are you
17 considering a teacher administration?

18 BY MS. VANSE:

19 Q. You said you were aware of the problem
20 that there were no substitutes for a class because
21 they would -- students would be outside your
22 classroom on the playground or something to that
23 effect; is that correct?

24 A. That's correct.

25 Q. And when you would -- on those occasions

1 the -- you said it was the principal's office?

2 A. Just the front office.

3 Q. Okay. Did you notice that someone came
4 and took the students off of the playground?

5 A. Yes.

6 Q. Was there ever an occasion that no one
7 came and took the students off of the playground
8 from wherever they were?

9 MR. MC KAGUE: Objection. Vague as to the
10 time frame.

11 BY MS. VANSE:

12 Q. During your first year?

13 A. During my first year. No, I guess I would
14 say from what I learned from my students, there
15 were times where I was absent and a sub was not
16 provided for my class. And I was aware of this
17 because when I came back, you know, the following
18 day or the next day teaching, the work that I had
19 left for the sub had not been done.

20 I would ask my students why that was. And
21 they would say that a substitute was not provided
22 for them. And that was one of the ways I knew that
23 a sub was not in the room.

24 Also, some of my students had gotten into
25 trouble because when I was gone and there was no

1 sub, they were out messing around and other
 2 teachers had reprimanded them.
 3 And once that problem was discovered, my
 4 students had told me that they were generally
 5 either in my classroom, they were put into somebody
 6 else's class. They were split up and divided and
 7 put into other peoples classroom or the security
 8 guard for the school would sit and watch them.
 9 Q. So when you said once the problem was
 10 discovered, you're referring to the fact that no
 11 substitute was coming to the classroom for the
 12 students?
 13 A. Are you talking about when I discovered
 14 other teacher's students or when I was gone?
 15 Q. You said once the problem was discovered
 16 then the students started to be dispersed into
 17 different classrooms?
 18 A. Correct, like I can only speak to when I
 19 was absent and that's what my students told me had
 20 happened is that the -- either -- and it happened
 21 frequently when -- I wasn't absent all that
 22 frequently, but whenever I was absent there were
 23 several occasions when a substitute was not
 24 provided.
 25 And so my students had told me that

1 Q. Do you know why there were occasions when,
 2 say, your students were split up into classrooms or
 3 a security guard watched them and why other
 4 students that did not occur?
 5 A. Objection. Vague and compound.
 6 THE WITNESS: I don't understand the
 7 question.
 8 BY MS. VANSE:
 9 Q. Okay. Did your classroom ever have --
 10 were they ever out -- you probably wouldn't know
 11 this.
 12 Did your classroom -- did any of the
 13 students in your class ever tell you no one had
 14 come in to watch them and they were just roaming
 15 around?
 16 A. Yes. I mean there were two ways that I
 17 found that out. One, from my students and others,
 18 as I mentioned, some of my students when they were
 19 unsupervised had gotten into trouble. And so then
 20 I would find out from other teachers that had
 21 reprimanded them.
 22 Q. I'm trying to find out why there would be
 23 occasions when a class would have no one watching
 24 them and they'd be out unsupervised somewhere, and
 25 why there were other occasions they were split up

1 initially they were unsupervised. One of the other
 2 teachers discovered it. And then they were either
 3 watched by the security guard in my classroom or
 4 they were dispersed to just sit in other peoples
 5 classes.
 6 Does that answer your question?
 7 Q. I think so. I'm still -- I'm just
 8 wondering when you refer to once the problem was
 9 discovered, was that the problem that no one was
 10 watching your students when --
 11 A. Yes.
 12 Q. And is that opposed to, like -- do you
 13 know if that occurred for any other classes, that
 14 their students were split up into different classes
 15 or a security guard watched if a substitute wasn't
 16 provided?
 17 A. Yes, I do.
 18 Q. During your first year at Hosler, the
 19 problem you described that the students were
 20 just -- no one was watching them, they were on the
 21 playground or wherever they were, did that occur
 22 throughout the whole year or was that just towards
 23 the beginning? Did that occur throughout the whole
 24 year?
 25 A. Yes, it did.

1 into different classrooms or a security guard was
 2 watching them.
 3 A. I --
 4 Q. If you don't know why that occurred and
 5 sometimes not others, that's fine.
 6 A. I can't say exactly why that would happen.
 7 MR. MC KAGUE: I apologize. But I think
 8 the confusion comes maybe from misunderstanding the
 9 witness' explanation. If I understand the question
 10 that you were wanting to ask, I think there's just
 11 been a misunderstanding about the sequence of
 12 events. Maybe it goes back to the question about
 13 what discover means. So -- I apologize for
 14 interjecting but I think there's just a
 15 misunderstanding about a sequence of events.
 16 BY MS. VANSE:
 17 Q. Okay. Let me see if I can sort this out.
 18 You discovered that students were not
 19 being supervised at times when their teacher was
 20 absent two ways. One, because you went out and
 21 heard the students that were outside your
 22 classroom, and, two, you heard that from your
 23 students when you had been absent?
 24 A. When I was absent, correct.
 25 Q. Okay. And you've also stated that at some

1 point the students in your class were either
2 supervised -- when you were absent, were either
3 supervised by a security guard or they were split
4 up into different classes, correct?

5 A. Okay. I would say then there's two
6 scenarios there as well. I would say there were
7 occasions when a sub was provided. There were
8 occasions -- and I'm talking about at the start of
9 the school day.

10 Q. Okay.

11 A. There were occasions when a sub was
12 provided. There were occasions when a security
13 guard came in to watch them. And there were
14 occasions when at the beginning of the day they
15 were split up and put into other peoples
16 classrooms.

17 Q. Okay.

18 A. Scenario number two is nobody showed up at
19 all, and be it first period, second period, third
20 period, fourth period, at some point it was
21 discovered that these children were unsupervised.
22 And then the same, if there was a sub available, a
23 sub came in. Or they were watched by the security
24 guard, or they were dispersed after it had been
25 discovered that initially there was no one to

1 portion of that day. Whereas, when it's a middle
2 school, if I wasn't there, they would just be --
3 not supervised during my class. If that clarifies
4 it.

5 Q. It does.

6 I'm just wondering during your second year
7 at Hosler, are you aware of occasions where there
8 was no supervision of a class when a teacher was
9 absent?

10 A. Yes, I am.

11 Q. And are you aware of occasions when there
12 was a substitute provided for a teacher that was
13 absent?

14 A. There were -- yes.

15 Q. And do you know why there was not a
16 substitute on one occasion when there might have
17 been on another?

18 A. Again, that's the front office and I can't
19 speak to that.

20 Q. You said, I think, earlier that you would
21 cover certain classes during your prep period your
22 second year?

23 A. That's correct.

24 Q. Do you know if other teachers did that as
25 well your second year?

1 supervise them.

2 Q. That makes a lot more sense. Thank you.

3 Do you know why some days there are
4 students they didn't discover until some point
5 later in the day there was no --

6 A. That's the front office. I can't speak to
7 the front office.

8 Q. That's fine.

9 During your second year at Hosler, was it
10 the same sort of occurrence like what you've just
11 described? Was that the same for when a teacher
12 would be absent?

13 A. Yes. I would say it differs only in that
14 my first year the school was an elementary school,
15 and so that teacher was responsible for all the
16 classes and for those particular students the
17 entire day; whereas, when it was a middle school,
18 the students would rotate classrooms. And so --
19 and so how it was discovered that they were, you
20 know, not being supervised may have been different.

21 It's just a -- it's a little different
22 because, you know, whereas if nobody was
23 supervising my children the first year of school,
24 that could have gone on the entire day. That group
25 of children could have not been supervised for any

1 A. Yes.

2 Q. During your second year at Hosler, were
3 students ever, that you are aware of, were students
4 ever separated into different classes as they had
5 been on occasion during your first year at Hosler?

6 A. Yes.

7 MR. MC KAGUE: Objection. Vague.

8 THE WITNESS: Yes, I was aware.

9 BY MS. VANSE:

10 Q. So there were occasions that you are aware
11 of that students had been placed, some students had
12 been placed in one class and other students in
13 another class?

14 A. Yes.

15 Q. Do you know if they were placed in other
16 history classes -- actually, let me rephrase that.

17 Do you know if they were placed in a class
18 other than what they had been missing?

19 A. For that given subject?

20 Q. Correct.

21 A. Yes, they were placed in different
22 subjects so they were dispersed into other
23 classrooms that may not have been, you know, that
24 subject that they were supposed to study that
25 period.

1 Q. How did you become aware that that was
2 occurring, that students were being placed in
3 classes other than what they were supposed to be
4 being taught during that subject?

5 A. In two ways. Again, when I was absent my
6 students would tell me. I would ask them why they
7 didn't have their work done. They would say they
8 were put in other classes. And two, likewise, in
9 communicating with other teachers, they had
10 mentioned that when they were absent their students
11 were dispersed to other classrooms.

12 Q. In your second year at Hosler did you ever
13 have students from a different subject matter being
14 placed in your class?

15 A. Yes, I did.

16 Q. How often did that occur?

17 A. I can't give a -- I would say several
18 times throughout the year.

19 Q. What would you do with those students that
20 were placed in your class that were not taking
21 history at that particular moment?

22 A. Generally I would ask them if they had any
23 homework. And I found that students who were with
24 a teacher that was not familiar to them were
25 generally well-behaved and pretty subdued. So they

1 would -- if they had homework, I asked them to do
2 their homework. If not, I would, you know, give
3 them a book to read or let them draw in some cases.
4 I guess my comment is as long as they were quiet
5 and well-behaved. I made sure that they were doing
6 something. But that's why.

7 Q. Okay. In paragraph 9 of your declaration
8 you state that during your first year at Hosler
9 there were no music classes, no art and no PE.

10 Was that true for your second year at
11 Hosler?

12 A. No, not true or not the case my second
13 year.

14 Q. Did your students your first year at
15 Hosler, did you attempt to teach them art in any
16 way?

17 MR. MC KAGUE: I'm sorry, could you repeat
18 the question? I missed that.

19 MS. VANSE: Sure.

20 Q. For the students in your first year at
21 Hosler, did you attempt to teach them art at all?

22 A. Yes, I did.

23 Q. How often did you teach art in your first
24 year?

25 A. I can't give a specified time. I would

1 just say intermittently I would do art
2 specifically, and then there were occasions where I
3 tried to incorporate art into other subjects.

4 Q. And how did you prepare -- did you prepare
5 to teach your students art?

6 A. I would say yes -- yes, generally. And
7 specifically when I was trying to incorporate art
8 into other subjects then I was -- it was prepared.
9 And then there were other instances in which I
10 asked other teachers for ideas.

11 Q. And for PE, did you ever try and teach
12 your students PE during your first year at Hosler?

13 A. Yes.

14 Q. How often would you do that?

15 A. Once a -- generally speaking, once a day.
16 There were occasions when they didn't get to, but
17 as a general practice I would say once a day.

18 Q. And did you prepare or do any sort of
19 preparation to teach your students PE?

20 A. I would say no. I -- as I mentioned
21 earlier, when I was in high school I coached
22 basketball. And I participated in several
23 different sports growing up and felt, you know,
24 generally just -- so there was no, like,
25 preparation. I just basically used what I knew.

1 (At the hour of 11:53 A.M., a luncheon
2 recess was taken. The deposition resumed at
3 12:46 P.M., the same persons being present.)
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1 LOS ANGELES, CALIFORNIA; SATURDAY, JANUARY 5, 2002

2

3

4 EXAMINATION (resumed)

5

6 BY MS. VANSE:

7 Q. Just a reminder of all of the preliminary
8 stuff we talked about at the beginning, you are
9 under oath, answer the questions, that still
10 applies.

11 A. Okay.

12 Q. When we left off, I was asking you about,
13 I believe, paragraph 9 of your declaration. We've
14 gone through art and PE.

15 Paragraph 9, line 12, you talk about --
16 actually, it's line 13 -- that your students got to
17 rotate into music work one time every three months.

18 Was that just one class period of music
19 every three months?

20 A. Yes.

21 Q. That class period was taught by someone
22 other than yourself?

23 A. Yes.

24 Q. Who taught that class?

25 A. He was a music teacher. I don't know. He

1 A. Yes.

2 Q. During your first year at Hosler would
3 approximately 100 kids have to stand for the entire
4 assembly for -- each assembly?

5 A. I mean I would say it varied. I would --
6 yeah, I would say it varied, you know. It could be
7 anywhere between, say, 50 or 100.

8 Q. But each of these school assemblies during
9 your first year at Hosler, some portion of the
10 student body had to stand up for the entire
11 assembly?

12 A. That's correct.

13 Q. And was that the same for your second year
14 at Hosler, some portion of the student body would
15 have to remain standing for the entire assembly?

16 A. That's correct.

17 Q. Do you know why there were not enough
18 seats for all students to sit on during school
19 assemblies?

20 A. Can you clarify? I don't understand. I
21 don't know why.

22 Q. Maybe you don't know. Do you know if
23 there were enough seats at the school; they just
24 wouldn't fit into the cafeteria?

25 A. I would say I don't know. I know what

1 wasn't always around.

2 Q. But it was a specific teacher of music?

3 A. Yes.

4 Q. And that teacher was not at the school
5 regularly like on a weekly basis?

6 A. Not that I'm aware of.

7 Q. Moving to paragraph 10 of your
8 declaration. You state that for both of the years
9 at Hosler, about 100 kids would have to stand for
10 entire assemblies because there were not enough
11 seats for all the students in the school.

12 Was there a certain place at Hosler that
13 school assemblies would take place, entire school
14 assemblies?

15 A. They were generally held in the school
16 cafeteria.

17 Q. About how often during your first year at
18 Hosler did you have an entire school assembly?

19 A. I can't say a specific. I would say
20 approximately six or seven times throughout the
21 year.

22 Q. And for your second year at Hosler, was
23 that --

24 A. About the same.

25 Q. -- approximately the same?

1 were used as the cafeteria tables. So I guess had
2 they removed all the cafeteria tables and brought
3 in seats, maybe or maybe not, there would have been
4 enough seats. I can't answer that. What was used
5 was the cafeteria tables.

6 Q. Fair enough.

7 And did you ever talk to anyone at the
8 school about not having enough seats for school
9 assemblies?

10 MR. MC KAGUE: Including students?

11 MS. VANSE: Yes.

12 THE WITNESS: Yes. I mean my students
13 would ask me why there's not enough seats.

14 BY MS. VANSE:

15 Q. Anyone else you had conversations with
16 regarding not having enough seats for assemblies
17 other than your students?

18 A. Generally in passing type conversations
19 with other teachers.

20 Q. Anyone else?

21 A. No.

22 Q. Did you ever speak to the principal about
23 not having enough seats?

24 A. No.

25 Q. You said your students would ask you why

1 there were not enough seats for the assemblies,
 2 correct?
 3 A. That's correct.
 4 Q. And what would you tell them?
 5 A. I'm base -- basically nothing, that I
 6 didn't know why there weren't enough seats.
 7 Q. And the conversations that you had in
 8 passing with teachers, was that just of -- what
 9 would you say in that type of passing conversation?
 10 A. I don't understand.
 11 Q. Sure. Was that just a commentary, "We
 12 don't have enough seats," or was there something
 13 different?
 14 A. I guess I would say there was a running
 15 commentary with a group of teachers I was friends
 16 with. You know, as I mentioned before, there were
 17 conversations about not having textbooks or
 18 conversations, you know, there's not enough seats
 19 in the assembly. It was just kind of that type of
 20 kind of running conversation about the state of the
 21 school.
 22 Q. Moving on to paragraph 11 of your
 23 declaration. You state that:
 24 "The school has had no library for the
 25 past two years because they are using the

1 THE WITNESS: It was used. I can't say
 2 what it was used for. It was not used as a, quote,
 3 unquote, library for student use.
 4 BY MS. VANSE:
 5 Q. Was there any other -- your first year at
 6 Hosler, was there any other location in the school
 7 other than what was designated as the library that
 8 would have library type materials, books, that sort
 9 of thing?
 10 A. For student use?
 11 Q. That's correct.
 12 A. No, there was not.
 13 Q. Do you know if prior to your first year at
 14 Hosler the library had been used to store
 15 textbooks?
 16 A. I can't speak to that.
 17 Q. Do you know why in your first year at
 18 Hosler the library designated area was used to
 19 store textbooks?
 20 A. I can't speak to why.
 21 Q. Did you ever speak to anyone at Hosler
 22 regarding the library and why it was being used to
 23 store textbooks?
 24 MR. MC KAGUE: Objection, compound.
 25 THE WITNESS: Could you clarify who or --

1 library to store textbooks.
 2 Hosler Middle School had a separate
 3 library room or section at the school; is that
 4 correct?
 5 A. They had a room that was titled the
 6 library. But that's -- as I mentioned in my
 7 declaration, it was used for storage. It was just
 8 technically a space that was designated with the
 9 title library.
 10 Q. Was there any portion of the library that
 11 was usable as a library as opposed to storing
 12 textbooks while you were at Hosler?
 13 MR. MC KAGUE: Objection. Vague as to
 14 "used as a library."
 15 THE WITNESS: Can you also -- I mean there
 16 was a two-year period when the room changed, so if
 17 you could be more specific as to time period.
 18 BY MS. VANSE:
 19 Q. Sure. I'll start with the first year.
 20 During your first year at Hosler, was the library
 21 used to store textbooks?
 22 A. Yes, it was.
 23 Q. Was it used for any other purpose?
 24 A. It --
 25 MR. MC KAGUE: If you know.

1 BY MS. VANSE:
 2 Q. Well, maybe you didn't have any
 3 conversations your first year.
 4 A. I guess I would say that it was part of
 5 that running conversation, which was just a general
 6 conversation as to the state of the school.
 7 Q. But no other conversations other than this
 8 running one with other teachers regarding why the
 9 library was being used to store textbooks your
 10 first year at Hosler?
 11 A. I can't recall any conversations that took
 12 place like that.
 13 Q. Your second year at Hosler, was the
 14 library designated areas used for any other purpose
 15 other than storing textbooks?
 16 MR. MC KAGUE: If you know the answer.
 17 THE WITNESS: Towards the end of the year,
 18 it started to kind of transform into what would
 19 commonly be viewed as a library.
 20 BY MS. VANSE:
 21 Q. Do you know why it started to transform
 22 into what would be considered a library towards the
 23 end of your second year?
 24 A. I can't say why. I mean I'm assuming they
 25 wanted a library and so they started working

1 towards it.

2 Q. Did you ever speak to anyone at the school
3 regarding its transition?

4 A. No.

5 Q. Do you know what textbooks were being
6 stored in the library during either year at Hosler?

7 MR. MC KAGUE: Objection. Vague as to
8 textbooks.

9 THE WITNESS: I mean just -- I mean are
10 you asking for a specific textbook?

11 BY MS. VANSE:

12 Q. No, I'm just asking in general if you
13 know. Were these Hosler -- let me do this. Were
14 the textbooks being stored in the library textbooks
15 for students at Hosler Middle School?

16 MR. MC KAGUE: Objection. Calls for
17 speculation, I think, as phrased.

18 THE WITNESS: I don't know.

19 BY MS. VANSE:

20 Q. You have no idea what the textbooks being
21 stored there in the library at Hosler were either
22 used for previously or were going to be used for?

23 A. I mean, they were -- I have to ask which
24 year you're talking about.

25 Q. Either year.

1 from the library as well?

2 MR. MC KAGUE: Objection. Lacks
3 foundation.

4 THE WITNESS: I don't. I can't.

5 BY MS. VANSE:

6 Q. Maybe you don't know.

7 A. I don't. My class -- I'm assuming that
8 that's where other teachers went. I was not with
9 them so I can't --

10 Q. Okay. In your running conversation that
11 you had about the state of the school with other
12 teachers, did you ever learn from any other
13 teachers why the library was being used to store
14 textbooks?

15 A. No.

16 Q. Do you know if any other teachers at
17 Hosler, I guess, found out why the library was
18 being used to store textbooks?

19 A. No. I guess I feel like I need to clarify
20 that. It was not only used just to store
21 textbooks. There were other books, other -- that
22 the students did not have access to them.

23 Q. When you say "other books," were they
24 library books?

25 A. Yeah, books that would normally be in a

1 A. I would say my first year, I know that my
2 students and I went to the library to get our
3 textbooks. That was not the case my second year at
4 Hosler. So when I was a 6th grade teacher
5 self-contained and I taught all the subjects, we
6 went to the library over the conversation of that
7 first week or two to get our math textbook or
8 English textbook or whatever it was.

9 Q. Your first year at Hosler after that first
10 year when you went to the library and got your
11 textbooks, do you know if additional textbooks were
12 brought in and stored at Hosler Middle School?

13 MR. MC KAGUE: Objection. Vague.

14 THE WITNESS: I don't -- there were
15 textbooks in there. I can't say what they were
16 for. But the lady that was responsible for the
17 Xerox machine, which was across the hall from the
18 room that was designated the library, she was
19 responsible for the Xerox machine so we'd
20 occasionally have to go in that room. I just saw
21 textbooks. I can't say what age group they were.
22 They were just, you know --

23 BY MS. VANSE:

24 Q. In your first year at Hosler, do you know
25 if other classes went and received their textbooks

1 library.

2 Q. But students were not allowed to access
3 those books?

4 A. Because -- I guess what I'm getting at is
5 there were other things being stored. And I guess
6 I also want to clarify that I'm talking about in
7 this particular case I'm talking about my first
8 year. The room was used basically as a storage
9 facility, primarily books. Any desks or tables
10 there were piled high with textbooks. There were
11 other boxes. I don't know what was in the boxes.
12 You just, I'm assuming whatever needed to be stored
13 in there. And then there were shelves that had
14 books on them, but there was no -- you obviously
15 couldn't come in because there was nowhere to sit
16 because it was being used as storage and there was
17 no system to check books out.

18 So they were physically there. But they
19 weren't accessible to us as the teachers or the
20 students.

21 Q. When you say they weren't accessible to
22 you as a teacher, did you ever ask anyone at the
23 school whether or not you could access what would
24 be traditionally called library books that were
25 being kept in there on the shelves?

1 A. Did I? No, I did not ask.
 2 Q. Did anyone ever tell you that you weren't
 3 allowed to access those books your first year at
 4 Hosler?
 5 A. No.
 6 Q. In your second year at Hosler, was that
 7 different? Let me ask a different question.
 8 Your second year at Hosler, were other
 9 books or items stored in the library other than
 10 textbooks?
 11 A. I would like to go back and clarify. I
 12 know that we were not allowed to take books out of
 13 the library, and so --
 14 Q. Your first year at Hosler?
 15 A. Yes, I'm talking about my first year at
 16 Hosler. The lady who I mentioned who ran the
 17 storage facility and ran the Xerox room, you know,
 18 if we wanted to come in, if we wanted to look at a
 19 book, et cetera, we were allowed to do so. We were
 20 not allowed to take books out of, you know, that
 21 room.
 22 Q. Was that true also for your second year at
 23 Hosler?
 24 A. My second year at Hosler I would say -- I
 25 would characterize differently. I would say that,

1 as I recall, it was very similar, and that was used
 2 as the storage facility for what I remember to be
 3 the first part of the year. I would say, if you
 4 want to call it a semester. It was different in
 5 that as I mentioned earlier, we did not go and pick
 6 up our textbooks. It was similar only it was being
 7 used as some type of storage facility et cetera.
 8 Progress through the second semester it started to
 9 get cleaned up, as I mentioned.
 10 Q. Was there any point during your second
 11 year at Hosler that you were able to use the
 12 library to take your class there?
 13 MR. MC KAGUE: Objection. Vague as to
 14 "use."
 15 THE WITNESS: By "used," do you mean used
 16 as a library would normally be used? If you could
 17 clarify.
 18 BY MS. VANSE:
 19 Q. Okay. During the second semester of your
 20 second year at Hosler, were you ever able -- were
 21 your students ever able to access the books that
 22 were being stored there?
 23 MR. MC KAGUE: Objection. Vague and
 24 ambiguous as to which books we're talking about.
 25 BY MS. VANSE:

1 Q. The traditional library books.
 2 A. I would say yes at some point during the
 3 second semester.
 4 Q. In the 11th paragraph of your declaration,
 5 the second sentence you mention:
 6 "As a history teacher I couldn't have the
 7 kids do history projects because they had
 8 no library to use for research."
 9 Were your students able to use the library
 10 for research at any point during the second
 11 semester of your second year at Hosler.
 12 MR. MC KAGUE: Objection. Vague and
 13 ambiguous as to "use."
 14 THE WITNESS: What do you mean used for?
 15 Research?
 16 BY MS. VANSE:
 17 Q. Well, I'll refer you back to your own
 18 sentence where you state: "They had no library to
 19 use for research."
 20 What did you mean when you said "They had
 21 no library to use for research"?
 22 A. I would say for the first semester. And I
 23 can't specify what part of the second semester the
 24 library was being used as storage. So they did not
 25 have access to encyclopedias, et cetera to do

1 research. Towards the end of the year they did.
 2 Q. So towards the end of the year your
 3 students, during your second year at Hosler, your
 4 students were able to use the library for research
 5 projects?
 6 A. I would say two things. I would say, yes,
 7 they had access to the books in the library. But
 8 my second comment would be again this was part of
 9 what I would call the metamorphosis of the library
 10 in terms of it becoming what we would think of as a
 11 library. And so there did not -- to do what I
 12 would consider research, there was not sufficient
 13 materials.
 14 Q. At any point during the second year?
 15 A. Correct.
 16 Q. You also mention in paragraph 11 that:
 17 "They also had no access to computers at
 18 the schools, so they had no research
 19 tools."
 20 Were there any computers at Hosler Middle
 21 School your first year of teaching?
 22 A. My first year --
 23 MR. MC KAGUE: Objection. Vague and
 24 ambiguous as to which computers we're talking
 25 about. For student access?

1 BY MS. VANSE:
 2 Q. I'm going to ask if there were any
 3 computers, excluding any that might be used by the
 4 administration at the school, your first year at
 5 Hosler?
 6 A. Okay. Are you talking about in the
 7 classroom or in the library?
 8 Q. In the school itself.
 9 A. In the school at all?
 10 Q. Yes.
 11 A. There was a -- there was one classroom, as
 12 I recall. I just want to think if there was more.
 13 MR. MC KAGUE: Take your time.
 14 THE WITNESS: I would say the only time I
 15 saw students using computers would be in this one
 16 classroom that had computers, and it was actually
 17 somebody's classroom. It was a 6th grade
 18 classroom, and it was the GATE, which is like the
 19 advanced students classroom. And they were using
 20 the computers on a regular basis is the only time I
 21 ever recall seeing students use the computer.
 22 BY MS. VANSE:
 23 Q. So I take it your first year at Hosler you
 24 did not have a computer in your classroom?
 25 A. No, I did not.

1 Q. And there was no general computer lab for
 2 students to use your first year at Hosler?
 3 A. No, there was not.
 4 Q. Was that -- was the fact that there were
 5 no computers in your classroom or in a computer lab
 6 part of the running conversation that you had with
 7 other teachers at Hosler your first year?
 8 A. Maybe.
 9 Q. Your second year at Hosler, were there any
 10 computers at the school other than those used for
 11 administration?
 12 A. Again, in that same classroom, same
 13 teacher, same, you know, GATE, 6th grade classroom.
 14 Again, I don't recall seeing students or being made
 15 aware of the fact that we had access to computers.
 16 I do recall in my second year that there was a room
 17 not being used that had a couple of computers in
 18 it.
 19 I don't recall ever seeing anybody
 20 actually even go into the room. I don't know if
 21 they were just kind of being used as storage, you
 22 know. It was just a couple of computers in a room
 23 that I happened to go into because one of the
 24 administration -- one of the administrators
 25 happened to be in that room.

1 Q. Did you ever inquire of anyone at Hosler
 2 Middle School about the computers in that
 3 classroom, why they were there?
 4 A. No, I did not.
 5 Q. Did Hosler Middle School during your first
 6 year there use the library to share textbooks
 7 between classes?
 8 A. I don't understand what you mean.
 9 Q. Did they use, during your first year, the
 10 library like as a place where both, like, two
 11 classes would go in and share the same textbooks?
 12 A. No.
 13 Q. Did Hosler Middle School use the library
 14 to share textbook the second year, that you are
 15 aware of?
 16 MR. MC KAGUE: Calls for speculation.
 17 THE WITNESS: No.
 18 BY MS. VANSE:
 19 Q. Your first year at Hosler, did you ever
 20 take your class to an outside library, to a library
 21 outside of the school?
 22 A. I'm sorry, which year?
 23 Q. Your first year.
 24 A. My first year? Yes. It was one or two
 25 times. I don't recall. But no more than two.

1 Q. And which library did you take them to?
 2 A. I don't know the name of it. There was a
 3 library across the street from the district office
 4 and across the street from the school. And I
 5 believe it's, you know, Lynwood Community Library
 6 or something to that effect.
 7 Q. That's a library that's not connected with
 8 the school itself?
 9 A. Correct. It's a city library.
 10 Q. Do you know if other teachers took their
 11 classes to that library across the street your
 12 first year?
 13 A. I'm not -- yes, I'm aware of one other
 14 teacher, one of whom I was friends with, et cetera.
 15 I know that he took his class. But to the effect
 16 others did, I can't speak to that.
 17 Q. Your second year teaching at Hosler, did
 18 you take your students across to the library across
 19 the street?
 20 A. I did on one occasion.
 21 Q. In paragraph 12 of your declaration you
 22 state that there is one Xerox machine for 90
 23 teachers, and that it was busted half the time.
 24 What would you do when the Xerox machine
 25 was broken during your tenure at Hosler?

1 MR. MC KAGUE: Objection. It's vague and
2 ambiguous.

3 THE WITNESS: Improvise.

4 BY MS. VANSE:

5 Q. And what would that involve?

6 A. I would -- many different things. I mean
7 there were many times where it was broken and there
8 were many times where I would have to, I guess, if
9 you -- I can think of one example. I would have to
10 use class time to -- if I had a worksheet that had
11 questions on it, I used the blackboard. So I'd
12 have to write all the questions out on the
13 blackboard. That would be one such improvisation.

14 Q. Was there any other way you could make
15 copies for your students at school?

16 A. No.

17 Q. Was the Xerox machine broken half the time
18 both years while at Hosler?

19 A. Approximately the same amount of time. I
20 would like to say that if you want me to quantify
21 it, it was not broken 50 percent of the time. But
22 it was broken a significant portion of the time.

23 Q. Like your second year at Hosler, did the
24 school receive an additional copy machine?

25 A. No.

1 know what type of review it was. If you can just
2 describe it for me a little bit.

3 MR. MC KAGUE: Do you mean the end
4 product?

5 BY MS. VANSE:

6 Q. Actually just the process of review. Was
7 it like a written evaluation? Did someone come
8 in --

9 A. Okay. My understanding was that -- I do
10 not recall the name of the review. My
11 understanding was that the state mandated that the
12 principal or vice-principal come into your
13 classroom and observe you and fill out a written
14 review twice a year. So those were the two
15 occasions that the principal came into my room.

16 Q. So when the principal came into your room,
17 would she observe your class period for a day?

18 A. No, no. She would observe me. The first
19 review was no more than ten minutes long. The
20 second review of similar length, I think a little
21 bit longer, 15 or 20 minutes.

22 Q. After your first review, your first year
23 at Hosler, did you then discuss the review with
24 your principal?

25 A. No. The principal would then -- she had a

1 Q. In paragraph 13 of your declaration you
2 talk about that you're almost never reviewed for
3 your teaching. Over the course of nine months
4 during your second year of teaching, one
5 administrator came in for a total of 15 minutes.

6 Were you reviewed at all during your first
7 year at Hosler?

8 A. Yes, I was, on two occasions.

9 Q. On the first occasion that you were
10 reviewed, when did that occur your first year at
11 Hosler?

12 A. At some point during the first semester.
13 I want to say around October. I can't be more
14 specific than that.

15 Q. And was the second time in what you would
16 consider like the second semester?

17 A. Correct.

18 Q. Your first review you received at Hosler
19 in that first year, can you describe what kind of
20 review that was?

21 MR. MC KAGUE: Objection. Vague and
22 ambiguous as to type of review.

23 THE WITNESS: Can you be more specific?

24 BY MS. VANSE:

25 Q. That's what I would like to know. I don't

1 written form that she filled out. And she would
2 just give us the review. She would put it in an
3 envelope and put it in our teacher mailbox.

4 Q. Did you ever have a discussion with your
5 principal about that first review your first year?

6 A. Not that I recall.

7 Q. Was the second review similar to the
8 process of the first?

9 A. Yes.

10 Q. Did you ever have a conversation with your
11 principal regarding your second review that first
12 year?

13 A. Not that I -- not that I recall, no.

14 Q. Then if I'm reading your declaration
15 correctly in paragraph 13 where you state over the
16 course of nine months over your second year of
17 teaching, one administrator came into the room for
18 a total of 15 minutes.

19 Was that the same sort of review you
20 described for your first year?

21 A. Correct.

22 Q. But that only happened once during your
23 second year?

24 A. Correct. And that happened in the first
25 portion.

1 Q. Did you have any review through your Teach
2 For America program?

3 A. Yes.

4 Q. And your first year, how often were you
5 reviewed by Teach For America?

6 A. I don't recall how many times. Probably
7 twice a semester. So, maybe, approximately four
8 times throughout the year.

9 Q. Was that both years you were teaching at
10 Hosler?

11 A. That's correct.

12 Q. And who conducted the reviews for Teach
13 For America? I'm actually not looking for a
14 specific person's name, but if there's a general
15 title of a person who does reviews.

16 A. I don't recall the title. There's -- each
17 Teach For America core has a district like a core
18 office. And so I believe the -- and I don't know
19 this to be the case. I believe it's like executive
20 director, something along those lines, the person
21 in charge of the LA corps would come.

22 Q. What was that process like? Would they
23 observe you in your classroom?

24 A. Yes.

25 Q. Would they do anything other than observe

1 Q. Right, for each of the reviews. If they
2 were all the same then I don't need to go into --

3 A. Each was the same, 30-minute review,
4 followed by either going to lunch or after school
5 one-on-one with that person.

6 Q. Do you know if the Teach For America
7 reviews were ever shared with anyone at the school
8 or the district?

9 A. I don't know. I would say I don't believe
10 that they are. But I would say -- I can't answer
11 for sure.

12 Q. Okay. You mentioned that it was your
13 understanding that the state mandated observations
14 two times a year for teachers. How did you come
15 about that understanding?

16 A. As I mentioned earlier, I cannot remember
17 what the review was called. But I remember several
18 of the teachers, you know, when I initially -- when
19 she first came in that first time my first year,
20 you know, she had explained it to -- I believe she
21 explained it to us during like a faculty meeting,
22 you know, something along the lines of, "You need
23 to sign up for your something review." You know,
24 and she had mentioned that it was mandated by the
25 state.

1 you?

2 A. Yes. They would observe us. Again, there
3 was kind of like a standard form. And then either
4 later they would generally come and, because there
5 were several Teach For America teachers after,
6 during a lunch break or after school, they would go
7 over that review with us.

8 Q. And how long was the -- was there
9 observation in the classroom that you can remember?

10 A. I'd say probably almost a full period. So
11 30 minutes. 30 to 35 minutes.

12 Q. And that was for each of the review
13 sessions?

14 A. Correct.

15 Q. Were any of your review periods with Teach
16 For America different, like substantively from any
17 of the others?

18 MR. MC KAGUE: Objection. Vague.

19 THE WITNESS: By "others," you mean --
20 BY MS. VANSE:

21 Q. If each of the reviews that you received
22 from Teach For America was substantially the same,
23 someone would come in, observe you, do a written
24 evaluation, and discuss it with you?

25 A. Was it the same pattern?

1 Q. Going back to the first page of your
2 declaration in paragraph 3 -- I believe it's line
3 13 and 14 -- where you state that:

4 "The kids realized that they were getting
5 screwed, and many of them took the
6 attitude that if no one at their school
7 cares about them, then they don't need to
8 care about the school."

9 Was this something that students told you
10 that they don't need to care about their school?

11 A. None of them specifically said, "We don't
12 need to care about school." But in working with
13 the students, that was my impression of their
14 attitude.

15 Q. And what about the students gave you that
16 impression?

17 A. I would say, first, general attitude
18 toward adult or teachers, administrators,
19 et cetera, kind of via respect for them.

20 I think there were several questions
21 throughout the year: "Why don't we have our
22 textbooks? Why don't we have seats in our
23 auditorium? Why don't we have seats in our
24 cafeteria?" It led me to believe that they
25 understand that they were being deprived of things

1 that they shouldn't be. And it was my opinion that
2 that attitude spilled over into them not doing
3 their homework and, I guess, general -- their
4 general attitude toward learning.

5 Q. Anything else that gave you the impression
6 that the students took the attitude that if no one
7 at their school cared about them they didn't need
8 to care about school other than your interactions
9 with the students at Hosler?

10 A. I'm sorry, can you repeat the question?

11 Q. Sure. We were just talking about your
12 sentence here where you stated that the students --
13 "Many of them took the attitude that if no one at
14 their school didn't care about them, they didn't
15 need to care about their school," and we went
16 through a little bit of how you formed that, that
17 was your impression --

18 A. Correct.

19 Q. -- based on the attitudes and observations
20 that you saw of students at Hosler.

21 A. Correct.

22 Q. Was there anything else other than your --
23 what you observed from the students that gave you
24 that impression that they had this type of attitude
25 towards the school?

1 know, why the student didn't have homework and why
2 they didn't have textbooks. They wanted to
3 understand why their kids were coming home and not
4 doing any work.

5 You know, so that gave me insight as to
6 what the kids were doing after school, which was
7 not doing their work.

8 Q. Were these conversations that you had with
9 parents yourself?

10 A. Yes.

11 Q. And what would you tell the parents if
12 they complained that their student -- why -- if
13 they were asking why their student didn't have any
14 homework?

15 A. I would say there was homework, you know,
16 and if the teacher was at the school, I would say,
17 "My homework assignment is on the board each day."
18 I would say, "That's what they are responsible
19 for." In regards to the textbooks, I would say
20 that I didn't know.

21 Q. Anything else other than your interaction
22 with parents and students that gave you the
23 impression that many of the students at the school
24 took the attitude if no one at the school didn't
25 care about them, they didn't need to care about

1 MR. MC KAGUE: Objection. I think it
2 mischaracterizes his prior testimony on the basis
3 of his understanding.

4 THE WITNESS: I guess I mean my
5 understanding is based on my impression of the
6 kids' actions. So are you asking for other
7 actions, are there other actions?

8 BY MS. VANSE:

9 Q. I'm asking is there anything else that
10 gave you that impression other than your
11 interactions with the students?

12 A. So via some other vehicle?

13 Q. Right. Anything else that you saw,
14 observed, whatever it may be, that gave you that
15 impression other than your interactions and
16 observations with the students?

17 A. I would say, yeah, interactions with
18 parents gave me that impression as well.

19 Q. What about interactions with parents gave
20 you that impression?

21 A. Many of the parent didn't understand --
22 and I guess I would say the instance that I'm
23 thinking of right now would be my second year.
24 There were several instances in which parents would
25 either be at the school or would call and ask, you

1 their school?

2 A. I can't think of other specific things.

3 Q. Your first year at Hosler, did you have a
4 lot of interaction with the parents of your
5 students?

6 A. "A lot" is kind of vague.

7 Q. Did you have any interaction with parents?

8 A. We had parent/teacher conferences and open
9 house, both of which were very poorly attended.

10 Q. Other than conferences and the open house,
11 any interaction with parents of your student during
12 your first year?

13 A. Yes. I would -- if I was concerned for
14 some students, I would call home. I don't recall
15 how many letters I sent home. But there would be
16 interactions, both positive and negative, such and
17 such a student is performing well or such and such
18 a student is not doing the work.

19 Q. Did you ever receive parent complaints
20 like you described for your second year, a parent
21 calling to complain why their student did not have
22 homework or a textbook your first year at Hosler?

23 A. Yeah, there were complaints. Not as to
24 textbooks but as to -- but as to homework.

25 Q. Any other complaints you received from

1 parents your first year?

2 A. My first year I guess I would ask
3 complaints regarding any complaints?

4 Q. Right, any complaints you received from a
5 parent your first year other than what we just
6 talked about regarding textbooks.

7 A. I don't recall instances offhand. I mean
8 I -- many of the parents did not speak English, so
9 most of their conversations that I had with them
10 regarded homework and the performance of their
11 student.

12 Q. In your second year teaching at Hosler,
13 did you receive any other parent complaints other
14 than regarding homework or textbooks?

15 A. Not that I recall, no.

16 Q. And --

17 A. There were other conversations regarding
18 performance of a student.

19 Q. Of a particular student there, their
20 child?

21 A. Correct. But not -- nothing else
22 specifically that I recall.

23 Q. Were the parent/teacher conferences better
24 attended your second year at Hosler?

25 MR. MC KAGUE: Objection. Ambiguous as to

1 was then a substitute there, and I'm now in my
2 present appointment.

3 Q. Okay. So since you left Hosler as a
4 permanent teacher --

5 A. Okay.

6 Q. -- have you had -- you have had
7 conversations with teachers still at Hosler
8 regarding specific conditions or the specific state
9 of the school?

10 MR. MC KAGUE: Objection. Asked and
11 answered, I believe, in his previous testimony.

12 THE WITNESS: My answer hasn't changed.

13 BY MS. VANSE:

14 Q. You can go ahead and give me the answer.

15 A. So yes, I have been.

16 Q. And what did those teachers say regarding
17 the specific state of the school in those
18 conversations?

19 MR. MC KAGUE: Objection. Lacks
20 foundation.

21 THE WITNESS: I don't --

22 BY MS. VANSE:

23 Q. You testified you had conversations with
24 some teachers --

25 A. Correct.

1 "better attended."

2 BY MS. VANSE:

3 Q. You said they were poorly attended your
4 first year, correct?

5 A. Correct.

6 Q. Were the parent/teacher conferences
7 attended -- better attended your second year than
8 they were the first?

9 A. I would say they were similarly attended.

10 Q. And is that the same for the open houses?

11 A. I would say the open houses were
12 attended -- now my language is getting ugly. I
13 would say less attended. Attendance was very poor
14 at open house.

15 Q. You mentioned earlier that since you left
16 Hosler in June 2000, you've had conversations with
17 teachers regarding the specific state of the
18 school; is that correct?

19 A. I don't understand.

20 Q. Since you left Hosler, have you had
21 conversations with teachers still at Hosler
22 regarding the school?

23 A. Okay. I just want to be clear because I
24 left Hosler, I guess, twice. I was fully employed
25 as a teacher there, I was then in Costa Rica, and I

1 Q. -- since you left your permanent position
2 in June of 2000?

3 A. Correct.

4 Q. Regarding the specific state of the
5 school?

6 A. Correct.

7 MR. MC KAGUE: Objection. I think that
8 mischaracterizes what he said. I think the
9 question was about conditions.

10 BY MS. VANSE:

11 Q. If it's conditions or state, did you have
12 specific conversations regarding the conditions at
13 the school?

14 A. I would like to say I had conversations.
15 I don't recall specifically what was said.

16 Q. Do you recall generally what you
17 discussed?

18 A. Yeah. I -- a friend of mine who was a
19 Teach For America teacher who I mentioned, Greg
20 Colleton, was also substituting at Hosler and I
21 generally asked him had things improved.

22 Q. And what did he say?

23 A. No, they hadn't.

24 Q. Did he say anything else?

25 A. I don't recall specifics.

1 Q. Do you know if there are any classes at
2 Hosler that did not have textbooks at the beginning
3 of the school year?

4 A. Which school year.

5 MR. MC KAGUE: Objection. Vague and
6 ambiguous.

7 BY MS. VANSE:

8 Q. Currently since you left in June of 2000.

9 A. I can't speak to that. I don't know.

10 Q. That's not something you've discussed with
11 teachers that are still at Hosler whether or not
12 they had textbooks at the beginning of the school
13 year?

14 A. I would say correct because I, as I
15 mentioned, I had spoken with Greg, who was also a
16 substitute, not a permanent teacher.

17 MR. MC KAGUE: Also I'd like to point out
18 there's been two schools since he left as permanent
19 teacher.

20 THE WITNESS: Correct.

21 MS. VANSE: The one that just started,
22 2001-2002.

23 Q. Let me go back through your declaration.
24 In paragraph 3 of your declaration, if you could
25 take a moment to read that. We had just gone

1 you have any conversations with teacher still at
2 Hosler regarding the attitude of students, feeling
3 that they don't need to care about school?

4 A. I'm sorry, could you -- I just wasn't
5 focusing.

6 Q. Sure, of course.

7 Since you left Hosler in June 2000 as a
8 permanent teacher, have you had any conversations
9 with teachers still at Hosler regarding the
10 attitude of students thinking that they don't need
11 to care about school?

12 A. Not specific to their attitude. Again,
13 just a general, "Have things changed" with the
14 teachers that wrote me the recommendations for
15 graduate school, you know. As I mentioned, I was
16 in Costa Rica so my contact with them was via
17 e-mail. And it was, you know, "How are things?
18 Have things changed?" that type of thing. And the
19 answer essentially was no.

20 Q. In the conversations that you had with the
21 teachers that gave you the recommendation, did they
22 say if anything changed at Hosler Middle School?

23 MR. MC KAGUE: Objection. I think the
24 testimony was by e-mail.

25 BY MS. VANSE:

1 through it.

2 (The witness complies.)

3 Q. Do you know if -- I'm sorry.

4 MR. MC KAGUE: Let her know when you are
5 done.

6 THE WITNESS: Okay.

7 (Pause while witness peruses document.)

8 THE WITNESS: Okay.

9 BY MS. VANSE:

10 Q. Do you know if that is the paragraph or
11 the portion regarding the attitude of students at
12 the school, do you know if that is still the case
13 at Hosler Middle School?

14 A. My general impression having, while I was
15 subbing was that it was still the case. However, I
16 was the substitute so students reacted differently
17 than -- I mean I guess I could say two things. The
18 first is that I was a substitute and students react
19 differently to substitutes. Secondly, they did
20 know me as being a permanent teacher. So my
21 impression was they still had a similar attitude.
22 I don't know how much. I can't give that, you
23 know, a whole amount of credibility because I was
24 only a substitute.

25 Q. Since you left Hosler in June 2000, did

1 Q. Okay. In any of those e-mail
2 correspondence, did they tell you of anything that
3 had changed?

4 A. There was a new principal.

5 Q. Anything else?

6 A. I'm sorry, no.

7 Q. Since June of 2000, do you know if Hosler
8 Middle School has put a history curriculum in
9 place?

10 A. I can't speak to them.

11 Q. So you don't know?

12 A. I don't know.

13 Q. Since you left Hosler Middle School in
14 June of 2000, do you know if there's ever been an
15 occasion where a class didn't have enough desks for
16 each of the students?

17 A. I don't know.

18 Q. Was it ever case when you substituted at
19 Hosler Middle School that there were not enough
20 desks for the students in the class?

21 A. No.

22 Q. At any time since you left Hosler Middle
23 School in June of 2000, do you know if there's been
24 an occasion where students show up to a class and
25 there wasn't a teacher there?

1 A. I don't know.
 2 Q. Was that -- was the fact that there was
 3 not a substitute at the beginning of a class
 4 anything you talked about with the teachers you
 5 still kept in contact with?
 6 A. No.
 7 Q. Since you left Hosler in June of 2000, do
 8 you know if the school has instituted music class?
 9 A. I do not know.
 10 Q. How about art or PE?
 11 MR. MC KAGUE: Objection. Compound.
 12 BY MS. VANSE:
 13 Q. We'll start with art. How about an art
 14 class?
 15 A. I do not know.
 16 Q. PE?
 17 A. I believe there are PE classes now, yes.
 18 Q. With a PE teacher?
 19 A. Yes. And if I can, I'd like to clarify
 20 that. There were PE classes my second year when
 21 the school was a junior high.
 22 Q. But your second year there were still no
 23 music or art classes regularly?
 24 A. There were not any art classes. There
 25 were -- I don't know how the music. There was a

1 full-time music teacher. I don't know if all the
 2 kids -- my impression was not all the kids got to
 3 go. I don't know if you had to be in the band or
 4 in chorus, et cetera. So I don't know how the
 5 music was run. There was a teacher and there were
 6 PE classes my second year when it was a junior
 7 high.
 8 Q. Okay. At any time after you left Hosler
 9 in June of 2000, do you know if students have had
 10 to stand for an entire assembly at the school?
 11 A. Yes. When I was a -- when I was a
 12 substitute, I did have to take my students to a --
 13 an assembly and they were still standing.
 14 Q. Did you ever discuss that, the fact that
 15 students had to stand during assembly, with any of
 16 the teachers you're still in contact with at
 17 Hosler?
 18 A. During that time frame?
 19 Q. Right, following your lead after June
 20 2000.
 21 A. No, there were no conversations. I'm
 22 sorry. Can you repeat the question? Did I have
 23 any conversation with --
 24 Q. Any of the teachers or personnel at Hosler
 25 that you are still in contact with since leaving in

1 June of 2000.
 2 A. I would say I probably mentioned again
 3 just in passing that things had not changed.
 4 Q. You mentioned earlier that the library at
 5 the end of your second year of teaching at Hosler
 6 had begun to transition into a more normal library,
 7 correct?
 8 A. By normal, I'm assuming you mean more
 9 functioning library?
 10 Q. Correct.
 11 A. Yes, that's correct.
 12 Q. Do you know the state of the library at
 13 Hosler currently?
 14 A. No, I do not.
 15 Q. Did you have occasion to go into the
 16 library at Hosler while you substituted there?
 17 A. I don't recall.
 18 Q. Since leaving Hosler in June of 2000, do
 19 you know if the school has acquired any new Xerox
 20 machines?
 21 A. I would say I do not believe they have
 22 because I tried to Xerox something and the Xerox
 23 machine at the time I was trying to Xerox something
 24 as a substitute teacher was not working.
 25 Q. Do you receive reviews as a substitute

1 teacher?
 2 A. No, I do not. Excuse me. I should say I
 3 was never reviewed. I don't know if other
 4 substitute teachers are reviewed. I know I was
 5 not.
 6 Q. Fair enough.
 7 Do you recall how often you substituted
 8 for Lynwood Middle School?
 9 A. I don't recall how often. I believe I was
 10 there at least twice.
 11 Q. When you substituted at Lynwood Middle
 12 School, did you notice any of the problems that
 13 you've put in your declaration about Hosler Middle
 14 School that would exist at Lynwood?
 15 A. I can't speak -- I guess I would -- the
 16 kids seemed to me, again, to have the general
 17 attitude -- I guess even more so because I was a
 18 sub who they had not seen me, and so I was treated
 19 very disrespectfully. I can't comment as to
 20 textbooks or desks or any of them.
 21 Q. When you substituted at Lynwood Middle
 22 School, did you substitute for history?
 23 A. No.
 24 Q. On either of the occasions you substituted
 25 at Lynwood Middle, did you notice that the students

1 in the class did not have enough textbooks for them
2 to use and take home?

3 A. I don't know.

4 Q. How often did you substitute for the
5 elementary school in -- in the district?

6 A. I would say similar to Lynwood Middle. I
7 recall two occasions.

8 Q. Did you primarily substitute at Hosler
9 Middle School?

10 A. That's correct.

11 Q. Did you notice at the elementary school
12 any problems approximately with students not having
13 any textbooks in their classroom?

14 A. I would say yes in that one of the -- the
15 assignment that was left for me to complete I
16 noticed that kids were sharing a textbook. I
17 cannot speak to whether they, one of them -- there
18 were several students who were sharing. Whether
19 those student had left their textbooks at home, I
20 cannot say. I did notice that they were sharing
21 textbooks. There were enough of them sharing
22 textbooks which would lead me to believe that
23 perhaps there was a shortage.

24 Q. Did you ask the students why they were
25 sharing?

1 several instances both my first and second year
2 where there was construction ongoing on campus
3 which was a significant problem. And I recall
4 several instances where there was literally a
5 jackhammer being used outside my classroom;
6 however, I would not characterize the work being
7 done as modernization. A lot of it was redoing
8 pavement. I would characterize it as fixing as
9 opposed to modernizing.

10 BY MS. VANSE:

11 Q. You said there was occasions where there
12 was construction going on outside your room. How
13 often did that occur during your first year at
14 Hosler?

15 A. I would say first there was some type of
16 plumbing pipe, something along those lines, where
17 they had to dig a trench right outside -- literally
18 right outside my classroom my first year. That was
19 ultimately taken care of, I would say, within the
20 first two months. I would say I don't recall any
21 other construction going on my first year.

22 My second year I think there were several
23 areas of construction going on on campus on a
24 regular basis throughout the year.

25 BY MS. VANSE:

1 A. No, I didn't.

2 Q. For the first year you were teaching at
3 Hosler, I think you mentioned that for some of the
4 subjects you taught there weren't enough textbooks
5 for the students in the class. Is that correct?

6 A. That's correct.

7 Q. Were the students in your class the first
8 year at Hosler able to take their textbooks home?

9 A. Yes, there were.

10 Q. Were there --

11 A. I generally did not assign homework out of
12 textbooks because not all of them had -- a lot of
13 them were sharing. So not all of them had
14 textbooks to bring home. So I tried not to -- if I
15 did assign something out of the textbooks, I would
16 Xerox whatever page it may be so that there were
17 enough for everybody to take home.

18 Q. During the two years that you were at
19 Hosler, were you aware of any reconstruction or
20 modernization projects going on within the
21 district?

22 MR. MC KAGUE: Objection. Vague and
23 ambiguous as to reconstruction modern --

24 MS. VANSE: It was modernization.

25 THE WITNESS: I was aware that there were

1 Q. The pipe or plumbing that was being fixed
2 your first year, that was going on during the class
3 time?

4 A. School hours, yes.

5 Q. Did you ever complain about the
6 construction going on?

7 A. Yes, I did.

8 Q. Who did you complain to?

9 A. The principal.

10 Q. What did she say?

11 A. She said that she would communicate with
12 the district to see if there was anything that
13 could be done.

14 Q. Do you know if she did that?

15 A. I don't know.

16 Q. Did anything change after she spoke with
17 you?

18 A. Correct. No, nothing changed.

19 Q. The construction that occurred your second
20 year, was that also right outside your classroom?

21 A. The first year was directly right outside
22 my classroom, I would say, within 10 feet of my
23 classroom door. The other one was in the general
24 vicinity. I could hear construction going on
25 during class hours but it wasn't -- I wouldn't

1 characterize it as directly outside my classroom.
 2 It was in the vicinity.
 3 Q. Did you complain to anyone about the
 4 construction during your second year?
 5 A. No, I did not.
 6 Q. Do you know if any other teachers had
 7 complained about construction the first year you
 8 were at Hosler?
 9 A. I had conversations with Greg Colleton,
 10 whose classroom was directly opposite mine. The
 11 construction was actually going on in between our
 12 classrooms. And again, part of the running
 13 conversation about what was going on at the school.
 14 Q. How about your second year, did you ever
 15 have any conversations other than the one with your
 16 principal regarding the construction going on at
 17 the school?
 18 A. I did not have a conversation with my
 19 principal my second year.
 20 Q. Okay. And that was just your first year.
 21 That's right, you said you didn't complain?
 22 A. Just my first year.
 23 Q. Thank you for that.
 24 Did you have any conversations with anyone
 25 regarding construction at your school that second

1 year?
 2 A. I don't recall.
 3 Q. Did you ever attend any new teacher
 4 programs sponsored by the Lynwood School District
 5 during the two years you were at Hosler?
 6 A. Programs specifically for new teachers or
 7 teacher development programs?
 8 Q. Let me start with this. Was there
 9 anything offered by the district for new or
 10 beginning teachers that you were aware of?
 11 A. My first year before school started, there
 12 was a required new teacher -- I guess I would
 13 characterize it as a seminar. It was maybe a day,
 14 maybe two. No more than two. So a new teacher
 15 seminar. And I don't -- I don't recall. I did not
 16 attend any other seminars.
 17 Q. Did you attend any other seminars offered
 18 by the Lynwood Unified School District other than
 19 the new teacher --
 20 A. I think there was -- over the course of
 21 the full two years, I think there were two meetings
 22 that I can recall that were mandatory for us to
 23 attend. I don't recall what the seminars were
 24 about. I didn't find them to be particularly
 25 helpful.

1 Q. Okay. Would that -- were those seminars
 2 your first year or your second?
 3 A. I don't even remember. I just remember
 4 there being a meeting that we had to go to.
 5 Q. Okay. Were there any aides available at
 6 the Hosler Middle School?
 7 A. Aides?
 8 MR. MC KAGUE: Objection. Vague and
 9 ambiguous as to "aides."
 10 THE WITNESS: Aides in what regard?
 11 BY MS. VANSE:
 12 Q. Let me think. Did you have any -- did any
 13 of the teachers have any aides to help them in
 14 their classroom at Hosler?
 15 A. I did not. I can't -- I don't know if
 16 other teachers did.
 17 Q. Were there any -- other than teachers or
 18 administrators at the school, were there any
 19 additional, you know, volunteers or employees that
 20 would help kind of perhaps secure the campus? I
 21 don't know what they would be there for. Any other
 22 people that would come in and volunteer on a
 23 regular basis at the school?
 24 A. I would say there were security guards.
 25 And the only other people that I am aware of wasn't

1 even -- I wouldn't say -- for the students that
 2 were mentally challenged in some capacity in a
 3 wheelchair or they were somehow challenged. So
 4 there was one classroom on campus devoted to that.
 5 There were aides in there. I only know this
 6 because I happened to have a conversation with one,
 7 you know, during lunch. But I don't -- other than
 8 that, I don't know of any others.
 9 MS. VANSE: I'm going to mark as Exhibit 2
 10 a document entitled "Defendant State of
 11 California's Notice of Deposition of Plaintiffs',
 12 Plaintiffs' Guardians add Litem, and Non-Party
 13 Declarants; Request for Production of Documents."
 14 (Deposition Exhibit 2 was marked by the
 15 reporter for identification and is attached
 16 hereto.)
 17 MR. MC KAGUE: She will mark it and give
 18 it to you. Have you ever seen what we marked as
 19 Exhibit 2 before? Feel free to look through it.
 20 THE WITNESS: I'm sorry?
 21 BY MS. VANSE:
 22 Q. Have you ever seen what we marked as
 23 Exhibit 2 before?
 24 A. No.
 25 Q. If you'll note, on page 9 your name

1 appears on line 22.

2 A. Okay.

3 Q. If you could look at page 13 where it
4 begins on line 21, "Description of Documents." If
5 you can read what occurs on page 13 and 14 after it
6 says "Request Number 1."

7 MR. MC KAGUE: I'd like to note for the
8 record that request identified on page 13 applies
9 to plaintiffs, and Mr. Hahn is not a plaintiff in
10 this action.

11 MS. VANSE: It refers to the education of
12 any and all plaintiffs which, as I understand the
13 court's ruling, is any and all public school
14 children basically in the State of California.

15 MR. MC KAGUE: My understanding is that
16 this request has been limited just to plaintiffs
17 and, repeating again, Mr. Hahn is not a plaintiff
18 in the action. But go ahead and ask your
19 questions.

20 BY MS. VANSE:

21 Q. Prior to your deposition today, did anyone
22 ask you to look for any documents which might
23 refer, pertain or link to the education of any
24 plaintiffs in any or all California schools?

25 A. I don't understand what you mean by --

1 within your possession that relate to the education
2 of students in the public schools in California?

3 And by documents I mean --

4 A. The ones listed in here?

5 Q. These are specific examples. But any
6 documents in general. Documents can mean videotape
7 or --

8 A. I have photos of my students.

9 Q. Are those like class photos?

10 A. Yeah.

11 Q. Do you have any photographs of conditions
12 or the facilities at Hosler?

13 A. I don't believe that I do. I mean I --
14 there were occasions in which I brought in a
15 personal camera to take photos with my students. I
16 mean in the background the actual classroom is in
17 it.

18 Q. If that's all it is, then --

19 A. Correct.

20 Q. -- I don't need pictures of your
21 classroom.

22 A. I may have student work somewhere. Other
23 than that, I don't have --

24 Q. Do you have any documents that might refer
25 to some of the problems that you describe in your

1 research. I don't understand what you mean by look
2 for.

3 BY MS. VANSE:

4 Q. Anything you would have in your
5 possession, any documents, notes, anything that you
6 might have that would relate to basically the
7 education of the children in the State of
8 California?

9 A. Was I asked to review those?

10 Q. Were you asked to look for them, to locate
11 them within your possession, anything that you
12 might have?

13 Counsel, I take your notation, but I would
14 ask that you would, to the extent that you do have
15 any documents that relate to education of public
16 school children in California, that you look for
17 them, and if you have any, turn them over to your
18 counsel so they can be produced to us. You may not
19 have any.

20 MR. MC KAGUE: If you'd like to go ahead
21 and ask the ultimate question, ask him if he has
22 any documents, then we may avoid any kind of future
23 dispute.

24 MS. VANSE: Fine, I will do that.

25 Q. Do you know if you have any documents

1 declaration, correspondence you had with other
2 teachers perhaps?

3 A. No, nothing -- no.

4 Q. If you wouldn't mind taking a look and
5 seeing if you do have any. If that's the case and
6 you don't, then that's fine.

7 MR. MC KAGUE: I repeat my previous
8 objection.

9 MS. VANSE: Okay. I think that's it. I
10 think that's all for today. So if we can do the
11 stipulations unless you have questions you'd like
12 to ask.

13 MR. MC KAGUE: Can we take just a minute
14 and confer?

15 MS. VANSE: Yes, of course.
16 (Recess.)

17 MR. MC KAGUE: I do have a couple of
18 questions.

19

20 EXAMINATION

21

22 BY MR. MC KAGUE:

23 Q. Mr. Hahn, I'd like to direct you back to
24 the paragraph 13 of your declaration concerning the
25 reviews that you had during your time at Hosler

1 School.
 2 A. Uh-huh.
 3 MS. VANSE: Are we talking about the
 4 reviews from the administrators?
 5 MR. MC KAGUE: Yes.
 6 Q. Could you describe the review that you
 7 received during your second year at Hosler when you
 8 were a 7th grade teacher?
 9 A. The review was -- I was initially again
 10 approached by, in this case, the vice-principal for
 11 this -- again, I don't recall the name of the
 12 review -- but the teacher said -- or the
 13 vice-principal said, "It's time for your such and
 14 such review. Can we set up a date?"
 15 And she came in, did a review that lasted
 16 no longer than approximately five minutes. And I
 17 don't recall seeing a copy of that review.
 18 And then I would like to mention that
 19 there were three instances at the end of the year
 20 in which she approached me to do a review. And she
 21 did not -- she failed to show up for those reviews.
 22 And then --
 23 Q. I'll ask you a question.
 24 A. Okay.
 25 Q. So did you receive a review during the

1 FURTHER EXAMINATION
 2
 3 BY MS. VANSE:
 4 Q. For that review you signed your second
 5 semester at Hosler, did you ask, I think, the
 6 vice-principal, did you ask her how she generated
 7 or created that review?
 8 A. I did not ask. The comments I read -- I
 9 did get to see a copy of that review -- were very
 10 generic. And there was very -- the review had
 11 several kind of prewritten comments where you could
 12 with a choice of, you know, good, excellent,
 13 et cetera, five choices, and she had marked, you
 14 know, either good or excellent for them. There
 15 were no, like, written specific comments to a
 16 review.
 17 Q. Do you know if that occurred for any other
 18 teachers at Hosler?
 19 A. Yes, it did.
 20 Q. And was this something you spoke with
 21 those teachers about?
 22 A. I know that they were called in to sign
 23 their own review. I don't know what their
 24 reviews -- I can't comment what their reviews said
 25 or what was said to the principal. I just know

1 second part of your second year at Hosler? During
 2 the spring semester did you ever receive a review?
 3 A. I received a copy of a review but no
 4 review actually took place.
 5 Q. Did the administrator ever come into your
 6 class for any period of time during the spring
 7 semester of your second year at Hosler?
 8 A. No, she did not.
 9 Q. How did you -- what were the circumstances
 10 under which you received the review for your second
 11 semester during that year?
 12 A. A student was sent to get me towards the
 13 end of my second semester to come into the office
 14 or to meet with the vice-principal. She showed me
 15 a review that she had written. As I said before,
 16 she never came in and did the review. But she
 17 wrote a review up and asked me to sign it, which I
 18 did sign the review. But the review never actually
 19 took place.
 20 MR. MC KAGUE: That's all I have.
 21 MS. VANSE: I'll just ask one follow-up
 22 question.
 23 ///
 24 ///
 25 ///

1 that they were not reviewed, or the vice-principal
 2 never actually came into their room but they were
 3 asked to sign a review.
 4 Q. Do you know if that has occurred since you
 5 left Hosler in June of 2000, whether a teacher has
 6 been asked to do that?
 7 A. I do not know.
 8 MS. VANSE: Anything else?
 9 MR. MC KAGUE: The only matter I have
 10 before we talk about the stipulation is just the
 11 witness fee or the fees for the witness.
 12 MS. VANSE: That's correct. And actually
 13 how I'd been doing it -- can we go off the record
 14 for a second?
 15 (Discussion off the record.)
 16 MS. VANSE: We've just discussed the
 17 matter of the witness fee and mileage, and agreed
 18 that Mr. McKague will get the mileage information
 19 to me, I will then get a check for the mileage and
 20 witness fee for him to give to Mr. Hahn.
 21 MR. MC KAGUE: Agreed.
 22 MS. VANSE: As far as our stipulation,
 23 stipulate that copies of documents attached may be
 24 used as originals.
 25 MR. MC KAGUE: Yes.

1 MS. VANSE: Stipulate that the original of
 2 this deposition be signed under penalty of perjury
 3 and the original delivered to the office of
 4 Morrison & Foerster.
 5 MR. MC KAGUE: Yes.
 6 MS. VANSE: That the reporter is relieved
 7 of her liability for the original of this
 8 deposition. The witness will have 30 days from the
 9 date of the court reporter's transmittal letter to
 10 sign and correct the deposition. And that
 11 Mr. McKague will then notify parties if there are
 12 any such changes.
 13 MR. MC KAGUE: Agreed.
 14 THE REPORTER: Copy?
 15 MR. MC KAGUE: Yes.
 16 MS. VANSE: Do you take ASCII and
 17 Min-U-Script?
 18 MR. MC KAGUE: Yes.
 19 (The deposition concluded at 2:09 P.M.)
 20
 21
 22
 23
 24
 25

1 I, ASHALA TYLOR, a Certified Shorthand
 2 Reporter for the State of California, do hereby
 3 certify:
 4 That prior to being examined, the witness
 5 named in the foregoing deposition, was by me duly
 6 sworn to testify as to the truth, the whole truth,
 7 and nothing but the truth pursuant to
 8 Section No. 2093 of the Code of Civil Procedure;
 9 That said deposition was taken before me
 10 at the time and place therein set forth, and was
 11 taken down by me in shorthand and thereafter
 12 reduced to typewriting via computer-aided
 13 transcription under my direction;
 14 I further certify that I am neither
 15 counsel for, nor related to, any party to said
 16 action, nor in anywise interested in the outcome
 17 thereof.
 18 IN WITNESS WHEREOF, I have hereunto
 19 subscribed my name this 15th day of
 20 January, 2002.
 21
 22 _____
 23 ASHALA TYLOR
 24 CSR No. 2436, RPR, CRR
 25

1 DECLARATION
 2
 3
 4
 5 I hereby declare I am the deponent in the
 6 within matter; that I have read the foregoing
 7 deposition and know the contents thereof, and I
 8 declare that the same is true of my knowledge,
 9 except as to the matters which are therein stated
 10 upon my information or belief, and as to those
 11 matters, I believe it to be true.
 12 I declare under the penalties of perjury
 13 of the State of California that the foregoing is
 14 true and correct.
 15 Executed on the _____ day of
 16 _____, 2002.
 17 _____, California.
 18
 19
 20
 21
 22 _____
 23 WITNESS
 24
 25