

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

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ELIEZER WILLIAMS, a minor,)
by SWEETIE WILLIAMS, his)
guardian ad litem, et al.,)
each individually and on)
behalf of all others)
similarly situated,)

Plaintiffs,)

vs.)

Case No. 312236

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

Defendants.)

_____)

DEPOSITION OF
LINDA DARLING-HAMMOND

Tuesday, March 25, 2003
Volume II (Pages 193 - 389)

Reported by: QUYEN N. DO, CSR 12447 (#03-331396)

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11 17	115-page document entitled "Access to Quality Teaching: An Analysis of Inequality in California's Public Schools"	198
13 18	85-page document entitled "Learning ... Teaching ... Leading ..."	278
15 19	Two-page document bearing the Bates stamp PLTF-XP-LDH 4325 through 4326, with a fax cover sheet addressed to Professor Darling-Hammond from Anne Padilla of the CCTC	306

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INSTRUCTION(S) NOT TO ANSWER BY MR. AFFELDT

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10 STATE OF CALIFORNIA;)
 11 DELAINE EASTIN, State)
 Superintendent of Public)
 12 Instruction; STATE)
 DEPARTMENT OF EDUCATION;)
 13 STATE BOARD OF EDUCATION,)
)
 14 Defendants.)

15 _____)
 16)
 17 BE IT REMEMBERED that, pursuant to Notice, and
 18 on Tuesday, March 25, 2003, commencing at 9:38 a.m.
 19 thereof, at LAW OFFICES OF O'MELVENY & MEYERS LLP, 275
 20 Battery Street, 26th Floor, San Francisco, California,
 21 before me, QUYEN N. DO, a Certified Shorthand Reporter,
 22 personally appeared

23 LINDA DARLING-HAMMOND
 24 called as a witness by the Defendants, who, having been
 25 first duly sworn, was examined and testified as follows:

--oOo--

2 LAW OFFICES OF O'MELVENY & MEYERS LLP,
 3 400 South Hope Street, Los Angeles, California
 4 90071-2899, represented by VANESSA KOURY, Attorney at
 5 Law, appeared as counsel on behalf of Defendant State of
 6 California.

7 LAW OFFICES OF OLSON, HAGEL & FISHBURN LLP,
 8 555 Capitol Mall, Suite 1425, Sacramento, California
 9 95814-4602, represented by N. EUGENE HILL, Attorney at
 10 Law, appeared as counsel on behalf of Defendant State
 11 Board of Education.

12 LAW OFFICES OF LOZANO SMITH, 20 Ragsdale Drive,
 13 Suite 201, Monterey, California 93940-5758, represented
 14 by JUDD L. JORDAN, Attorney at Law, appeared as counsel
 15 on behalf of Intervenor LAUSD.

16 LAW OFFICES OF PUBLIC ADVOCATES, INC.,
 17 1535 Mission Street, San Francisco, California 94103,
 18 represented by JOHN AFFELDT, Attorney at Law, appeared
 19 as counsel on behalf of Plaintiffs Eliezer Williams, et
 20 al.

21 LAW OFFICES OF PUBLIC ADVOCATES, INC.,
 22 1535 Mission Street, San Francisco, California 94103,
 23 represented by JENNY PEARLMAN, Attorney at Law, appeared
 24 as counsel on behalf of Plaintiffs Eliezer Williams, et
 25 al.

1 OFFICE OF THE ATTORNEY GENERAL, 1300 I Street,
 2 Suite 1101, P.O. Box 944255, Sacramento, California,
 3 94244-2550, represented by KARA READ-SPANGLER, Attorney
 4 at Law, appeared as counsel on behalf of Defendants

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EXAMINATION BY MS. KOURY

MS. KOURY: Q. Good morning.

A. Good morning.

Q. Just want to remind you that you're still
under oath.

A. Yes.

Q. Do you understand that?

And yesterday we were discussing in part the
CSR database that you received from the RAND
Corporation; is that correct?

A. Mm-hm, yes.

Q. Why did you look at the question of the
distribution of teacher qualifications? Let me rephrase
that.

Why did you use the database to look at the
questions of the distribution of teacher qualifications?

A. That database had in it some questions on
teacher preparation, the kinds of courses teachers had
taken and the kinds of credentials they held, which are
not present in very many databases. So it was useful

1 for that purpose.

2 Q. And why did you want to look at that
3 particular issue?

4 A. That's really at the heart of my paper, the
5 question of what kind of preparation teachers have who
6 teach different groups of students.

7 Q. I mark as Exhibit 17 to your deposition
8 transcript your expert report titled "Access to Quality
9 Teachers: An Analysis of Inequality in California's
10 Public Schools."

11 (Whereupon, Deposition Exhibit 17
12 was marked for identification.)

13 MS. KOURY: Q. Could you tell me where in
14 your report you've used or cited to the conclusions or
15 tables or otherwise that John Luczak conducted for you
16 based on the CSR database?

17 A. Well, I believe all of the tables that mention
18 the CSR database were probably among those that John did
19 the analyses for. And on page 38 there are -- Tables 2
20 and 3 use the CSR database.

21 Q. And it's your understanding that these tables
22 were based on John Luczak's cross-tabulations of the
23 database, the CSR database?

24 A. I believe so, yes. Table 5 on page 44.

25 Q. That would also be a product of John Luczak's

1 before?

2 A. Yes.

3 Q. And how many times?

4 A. Twice. Three times.

5 Q. In any of those instances, were you deposed as
6 an expert witness?

7 A. Yes.

8 Q. How many?

9 A. Once in New York State for a case brought by
10 the Campaign for Fiscal Equity and once in a case
11 brought by META, which stands for Multi-cultural
12 Education and Training Associates, I think, in Los
13 Angeles.

14 Q. What was the nature of the third?

15 A. A personal case.

16 Q. With respect to the New York State case, I
17 take it -- were you a hired expert for that case?

18 A. Yes.

19 Q. And were you hired by Plaintiffs?

20 A. Yes.

21 Q. What was the nature of that case, just
22 briefly?

23 A. It was a case looking at, again, access to
24 resources for students in New York State.

25 Q. And did you charge a rate in that case for

1 cross-tabulations of the CSR database?

2 A. Yes. I'm -- all of them that I'm ... Table 8
3 page 47 and Table 9 on page 48. I suspect that's --
4 that's all.

5 Q. And you had mentioned yesterday that you'd
6 have to refer to your notes in order to know for sure
7 the types of cross-tabulations or analysis that John
8 Luczak performed with respect to this database.

9 Do you recall that, your reference to your
10 notes?

11 A. I -- yeah.

12 Q. What type of notes were those that you were
13 referring to?

14 A. I have to go back and actually look at the
15 cross-tab --

16 Q. Do you know whether --

17 A. -- pages.

18 Q. I'm sorry.

19 Were there notes separate from the cross-tab
20 pages or were those notes on the cross-tab pages?

21 A. They would have been on the pages.

22 Q. And as far as you know, were those cross-tab
23 pages produced in this case?

24 A. Oh, yeah. Anything I had, I produced.

25 Q. Have you ever had your deposition taken

1 your deposition testimony?

2 A. I charged -- I charged for some of the
3 services in that case, but I can't remember if I charged
4 for my deposition testimony.

5 Q. Do you recall how much you charged in terms of
6 your work for that case?

7 A. In total I only charged \$6,000 for the case as
8 a whole, and I think it was only for the time I was on
9 the stand.

10 Q. So you testified in that case as well?

11 A. I did.

12 Q. And did you produce a written report in that
13 case?

14 A. No.

15 Q. And do you recall who the attorneys were that
16 had hired you?

17 A. Michael Rebell and Associates.

18 Q. How did you get involved in that case?

19 A. I was at that time a professor at Columbia
20 University Teachers' College in New York City and was
21 doing work on issues of school equity and was asked to
22 provide testimony.

23 Q. And do you recall who the attorneys were on
24 the other side for Defendants?

25 A. It was the state.

1 Q. With respect to the other case that you were
 2 deposed, in the META case ...
 3 A. Mm-hm.
 4 Q. I take it you were hired by Plaintiffs in that
 5 case as well?
 6 A. Yes.
 7 Q. Could you briefly describe the nature of that
 8 case?
 9 A. That case had to do with the unequal
 10 distribution of qualified teachers to students within
 11 Los Angeles.
 12 Q. Did you produce a written report in that case?
 13 A. No.
 14 Q. Did you testify in that case?
 15 A. No. Case was settled.
 16 Q. Were you paid for your deposition testimony?
 17 A. I don't recall. I don't think so.
 18 Q. Do you recall whether you were paid for any
 19 work that you did in that case?
 20 A. I don't believe I was.
 21 Q. Do you recall Plaintiff's attorney?
 22 A. Peter Roos was the person who was my contact.
 23 Q. Do you know which attorneys were representing
 24 the state --
 25 A. No.

1 Q. -- or the city?
 2 And have you ever been hired as a
 3 nontestifying expert consultant?
 4 A. As a nontestifying expert consultant ... I'm
 5 trying to --
 6 Q. Figure out what that is?
 7 In other words, have you been hired to assist
 8 on a case although you weren't testifying --
 9 A. I have assisted on some cases as a
 10 nontestifying expert, but not -- but I have not charged
 11 for that.
 12 Q. Could you tell me about those cases or tell me
 13 the names of those cases?
 14 A. I had --
 15 MR. AFFELDT: I'm not sure -- I'm going to
 16 object because I think that, as you know, Miss Koury,
 17 nontestifying experts are -- their identity's covered by
 18 work-product privilege.
 19 MS. KOURY: I think it -- I mean, that could
 20 be true and it could not be true. So to the extent that
 21 is true, if you understood that that was confidential,
 22 you don't need to reveal any confidential information.
 23 But to the extent it wasn't confidential, she's free to
 24 answer that unless you're instructing her not to on a
 25 broad basis without figuring out which cases her

1 identity was confidential or not.
 2 MR. AFFELDT: To the extent that you know that
 3 your identity was revealed to the other side, you can
 4 identify which cases those were. To the extent your
 5 work with the individual attorneys is not known by the
 6 other side or the public, then I would instruct you not
 7 to reveal those --
 8 THE WITNESS: Then I --
 9 MR. AFFELDT: -- comments.
 10 THE WITNESS: -- have nothing to reveal then.
 11 MS. READ-SPANGLER: I think that's too broad a
 12 limitation. We had this discussion last week. If the
 13 case isn't ongoing, I don't think the confidentiality
 14 applies.
 15 MR. AFFELDT: I don't know the answer to that.
 16 MS. KOURY: Q. Are you going to follow your
 17 lawyer's instruction?
 18 A. Yes.
 19 Q. If you would please just review Exhibit 17,
 20 which is a copy of your expert report in this case, and
 21 tell me whether it contains a fair summary of all your
 22 opinions that you intend to offer at trial.
 23 A. I would guess so.
 24 Q. What do you mean by that?
 25 A. I don't know what opinions I might be asked

1 to -- you know, what questions I might be asked to
 2 respond to, but it certainly does represent the bulk of
 3 the testimony I would expect to be asked to give.
 4 Q. So, as you sit here today, are you aware of
 5 any opinions that you intend to offer at trial that are
 6 not summarized in your report?
 7 A. No.
 8 Q. And have you been told by any of the attorneys
 9 in this case that you -- or have they mentioned any
 10 other opinions that they would want you to offer at
 11 trial that, as far as you know, are not summarized in
 12 your report?
 13 A. No.
 14 Q. Do you know whether all the documents you
 15 relied on in forming the opinions that you intend to
 16 offer at trial in this case have been produced in this
 17 litigation?
 18 A. I believe -- I believe so.
 19 Q. And we briefly discussed this yesterday, but
 20 what efforts did you make to identify all the documents
 21 that you relied on in forming your opinions that you
 22 intend to offer at trial in this case?
 23 A. I'm not sure I understand your question.
 24 Q. In terms of producing documents which relate
 25 to the opinions that you plan on making at trial, what

1 efforts did you make to identify and produce those
2 documents?

3 A. You're talking about when we were doing
4 document production at the end, sending --

5 Q. Yes.

6 A. What I did was all E-mail correspondence that
7 I had available in my computer that pertained to the
8 trial, I put in a folder, and any documents that were
9 cited in the report were sent electronically or in hard
10 copy.

11 Q. Anything else?

12 A. That's basically it. Oh, any -- any
13 additional materials that were sent to me by the legal
14 counsel in the case I sent back so that they could pass
15 them back on.

16 Q. And which attorney was your contact in
17 regards to this document production?

18 A. John Affeldt.

19 Q. Do you know whether -- can we go off for a
20 second?

21 (Discussion off the record.)

22 MS. KOURY: Q. Do you know whether your
23 research assistant, John Luczak, produced any documents?

24 A. I do not.

25 Q. Did you make any efforts to coordinate with

1 hiring.

2 Q. I'm not sure that you -- can we go off the
3 record for a quick second?

4 (Discussion off the record.)

5 MS. KOURY: Could you repeat her last answer?
6 (Record read.)

7 MS. KOURY: Q. I'm not sure if you -- if you
8 understood the question that I was asking. Perhaps that
9 answer is to the question I'm asking, but let me repeat
10 it.

11 My question was whether you agree that many
12 states are currently confronted with an undersupply of
13 credentialed instructors or teachers within their K
14 through 12 public school system.

15 A. Mm-hm.

16 MR. AFFELDT: Objection. Asked and answered.

17 MS. KOURY: Q. Was that your answer to that
18 question?

19 A. Yes.

20 Q. So, in your opinion, how does the fact that
21 more credentialed teachers -- there are more
22 credentialed nationally in most states than are teaching
23 show that there's not an undersupply of teachers in the
24 classrooms in many states?

25 A. "Undersupply" suggests there's an inadequate

1 him in terms of producing documents that you relied on
2 in forming your opinions?

3 A. No.

4 MR. AFFELDT: Objection to the extent it lacks
5 foundation.

6 MS. KOURY: Q. What was your answer? Did you
7 hear my question?

8 A. Why don't you go ahead and restate the
9 question.

10 (Record read.)

11 THE WITNESS: No. Because I -- I believe that
12 the things I relied on I had in my possession.

13 MS. KOURY: Q. Would you agree that many
14 states are currently confronted with an undersupply of
15 credentialed instructors within their K through 12
16 public school systems?

17 A. No. Actually, most do not have an absolute
18 undersupply.

19 Q. What's the basis for your opinion?

20 A. The evident -- two kinds of evidence. One is
21 that there are many more credentialed teachers available
22 nationally and in most states than are actually teaching
23 in the public schools. And secondly, that in most
24 states there are not ostensible shortages of teachers --
25 that is, with respect to who presents themselves for

1 supply of individuals who are qualified for positions,
2 and I do think that the problem is an undersupply of
3 qualified individuals based on the evidence I've seen.

4 Q. Would you agree that there's an undersupply of
5 credentialed teachers actually in the classrooms
6 teaching in other states?

7 A. I would not use the word "undersupply."

8 Q. What word would you use?

9 A. First of all, in most states, there are not
10 large numbers of uncredentialed teachers teaching in
11 classrooms. California is unusual in the degree to
12 which that is the case.

13 Q. And what's the basis of that opinion?

14 A. Reports of various kinds that are available on
15 teacher qualifications by state from databases that are
16 both national and state administrative databases.

17 Q. Could you identify any of these reports by
18 title or author?

19 A. There are report -- there are databases like
20 the Schools and Staffing survey database of the U.S.
21 Department of Education. There are databases in each
22 state, a number of which I've seen reports of, which
23 provided administrative data on the number of
24 credentials issued, number of teachers prepared,
25 teachers hired, and so on, that are available in

1 virtually all states.

2 Q. You stated that California is unusual with
3 respect to proportion of uncredentialed teachers that
4 are teaching. Where would you rank California in terms
5 of states?

6 A. In terms of?

7 Q. Having proportions of uncredentialed teachers
8 teaching.

9 A. It would be one of the two or three worst.
10 Perhaps it is the worst in absolute numbers as well as
11 proportions.

12 Q. How are you defining "uncredentialed"?

13 A. I, in my report, define -- I use the term
14 "underqualified" in several places as well as
15 "uncredentialed." And I define it as individuals who do
16 not have a preliminary or clear credential, which is the
17 credential that the state grants to beginning or veteran
18 teachers who have met all of the standard standards.

19 Q. In responding to my previous question about
20 where California ranks in terms of having uncredentialed
21 teachers teaching, were you defining uncredentialed to
22 mean not having a preliminary or clear credential or not
23 having met all the standard standards?

24 A. In other states?

25 Q. In other states.

1 Q. Are there any other states that you would rank
2 in the bottom five -- in other words, the five worst
3 states in terms of having uncredentialed teachers
4 teaching in the classrooms?

5 A. Hawaii.

6 Q. Any others?

7 A. Those are the ones that I have seen recent
8 enough data about and recall.

9 Q. And you said you've seen a few studies
10 recently. Could you identify those studies?

11 MR. AFFELDT: Objection to the extent it
12 mischaracterizes her testimony, which talked about data
13 as opposed to studies.

14 MS. KOURY: I think her actual term was a few
15 studies, but, nevertheless.

16 THE WITNESS: There have been rankings of
17 states produced by -- or listings of the state data in
18 this regard produced by the National Center for
19 Education Statistics, using, among other databases, the
20 Schools and Staffing survey database as one. There are
21 also data that I periodically see that come from the
22 National Association of State Directors of Teacher
23 Education and Certification, which has the acronym
24 N-A-S-D-T-E-C, NASDTEC.

25 MS. KOURY: Q. What year were these studies?

1 A. Yeah. Terminology varies from state to state,
2 but I would use that to mean teachers not having the
3 standard standard credentialing -- that is, the regular
4 standard credential that the state issues to beginners
5 or experienced teachers. I make that a distinction
6 because fully prepared beginners in most states receive
7 a credential that is called "preliminary" or
8 "probationary" while they complete a couple of years of
9 service.

10 Q. What did you mean by "in absolute numbers"?

11 A. The absolute number of credentials,
12 substandard or less than standard credentials issued.

13 Q. And what did you mean when you said "as well
14 as proportions"?

15 A. As a proportion. That number as a proportion
16 of all teachers.

17 Q. What other -- you mentioned California would
18 be either the second or third worst state in this
19 regard. What other states are within those three?

20 A. I said it would be among the two or three
21 worst states. Typically, in the last few studies I've
22 seen that provides state data, Texas has relatively high
23 proportions of uncredentialed teachers, and Louisiana
24 has traditionally had very high proportions. So those
25 would be contenders.

1 A. These are -- data are produced kind of
2 regularly, so I've seen data that have come out over
3 various -- at various points over the last five or six
4 years.

5 Q. What states would you rank as the top five
6 states that are -- that have the best proportion or that
7 have the highest number of credentialed teachers
8 teaching in their classes?

9 MR. AFFELDT: Objection. Vague.

10 Are asking for proportion or absolute numbers?

11 MS. KOURY: Q. Why don't you give me both.
12 We can start with absolute numbers.

13 A. I don't carry all of these around in my head,
14 so I feel uncomfortable trying to list rankings that,
15 you know, I haven't studied recently.

16 Q. Do you have an opinion as to whether there are
17 five states that you would point to and say, These five
18 states are doing a good job at getting credentialed
19 teachers in their classrooms and have credentialed
20 teachers in their classrooms?

21 A. I have an opinion about the credentialing
22 systems of various states and which ones seem to work
23 well in getting, you know, well-qualified teachers in
24 classrooms, but I would have to really look at data to
25 be sure that they were in the top, you know, five in

1 some ranking system.

2 Q. I just want to make sure I'm asking the right
3 question, and you're giving me the answer to the
4 question I'm asking. I'm not asking whether you've
5 reviewed the credentialing requirements of other states,
6 at least not yet.

7 Do you have an opinion as to whether there are
8 a few states out there that have a higher number of
9 credentialed teachers in their classrooms? And when I
10 say higher, meaning they're doing a good job of having
11 credentialed teachers in their classrooms.

12 A. Yes, I do have some views about states that
13 are doing a good job of getting -- and I'm going to use
14 the term here -- well-qualified teachers in their
15 classrooms as well as credentialed because the
16 credential standards of different states and the
17 terminologies they use do vary. And so my opinion is
18 based on knowledge of that as well.

19 Q. What states are those?

20 A. I think those states would include -- and here
21 I'm using -- to define the states, those that have a
22 credentialing system that has high standards for the
23 credential and does a good job of getting teachers who
24 meet those standards into a large proportion of
25 classrooms or close to all classrooms. Those would

1 programs. They had a process of evaluating requests for
2 less than fully credentialed teachers that was rigorous
3 and included encouraging and assisting districts to find
4 credentialed teachers.

5 Q. Anything else?

6 A. That's what I'm remembering at this time.

7 Q. What about Minnesota; did you review the
8 efforts that they made to get credentialed teachers in
9 their classrooms or have you reviewed?

10 A. Yes. And I did refer in my report to some of
11 the ways by which they manage and monitor the
12 credentialing status of teachers.

13 Q. Is there anything aside from what's in your
14 report that you would identify as efforts by Minnesota
15 to get credentialed teachers in their classrooms and
16 have credentialed teachers in their classrooms?

17 A. I think probably not mentioned in my report is
18 the fact that, like Wisconsin, they do have a
19 substantial number of teacher education programs in the
20 state that are supported to -- in their efforts to
21 produce teachers.

22 Q. Have you reviewed Connecticut's efforts to
23 obtain or get credentialed teachers teaching in their
24 classrooms?

25 A. Yes.

1 include states like Wisconsin, traditionally Minnesota,
2 Connecticut.

3 I'm trying to think if there are others I
4 would -- those would certainly be among the states that
5 I would -- would point to. These are states that, even
6 when they issue a temporary credential, have a fairly
7 high standard for even that kind of credential as well
8 as a very high standard for the standard credential.

9 Q. I'm sorry. Did you say anything after
10 Connecticut, any other states after Connecticut?

11 A. I don't think so.

12 Is that the last one I mentioned?

13 THE REPORTER: Yes.

14 MS. KOURY: Q. Have you reviewed what efforts
15 Wisconsin makes in terms of trying to solicit and get
16 credentialed or qualified teachers in their classrooms?

17 A. Not in the last couple of years, but a few
18 years ago I did.

19 Q. Meaning five years ago?

20 A. Yeah, probably about five years ago.

21 Q. What were their efforts in that regard?

22 A. They have a substantial -- at that time, they
23 had a -- they have a substantial number of teacher
24 education programs in the state and had reasonable
25 supports for the production of teachers in those

1 Q. How recently?

2 A. Quite recently. In the last couple of years,
3 I co-authored a report that looked at Connecticut's
4 teacher education policy history over the last decade
5 and a half.

6 Q. What efforts do you think -- or what efforts
7 have Connecticut made in that regard?

8 A. Those are also detailed in my report and
9 summarized there and are in documents that were, I
10 think, passed on to you.

11 Q. Are there any efforts --

12 MR. AFFELDT: Wait. I think she was still
13 answering.

14 MS. KOURY: Q. I'm sorry. Were you finished?

15 A. I was going to give a brief summary, but
16 suggest that it's partial. And those efforts included
17 increasing teacher salaries and equalizing salaries
18 across districts; raising standards for teacher
19 education so that teachers were better prepared;
20 ensuring mentors for all beginning teachers; rigorously
21 enforcing credentialing standards; and creating
22 subsidies for the preparation of teachers in shortage
23 fields.

24 Q. Are there any other efforts that Connecticut
25 has made that are not articulated in your report and

1 that you have not now just testified to that you know
2 of?

3 A. The long report that I used -- that I cite in
4 this report goes into more detail about a wider range of
5 efforts that are summarized in my testimony a moment
6 ago.

7 Q. And I take it that for all the efforts that
8 you articulated and that are addressed in your report
9 for Wisconsin, Minnesota and Connecticut, do you have an
10 opinion -- let me rephrase that.

11 Do you have an opinion as to the effectiveness
12 of Minnesota's efforts to get credentialed teachers in
13 their classrooms?

14 A. I'm not sure what you mean by, Do I have an
15 opinion?

16 Q. Sure. You stated that you've reviewed
17 Minnesota's efforts to get credentialed teachers in
18 their classrooms, and you articulated what those efforts
19 were or are. Do you have an opinion as to whether or
20 not those efforts are effective?

21 A. Yes.

22 Q. You think they are effective?

23 A. Yeah. I think that, in general, they have
24 been effective.

25 Q. And with respect to your testimony about

1 for the credential from time to time and in various
2 ways. They have hired a -- have expanded the use of
3 a -- both alternative -- various kinds of alternative
4 certification statuses and temporary and emergency
5 permits. They've hired large numbers of inexperienced
6 and untrained teachers and have an extremely high
7 attrition rate.

8 Q. What about their efforts to get credentialed
9 teachers in their classrooms; are you aware of any
10 efforts in that regard?

11 A. There have been moments where they have had
12 some subsidies for preparing teachers, but I don't know
13 the extent to which those have -- some of them have come
14 and gone. I don't know which ones may have been
15 continuous.

16 Q. Any other efforts by Texas?

17 A. Not that I can recall at this time.

18 Q. With respect to your opinion that Texas is one
19 of the worst states in terms of having uncredentialed
20 teachers in classrooms, do you have an opinion with
21 respect to whether Texas also is one of the worst states
22 in terms of having uncredentialed teachers teaching
23 English language learners?

24 A. The studies I've seen from Texas suggest that
25 there are large numbers of uncredentialed teachers

1 Connecticut's efforts in getting credentialed teachers
2 in their classrooms, do you think that those efforts
3 have been effective?

4 A. Yes, I do think they have been effective.

5 Q. And the same question for Minnesota. Do you
6 think that their efforts been have effective?

7 A. You just asked me about Minnesota.

8 Q. I'm sorry. I skipped Wisconsin. Wisconsin?

9 A. Yeah. The efforts that I had reviewed at the
10 time I had reviewed them had effective. I would have to
11 revisit data to be sure they're still having the same
12 outcomes.

13 Q. Have you reviewed the efforts that Texas has
14 made in order to deal with their shortage of
15 credentialed teachers in classrooms?

16 A. Not in great detail.

17 Q. Do you know what efforts they've made in
18 dealing --

19 A. I know some of the things that they have done.

20 Q. Could you articulate --

21 A. I have not done a study of Texas in that
22 regard.

23 Q. Could you articulate what those efforts have
24 been that you have reviewed?

25 A. I am aware that Texas has reduced standards

1 teaching English language learners.

2 Q. Have you reviewed Louisiana's efforts to
3 obtain credentialed teachers teaching in their
4 classrooms?

5 A. I have not.

6 Q. So you don't have an opinion as to whether or
7 not Louisiana's efforts have been effective in terms of
8 trying to deal with their shortage of credentialed
9 teachers?

10 A. Well, if they were effective, they wouldn't
11 have so many credentialed [sic] teachers, so I guess
12 the -- my opinion would be that they haven't been very
13 effective. I don't know what they've tried to do.

14 Q. What about with Hawaii; have you reviewed
15 Hawaii's efforts in terms of dealing with its shortage
16 of credentialed teachers in classrooms?

17 A. I'm aware of some of the policy history in
18 Hawaii, but I have not studied that.

19 Q. Do you know of any efforts that they're making
20 in terms of trying to get credentialed teachers in the
21 classrooms?

22 A. At the moment, no.

23 Q. Do you agree that the shortage of credentialed
24 teachers in classrooms is more pronounced in some areas
25 than other areas?

1 A. I do not use the word "shortage" or
2 "undersupply."
3 Q. Why is that?
4 A. Because that suggests, in labor-market terms,
5 that there is an inadequate number of individuals
6 available to take certain kinds of jobs. In -- in fact,
7 the case in -- in many instances seems to be that there
8 is an adequate number of people available, but there are
9 not -- for various reasons, they're either not hired
10 when they are available or they are not willing to
11 present themselves to particular districts at the wage
12 levels or working conditions that pertain in those
13 districts.
14 Q. How do you define or how do you term the
15 notion that there are a high number of uncredentialed
16 teachers in classrooms?
17 A. I think that would be a good way to say it.
18 Q. Okay. Would you agree that there are a high
19 number of uncredentialed teachers teaching in classes
20 within certain subject areas or within certain
21 educational areas?
22 MR. AFFELDT: Objection. Vague as to what
23 state we're talking about.
24 MS. KOURY: We're talking nationally.
25 THE WITNESS: Can you restate the question?

1 MS. KOURY: Q. Sure. Would you agree that,
2 speaking nationally, that there are higher numbers of
3 uncredentialed teachers in certain subject areas?
4 A. Yes. At various points in time in various
5 places, there have been differentials by subject area in
6 the numbers of uncredentialed teachers or
7 undercredentialed.
8 Q. For example, there's been higher numbers of
9 uncredentialed teachers teaching special education; is
10 that correct?
11 A. Yes. That has often been the case in many
12 places.
13 Q. So California is typical of the national
14 population in that regard?
15 A. I would not say typical, because the extent to
16 which it's the case is larger in California than in most
17 other places. There are states that have been able to
18 have adequate number of teachers for special-education
19 students also.
20 Q. With respect to shortages -- I'm sorry.
21 With respect to high numbers of uncredentialed
22 teachers teaching in math and science, has it been your
23 experience that, nationally speaking, there have been
24 higher numbers in those subject areas?
25 A. That would be the case, on average nationally

1 and in many states, in mathematics. Less so in science.
2 Science has been a state -- a case where sometimes
3 there's shortages in some subfields of science and other
4 times there are not. And the measurement of credentials
5 in science is particularly problematic, so it's hard to
6 make a bald statement about it.
7 Q. Would you agree that California's high number
8 of credentialed -- uncredentialed teachers in those
9 subject areas, in particular in math, is typical of the
10 national numbers in terms of the national level of
11 uncredentialed teachers in math classes?
12 A. No. It's -- it's worse.
13 Q. And in terms of math, how much worse is
14 California than the national average?
15 A. I would have to review actual statistics to
16 see what the differentials are right now.
17 Q. Is that something that you have reviewed in
18 the past?
19 A. Yeah, in the past.
20 Q. And if you had to rank California with respect
21 to shortages of -- or not having -- or having high
22 numbers of uncredentialed teachers in math classes, how
23 would you rank it in terms of the 50 other states or the
24 other states --
25 A. It was (the last time I looked at data on

1 this) well below the average both in the proportion of
2 teachers without credentials in mathematics and the
3 proportion of teachers who had not completed a major in
4 mathematics.
5 Q. Would you agree that California currently is
6 confronted with an undersupply of credentialed teachers
7 within its K through 12 public school system?
8 A. I would not necessarily agree with that.
9 Q. And that is because of the term "undersupply"?
10 A. Yes.
11 Q. Based on your prior testimony about why you
12 wouldn't use that term; is that correct?
13 A. Right.
14 Q. Would you agree that currently California is
15 faced with a high number of uncredentialed teachers in
16 its K through 12 public school system?
17 A. When you say "faced with," it sounds as though
18 there are no choices, that that's the only way that the
19 schools could manage themselves. But, in fact, there
20 are -- one isn't really faced with large numbers of
21 uncredentialed teachers if one chooses to hire
22 uncredentialed teaches even when one might have the
23 option to hire teachers who are credentialed.
24 Q. What is your opinion as to the cause of the
25 high number of uncredentialed teachers in California?

1 A. Well, I go into that in great detail in my
2 report.

3 Q. Could you give me -- could you either point me
4 exactly where in your report or give me a summary of
5 your opinion?

6 A. Yeah. Let me point to it so that we're all
7 ... Starting on page 55 and going for about 20 pages
8 are a set of factors that I point to that are reasons
9 for the hiring of large numbers of underqualified
10 teachers. That goes from page 55 through 71, and then
11 continues with some additional discussion of class size
12 reduction on page 72, which is another reason for the
13 hiring of uncredentialed teachers.

14 Q. Is there anywhere else in your report that --
15 that discusses your opinion with respect to the causes
16 of California's high number of uncredentialed teachers
17 in the California public school system?

18 MR. AFFELDT: Objection. The report speaks
19 for itself. I mean, it's over a hundred pages long.

20 MS. KOURY: I'm well aware of that. Thank
21 you.

22 MR. AFFELDT: Do you want her to go through
23 all of it?

24 MS. KOURY: Q. Let's start on page 55. The
25 first cause mentioned on page 55 is noncompetitive

1 Q. With respect to the question that I am asking,
2 What about California as a whole; do you think the
3 beginning salaries for teachers as a whole are
4 competitive?

5 MR. AFFELDT: Objection. Vague and ambiguous.
6 Competitive to what?

7 MS. KOURY: Competitive compared to other
8 states.

9 THE WITNESS: The average salaries in
10 beginning teachers' salaries in California now are more
11 competitive with other states than they were several
12 years ago because of some recent increases. But they
13 are still, when adjusted for cost of living, not
14 adequate -- not competitive particularly in the low-wage
15 districts with what teachers would earn in other states
16 or other districts.

17 MS. KOURY: Q. Have you reviewed the state's
18 efforts in terms of raising beginning teachers' salaries
19 in the last couple years?

20 A. I've been aware of some of those efforts, yes.

21 Q. Are you aware of other efforts by the state in
22 order to increase teacher benefits?

23 A. I'm aware of some of those efforts, yes.

24 Q. What efforts in particular are you aware of?

25 A. Well, there were -- are you talking about both

1 teacher salaries. Is that still your opinion?

2 A. Yes.

3 Q. Could you review the first paragraph and just
4 let me know when you have?

5 A. Okay.

6 Q. Is that still your opinion today?

7 A. Well, the general point made in No. 1,
8 "Noncompetitive teacher salaries that are also
9 substantially unequal across districts," is a point that
10 I would say is still my opinion today. The actual
11 figures on salaries will have changed with more recent
12 data, but there are still districts that have
13 noncompetitive salaries that are inadequate.

14 Q. With respect to just beginning salaries, do
15 you have an opinion as to whether or not California's
16 beginning salaries for teachers is competitive?

17 A. The point I make here and elsewhere is that
18 the issue for the hiring of uncredentialed teachers in
19 specific districts, those that have the high
20 proportions, is the competitiveness of their specific
21 teachers' salaries within their labor markets.

22 Q. I'm asking you a different --

23 A. So -- so it's not relevant to make a judgment
24 about California's salaries as a whole with respect to
25 the question you're asking.

1 of those questions when you say "what efforts" or the
2 benefits question?

3 Q. Let's start with benefits.

4 (Cell phone rings.)

5 MS. KOURY: Q. You were telling me about the
6 state's efforts in terms of benefits.

7 A. A couple of years ago, there was a piece of
8 legislation that gave tax benefits to teachers as a --
9 sort of to reduce their tax responsibilities for state
10 tax. So that would be one benefit that I'm aware of.

11 Q. Any others?

12 A. That's the first thing that comes to mind.

13 Q. So as you sit here today, you don't -- you
14 can't think of any other benefits that you've reviewed
15 in terms of the state?

16 A. Changes in -- I don't recall any at the moment
17 other than that.

18 Q. What about efforts with respect to raising
19 salaries, beginning teachers?

20 A. There was the bill a couple of years ago known
21 as the O'Connell bill that raised -- created a minimum
22 teacher salary and tried to give incentives to districts
23 to meet that salary.

24 Q. Any other efforts that you're aware of?

25 A. I think that's the major one.

1 Q. Do you have an opinion as to whether the
2 tax-benefit effort was effective?

3 A. I do not.

4 Q. Do you have an opinion as to whether raising
5 the beginning -- or attempts to raise the beginning
6 salaries for new teachers was effective?

7 A. I think that it was a step in the right
8 direction and partiality effective, but did not -- was
9 not designed or structured to take account of the
10 differences in cost of living across the state or the
11 inequalities in salary schedules that create the
12 problems in the districts that tend to have higher
13 proportions of uncredentialed teachers.

14 Q. You mentioned earlier that there are
15 low-income districts. Perhaps I am mischaracterizing
16 what you said. I'm sorry. Districts that have very low
17 wage for teachers.

18 A. Mm-hm.

19 Q. And you think that's problematic; is that
20 correct?

21 A. Yes. There are -- the relevant way to
22 characterize the wages is their competitiveness or level
23 with respect to other districts in their local labor
24 market and other wages in their local labor market.

25 Q. Could you identify which districts you're

1 report you discuss that.

2 A. Discuss what?

3 Q. Here in Table 11 (correct me if I'm wrong) you
4 identify specific districts or schools within districts.

5 Actually, is there anywhere else in your
6 report where you discuss and identify schools within
7 districts that, in your opinion, don't have competitive
8 salaries given the other schools in that district?

9 A. I don't --

10 MR. AFFELDT: Objection. That
11 mischaracterizes the report.

12 MS. KOURY: I wasn't trying to characterize
13 the report.

14 Q. (By Ms. Koury) But anyway, is there anywhere
15 in your report where you identify -- and she can repeat
16 the question if you're unclear as to the question.

17 A. If I understand the question to be, Are there
18 places in the report where I identify specific districts
19 that have low wages relative to their local labor
20 market? I don't believe there are other places in the
21 report where I do that.

22 Q. Okay.

23 A. However, I would cede to the report itself in
24 case there is a place where I mention another district.

25 Q. But as you sit here today and having reviewed

1 referring to?

2 A. There are a thousand-some districts across the
3 state of California. What I do review here is the range
4 of adjusted salary differentials in the state, and there
5 is a very large differential when you adjust for local
6 county wages in the salaries offered by districts across
7 the state.

8 Q. You just referenced your report. Where in
9 your report do you do that?

10 A. Okay. Probably somewhere in this 15 pages or
11 so that we're looking at. Page 57, Table 11. So, for
12 example, a low-salary district, when you adjust salaries
13 for county wages, the wages in their local counties
14 would be Alum Rock and Santa Clara County or Gilroy
15 Unified.

16 Q. Is there anywhere else in your report that you
17 discuss this?

18 A. That I discuss what?

19 Q. The districts that you just testified about
20 which compared -- have noncompetitive salaries compared
21 to the other schools within their district?

22 MR. AFFELDT: Objection. The report speaks
23 for itself.

24 MS. KOURY: Q. I'm not asking you to speak
25 for the report. I'm asking you to identify where in the

1 your report recently, you can't think of anywhere else?

2 A. I do not remember another place where I
3 mention districts by name.

4 Q. Do you have an opinion as to whether the state
5 is taking any affirmative action to cause the high level
6 of uncredentialed teachers in teaching classes -- in
7 classrooms in the public school system?

8 MR. AFFELDT: Objection. Vague as to
9 "affirmative action."

10 THE WITNESS: What do you mean by that?

11 MS. KOURY: Q. Has it taken any actions, in
12 your opinion, that have caused the high number of
13 uncredentialed teachers in classrooms?

14 A. "Cause" is a strong word. There are actions
15 that I detail on this -- in this section of the report
16 between pages 55 and 72 that have contributed to the
17 state of the current labor market in California.

18 For example, the way in which class size
19 reduction was implemented contributed to the hiring of
20 uncredentialed teachers because of the speed and manner
21 in which it was implemented.

22 Q. Any other? Anything else?

23 A. Again, indicating that "cause" is a very
24 strong word, I suggest that policies that encourage the
25 overreliance on high-attrition pathways into teaching

1 have probably contributed to the large number of
2 uncredentialed teachers in the state because there have
3 been more incentives to enter teaching without
4 preparation, which produces -- or contributes to high
5 attrition than there are have been incentives to become
6 prepared to teach, which enables lower attrition.

7 Q. Anything else?

8 A. Those are the ones that I remember at this
9 moment.

10 Q. Can we take a quick break? Restroom break.

11 MR. AFFELDT: Sure.

12 (Whereupon, a break from 10:41 to
13 10:49 was taken.)

14 MR. AFFELDT: Back on the record.

15 THE WITNESS: I'm reminded by my counsel about
16 an error I made yesterday in my testimony that I would
17 like to correct, which is that I made a statement --
18 looking at one of the E-mails that Megan Auchincloss was
19 involved in one of the studies, there was another Megan
20 who was involved in the study, and Megan Auchincloss,
21 who was a lawyer, was not involved in that study.

22 MS. KOURY: Q. Did you know the woman --
23 Megan's last name that was involved with the study?

24 A. I can't remember. I think I just remembered
25 that -- the list of authors. There was a long list of

1 rather than putting resources into increasing incentives
2 to attract qualified teachers.

3 It turns out that emergency hires have very
4 high attrition rates, which then creates a revolving
5 door of people into and out of teaching.

6 Q. Would you agree that regular certification
7 standards vary widely across states?

8 A. They vary less now than they once did, but
9 there is still a lot of variation across states in what
10 the credential asks people to do.

11 Q. And what do you base your opinion on?

12 A. My knowledge of certification systems across
13 the states.

14 Q. And have you studied the requirements, the
15 credentialing requirements or certification
16 requirements, in any other states besides in California?

17 A. Yes.

18 Q. What states have you studied?

19 A. Well, I've looked at the general requirements
20 across all the states as represented in the NASDTEC,
21 N-A-S-D-T-E-C, manuals' certification.

22 Q. In your opinion -- or do you have an opinion
23 as to which states have the most rigorous requirements?

24 A. There are two ways to think about the rigor of
25 requirements. One is the rigor of what the -- the level

1 authors, so ...

2 Q. Thank you for that clarification.

3 A. Yes.

4 Q. What did you mean by the overreliance on -- or
5 I'm sorry. That California's policies encourage the
6 overreliance on attrition pathways into teaching?

7 A. "High-attrition pathways." And by that, I
8 meant -- it's discussed in some detail in the report on
9 page 65.

10 There are a couple of ways that states can
11 address the issue of some districts not finding that
12 they have enough candidates presenting themselves for
13 hiring who are qualified. One way to address those is
14 to increase the incentives to enter the profession
15 through such things as salaries, better working
16 conditions and other benefits. Another way is to
17 increase one's recruitment -- the aggressiveness with
18 which one recruits. And a third way is to lower
19 standards to fill those vacancies.

20 And California has been much more likely to do
21 the third of those than to increase the incentives for
22 those districts. And as a consequence, it has created a
23 lot of opportunities for emergency hiring and waivers
24 and has even legislatively put some resources into
25 supporting candidates who enter through those routes

1 of standards the teachers have to meet in order to meet
2 a credential. The other is the rigor with which
3 standards are enforced.

4 On the first criterion, I would include, as
5 states with fairly rigorous standards, those that
6 require both a major or substantial subject matter
7 preparation in the field to be taught or fields to be
8 taught; the -- extensive preparation for teaching that
9 includes a substantial amount of student-teaching and
10 coursework in teaching methods, student learning, and
11 how to meet the special needs of a range of students;
12 and -- and adequate assessment of teacher performance.

13 On those standards, I would include
14 Connecticut as a very -- as a high-standard state. I
15 would include Wisconsin as a high-standard state. I
16 would include Minnesota. I would include California to
17 a substantial degree. It doesn't meet all of those
18 standards, but it meets most of them.

19 Many states have been increasing the rigor of
20 their credentials. Those include places like Kentucky.
21 Anyway, that's enough off the top of my head. There are
22 plenty of others I could list if I had the information
23 in front of me.

24 Q. When you said that California meets your
25 standards in terms of rigorous requirements to receive a

1 credential to a substantial degree, in what areas does
2 it not meet those standards?

3 A. The subject matter requirements in California
4 do not require a major in the field to be taught, but
5 there is a set of courses that are specified for
6 approved subject matter programs that are, nonetheless,
7 reasonably rigorous, reasonably comprehensive when they
8 are fully met.

9 The problem in California is that there are
10 many other pathways into teaching that don't meet the
11 rigorous standards that are set for the regular
12 credential.

13 Q. But with respect to requirements to receive a
14 credential --

15 A. A regular credential, California would be
16 among the more rigorous states.

17 Q. Could you tell me what you meant by your
18 second definition of rigorous, which is the level that
19 the credential is enforced?

20 A. The extent to which those standards are
21 enforced. That is, the extent to which candidates are,
22 in fact, required to meet the standards and how many of
23 them are required to meet the standards.

24 Q. I'm sorry. I'm still not clear on what you
25 mean by that. Do you mean in terms of --

1 A. I mentioned some of those earlier, and those
2 included Connecticut and Minnesota and Wisconsin as
3 places that I have looked at within the last few years.
4 There are certainly others that would join that number
5 if I had an opportunity to review materials.

6 Q. As to your first definition of rigorous, in
7 terms of the requirements to get a credential, do you
8 have an opinion as to where Texas would rank?

9 A. I haven't reviewed Texas's requirements
10 recently. At one time, they -- I would have rated them
11 as fairly low in their requirements because they had put
12 a cap on the number of education courses students could
13 take at the undergraduate level without requiring the
14 additional graduate-level preparation that would have
15 ensured that candidates got the courses they were no
16 longer getting in the undergraduate program. But I have
17 not revisited the current state of their credential
18 requirements in the last couple of years.

19 Q. So, as far as you know, in the last couple of
20 years -- I'm sorry.

21 As far as you know, currently that may not be
22 case?

23 A. Yeah. I just don't know. I would need to go
24 back and review it.

25 Q. To the extent that you -- or I'm sorry.

1 A. The extent to which a state is willing to
2 allow teachers to teach without having met the standards
3 through substandard credentials or permits or waivers.

4 MR. AFFELDT: Just so it's easier on the
5 reporter, if you could let Miss Koury finish her
6 question before you respond.

7 MS. KOURY: It's a very unnatural way to talk.

8 THE WITNESS: I know.

9 MS. KOURY: Q. Other than Kentucky, can you
10 think of any other states that you think are -- have a
11 rigorous requirement for the extent to which they're
12 enforcing their credential requirements? And I think I
13 just misstated what you said again.

14 A. Yeah. That was not what I was mentioning
15 Kentucky for.

16 Q. Okay. What were you mentioning Kentucky for?

17 A. I was including them as a state that had been
18 increasing the rigor of its standards along with many
19 other states.

20 Q. For its credential requirements in general?

21 A. Right. For what it requires of those who
22 secure a credential, a regular credential.

23 Q. What states would meet -- or what states, in
24 your opinion, have a rigorous requirement for enforcing
25 their credentials?

1 Taking into consideration your prior review of
2 Texas's credentialing requirements, do you have an
3 opinion as to whether or not Texas -- the credentialing
4 requirements of Texas are comparable to California?

5 A. I would have to review their requirements to
6 see if they are.

7 Q. Well, with respect to your prior review of the
8 requirements of Texas, you indicated that a couple years
9 ago you did review the credentialing requirements of
10 Texas; is that correct?

11 A. Mm-hm.

12 Q. Keeping that review in mind, do you think that
13 they are comparable to California credentialing
14 requirements?

15 A. The prior credentialing requirements of Texas
16 were not comparable to the current credentialing
17 requirements in California.

18 Q. Why is that?

19 A. At the time I looked at Texas's requirements,
20 they did not require the breadth of education coursework
21 that is required in California. They did not require a
22 fifth year of graduate study, which has been required in
23 California until this past year, when there was a -- an
24 option added to allow a induction program to substitute
25 for that fifth year.

1 Q. And was your review of Texas -- of the
2 credentialing requirements of Texas, was that at about
3 2000 -- 2001?

4 A. I hesitate to set a date. It would have been
5 sometime in the last four years.

6 Q. Would you agree that states differ
7 substantially in their entry requirements to teacher
8 education?

9 A. In their entry requirements to teacher
10 education ... There is some differential, but over the
11 last 15 years, most states have adopted minimum
12 standards for entry into teacher education that include
13 either a basic skills or -- basic skills type of test or
14 a minimum grade point average or both.

15 Q. When you say in the last couple years ...

16 A. Over the last 15 years, most states have done
17 that.

18 Q. How else do you define entering into teacher
19 education other than a basic education test?

20 A. Admission to teacher education is what I
21 believe you were asking about, and that's usually a
22 decision that a college has to make about whether they
23 can admit someone to a teacher education program either
24 within the undergraduate curriculum or
25 post-baccalaureate. And most states have required

1 Q. How would you define a good teacher?

2 A. I don't know, because "good" has many meanings
3 to many people. If I were -- do you want me to define
4 it as I would for a parent or a school district
5 administrator or for a state official? Because all of
6 those would mean that one would look at the question
7 differently.

8 Q. Do you think perspectives of a good teacher
9 from all those persons or entities that you just
10 enumerated would be different?

11 A. I think that people would have to use
12 different measures at different levels of aggregation.

13 Q. In your opinion, what do you think or how
14 would you define a good teacher?

15 A. I really need you to give me a sense of from
16 which perspective. From a parent's perspective?

17 Q. No. As an expert in the field of education's
18 perspective, how would you define a good teacher?

19 A. I think a good teacher -- I'm going to talk
20 about this at the level of the individual teacher, and
21 then we can talk separately, if you want to, about how
22 one would then get some ways of estimating or measuring
23 those qualities if you want to talk about it in a policy
24 sense.

25 A good teacher is one who has an adequate

1 either a basic-skills test for that purpose or a minimum
2 grade point average or both. I'm not sure if I
3 understand what else you're asking.

4 Q. So given that testimony, do you not agree that
5 states differ substantially in terms of their entry
6 requirements for teacher education?

7 A. I think there are some states that are
8 outliers with respect to having lower standards than
9 others, but I think most states are much more similar
10 than different at this point and much more similar than
11 they were 15 years ago.

12 Q. In your report, you appear to equate a good
13 teacher with a credentialed teacher. Do you equate
14 those terms?

15 A. No. And I explicitly state in my report that
16 a credential is a proxy for a variety of attributes that
17 are found to be associated with more effective teaching.

18 Q. So, is a credentialed teacher one component of
19 a good teacher?

20 A. That's not how I stated it. What I suggested
21 is that the credential is the legal basis on which the
22 state monitors teacher quality. And the credential in
23 California does represent many of the attributes that
24 research has found to be associated with greater teacher
25 effectiveness.

1 knowledge of the contents that they're teaching -- that
2 is, a flexible understanding of that content that allows
3 them to represent the ideas that they're trying to
4 convey in a variety of ways that can be accessed by the
5 students that they are teaching; who has a knowledge of
6 the children they're teaching in terms of their
7 development, how they learn, both how children tend to
8 learn similarly and also how some -- also about
9 differences in how children learn.

10 Furthermore, a good teacher has knowledge of
11 how to meet specific learning needs of particular
12 individual children or subpopulations of children they
13 need to teach -- for example, English language learners;
14 for example, students with a range of special education
15 needs.

16 A good teacher understands how to work
17 productively with families of the children and
18 understands the ways in which -- the context within
19 which the student is living and growing up may influence
20 their general health welfare and learning. And such a
21 teacher is also committed to the welfare of their
22 children they teach and willing to put forth the effort
23 that it takes to teach that child effectively.

24 Q. Is that it?

25 A. That's good enough for a start.

1 Q. And could you tell me the definition of a good
2 teacher from a policy standpoint, which you referenced
3 or referred to earlier?

4 A. Well, policy makers have to try to understand
5 what to do about securing good teachers by using -- by
6 both encouraging teachers to have undertaken certain
7 experiences that might prepare them to be good and by
8 using certain measures of whether they have learned
9 certain things that will enable them to be, quote, good,
10 unquote. So I think that the ways in which policy
11 makers create expectations about the basic knowledge and
12 knowledge of content that teachers have about their
13 knowledge of students' learning and development and how
14 to teach a range of students and about their
15 dispositions and interactions with students which come
16 from observing teachers in student-teaching or induction
17 context are all reasonable and appropriate ways of
18 evaluating the potential goodness or effectiveness of
19 teachers who are hired or are credentialed.

20 Q. Do you think -- I think I probably know the
21 answer to this, but do you have an opinion as to whether
22 a good teacher as defined from the individual -- as the
23 individual teacher impacts student achievement?

24 A. Does the good teacher impact student
25 achievement? Is that your question?

1 of student achievement is needed to understand how much
2 student learning has gone on.

3 Q. And the basis of this opinion, with respect to
4 the question of whether good teachers impact student
5 achievement, the basis of your opinion in that regard is
6 set forth in your report. Is that accurate?

7 A. I'm not sure I understand the question.

8 Q. Sure. With respect to my previous question as
9 to whether you had an opinion -- let me rephrase that.

10 With respect to my previous question as to
11 whether or not, in your opinion, good teachers impact
12 student achievement, the answer that you gave me and
13 your opinion in that regard, is that set forth in your
14 expert report?

15 MR. AFFELDT: Objection. Vague and ambiguous.

16 MS. KOURY: Q. Did you understand what I'm
17 saying?

18 A. Not entirely.

19 Q. Okay.

20 A. I'm ...

21 MS. KOURY: Could you -- Court Reporter, could
22 you read back my question? I think it's a few questions
23 back about good teacher impact on student achievement?

24 (Record read.)

25 MS. KOURY: Q. I asked you whether, in your

1 Q. Yes.

2 A. Yes, I think that good teachers have an effect
3 on student -- let me use the word "learning," initially,
4 which is reflected to greater and lesser degrees in
5 particular measures of student achievement.

6 Q. Which measures of student achievement do you
7 have in mind?

8 A. Well, different measures of student
9 achievement are appropriate or good measures of student
10 learning depending in part on the students. For
11 example, mass-administered standardized tests have been
12 found to be pretty poor measures of student learning for
13 early elementary students in kindergarten, first and
14 second grade, where the score a student receives is
15 about as good a measure of their ability to benefit from
16 certain programs as a -- as a coin toss.

17 So that for students at those ages, you'd want
18 to have measures of student achievement that are
19 appropriate for young children. Same thing would be
20 true of English language learners. Certain kinds of
21 measures of student achievement are better or worse
22 measures depending on the degree of English language
23 proficiency.

24 So I'm simply qualifying the use of the term
25 of "student achievement" to suggest that a good measure

1 opinion, good teachers impact student achievement, and
2 you gave me an answer for that; is that correct?

3 A. Yes.

4 Q. With respect to your answer to that question,
5 is the basis of that answer set forth in your expert
6 report?

7 A. I would say, to some extent, yes, but I don't
8 use the term "good teachers" in my report, and I did
9 not -- and I qualified the definition of "student
10 achievement" in ways that are not fully treated in my
11 report.

12 Q. Why aren't those qualifications with respect
13 to student achievement set forth in your report?

14 A. That was not the primary purpose of the
15 report, and it was already a hundred pages long, so I
16 decided not to try to say everything I know about
17 education in this report.

18 Q. Your report, however, does make a correlation
19 between qualified teachers and student achievement; is
20 that true?

21 A. What I do in the report is I try to review
22 some of the research that looks at particular measures
23 of teacher qualifications, a variety of different
24 measures, and reports the research that looks at the
25 influences of those measures on both teacher ratings of

1 effectiveness and student achievement measures that are
2 used in a variety of studies.

3 Q. And in looking at student achievement
4 measures, your report doesn't attempt to qualify those
5 measurements, does it?

6 A. Not -- not to a large extent.

7 Q. This is a slightly different question than I
8 asked before.

9 Do you have an opinion about whether
10 credentialed teachers impact student achievement?

11 A. I review in my report the research on the
12 extent to which some large-scale studies find a
13 correlation between teachers' credentials or performance
14 on particular credentialing tests and their student
15 achievement, and I do report a number of studies that
16 find that correlation.

17 Q. Thank you. But my question is, Do you have an
18 opinion as to whether credentialed teachers impact
19 student achievement?

20 I understand what your report sets forth and
21 it speaks for itself, but to the extent that you have an
22 opinion on that, could you tell me?

23 A. About whether credentialed teachers
24 influence --

25 Q. Impact student achievement.

1 credential and student achievement that include
2 Goldhaber & Brewer. I'll just kind of use the reference
3 list as a reminder.

4 Q. Sure.

5 A. That include Bradshaw & Hawk -- no, I'm sorry.
6 Hawk, Coble & Swanson; that include Strauss and Sawyer
7 with respect to performance on teacher certification
8 test; that include Ferguson's 1991 study of performance
9 on a teacher certification test in Texas.

10 I'm not sure I can remember them all off the
11 top of my head. I think the report is clear about where
12 it -- where it makes these claims, so I don't want to be
13 limited by my memory here.

14 Q. You can take as much time as you need in terms
15 of reviewing the report.

16 A. Okay.

17 Q. And, also, to be clear, I don't mean to limit
18 you to your report either. If you know of any other
19 studies, feel free to mention them.

20 A. Okay. On page 20 of the report, there is a
21 section that is headed "National Studies," and it says:

22 "Studies using national data and other
23 state data sets have found significant
24 relationships between teacher certification
25 measures and student achievement at the levels

1 A. Yes, I would say I do.

2 Q. And the basis for your opinion is set forth in
3 your expert report?

4 A. Yes.

5 Q. Are you able to cite any studies that
6 specifically address the link between a teaching
7 credential and student achievement?

8 A. Yes. There are a number of those.

9 Q. Could you identify from your report which
10 studies actually show a link between a teaching
11 credential and student achievement?

12 A. So when you say a link -- I'm going to answer
13 that question, but I just want to clarify that the
14 studies that are evaluated here are of two kinds. One
15 are correlational studies that control for a variety of
16 variables and look for predictions or correlations
17 between certain characteristics of teachers and student
18 achievement. So, I'm -- I'm going to use that -- that
19 as the response to the word "link." And the other
20 studies use matched comparison samples. Just because
21 "link" is a nontechnical term, I want to be sure we're
22 on the same wave length.

23 Q. Okay.

24 A. So I would point to studies that looked at the
25 correlations between a teacher's possession of a

1 of the individual teacher," et cetera.

2 So all of the studies referenced there would
3 be studies that together provides some evidence about
4 the links between teacher certification and student
5 achievement.

6 On page 15 there's a section headed
7 "California Studies" that says:

8 "Several recent studies in California have
9 pointed to strong relationships between
10 measures of teacher qualifications and student
11 achievement," and then goes on to mention
12 certification status, and then reviews some studies
13 that include Betts, Rueben, & Danenberg; Fetler;
14 Goe; and then individual testimonies.

15 Q. Are you relying on the individual testimonies
16 as evidence of the connection or a link between student
17 achievement and teacher certification?

18 A. No, not with respect to that question.

19 MR. AFFELDT: Are you still answering?

20 THE WITNESS: I'm done.

21 MR. AFFELDT: Okay.

22 MS. KOURY: Q. Out of these studies that
23 you've identified, are any of them national studies --
24 in other words, not looking at one particular state, but
25 sort of giving a national perspective on the issue? And

1 I've --

2 A. I just said that there was a section called
3 "National Studies" on page 20, so all of the ones that
4 are listed there under "National Studies" are national
5 studies.

6 Q. And with respect to studies that identify
7 California, would those be limited to the ones that you
8 stated are on page 21?

9 MR. JORDAN: 15.

10 THE WITNESS: Page 15.

11 MS. KOURY: Q. Other than what's on page 15,
12 are there any other studies dealing with California that
13 you're aware of that show a link between student --

14 A. Those are the ones I would --

15 Q. -- show a link between student achievement and
16 certification? And your answer was?

17 A. Those would be the primary ones I would be
18 relying on.

19 Q. Of the studies that you've identified, which
20 do you consider to have method -- I'm sorry. I'm going
21 to have -- methodologically sophisticated, would you
22 consider to be methodologically sophisticated?

23 A. How are you defining "methodologically
24 sophisticated"?

25 Q. Do you have an understanding as to what that

1 all of these studies are of one of those two types.

2 Q. In your opinion, do all of these studies --
3 are all of these studies, in your opinion,
4 methodologically sophisticated then?

5 A. I find that a problematic question because
6 each of these studies has different strengths and
7 weaknesses as a study, both with respect to the sample
8 that they're looking at or the methods that are used for
9 analysis.

10 A strong study has, you know -- all studies
11 have -- a strong study has both the variables you'd like
12 to look at, defined the way you'd like to look at them,
13 on a sample that is relevant to the question and takes
14 into account some of the issues that might affect the --
15 the inferences you can draw from the outcomes and uses
16 analytic techniques that have controls. And I would
17 say, on those grounds, every study has strengths and
18 every study has weaknesses.

19 Q. When performing your work or when performing
20 work for this case, you reviewed a lot of research into
21 the link -- or I'm just going to use the term "link" --
22 between teacher quality and student achievement; is that
23 correct?

24 A. Yes.

25 Q. And did you take into consideration the

1 phrase means?

2 A. It means different things to different people.

3 Q. What does it mean to you?

4 A. Usually, the term is used when there are
5 controls for other variables that may influence the
6 outcome of interest.

7 Q. Anything else to you, in your opinion?

8 A. That would be the fundamental point of the
9 term.

10 Q. Using that definition, which of the studies
11 that you identified do you consider to be
12 methodologically sophisticated?

13 A. Well, all of these studies that I've just
14 mentioned have controls of one kind or another. They
15 either have controls for -- they're either correlational
16 studies that have controls for certain student
17 characteristics that are generally expected to have
18 influence on achievement such as student poverty or
19 language background or income and may also have controls
20 for other attributes of schools or teachers themselves,
21 or they are matched comparison designs where you have
22 two groups of teachers who are similar with respect to
23 their experience levels and teaching context and are
24 compared on their levels of prep -- you know, on
25 particular preparation or certification variables. So

1 quality of the studies that you were looking at?

2 A. Yes. I did not report or rely on, for a
3 overall inference, studies that were so lacking in
4 controls or so deficient in the database that I felt
5 that you could not draw any inference from them -- could
6 not properly draw an inference from them.

7 Q. In your review of the research, did you come
8 across such studies -- in other words, that were so
9 lacking in controls or so lacking in their variables?

10 A. There are always studies in the world that
11 one -- yes, that don't meet those standards.

12 Q. In reviewing your research, how do you assess
13 the quality of the study? How do you determine whether
14 it's so lacking?

15 A. Well, I just gave a long discussion of the
16 variables that one would look at, so I'd kind of like to
17 refer to that, which has to do with the nature of the --
18 whether the variables are reasonably adequately
19 measured, whether the sample is reasonably selected, and
20 whether the study includes some controls for other
21 variables of -- that might influence the results.

22 Q. In determining whether or not to rely on a
23 study, is it your practice to ensure that that standard
24 is met, the standard that you just articulated?

25 A. There -- the term "rely on a study" suggests

1 that one would draw a conclusion about the general --
 2 general knowledge base in a field based on, like,
 3 individual studies. But, typically, what one is trying
 4 to do is look across a variety of studies, each of which
 5 has strengths and weaknesses and see whether there is
 6 some reliable inferences, a cross-study.

7 So, for example, in medical research, you'll
 8 often find single case studies published in journals or
 9 cases of eight or nine patients. You wouldn't rely on
 10 that study for a judgment about how to change the
 11 standard of care for all patients with that disease, but
 12 you might use that study along with other studies as
 13 part of a database about research on which you would
 14 rely in total for a broader conclusion.

15 Q. In all of the reports that you've just cited
 16 to earlier, in your opinion, have strengths and
 17 weaknesses in terms of the quality of their research; is
 18 that true?

19 A. I wouldn't use the word "quality." I would
 20 use the word "features" of the study.

21 Q. Okay.

22 A. People -- all researchers do the best they can
 23 with the databases they have. And some -- sometimes the
 24 quality of the analysis may be fine, but the database
 25 itself is -- you know, has some limitations.

1 Q. Which of the studies cited in your report, in
 2 your opinion, have very high quality in terms of how you
 3 just defined that? I'm sorry. Not quality, but the
 4 term that you just used.

5 MS. KOURY: Can you repeat her last answer?
 6 (Record read.)

7 MS. KOURY: Q. Using your term "features of
 8 the study," which studies that you cite in your report
 9 that you think have the best features of their study?

10 A. The best features of their study ... It's
 11 kind of like an apples -- and I don't know if you're
 12 asking --

13 Q. I'm going to go back to the term "quality" as
 14 we defined it much earlier.

15 Which of the studies that you rely on in your
 16 report or that you cite to in your report would you
 17 consider to be of high quality? And if there are none,
 18 that's fine. But if there are some that you consider
 19 high quality, I'd like you to identify those.

20 MR. AFFELDT: Objection. Asked and answered
 21 and vague and ambiguous.

22 MS. KOURY: I think we both know that
 23 particular question wasn't asked, but anyway ...

24 MR. AFFELDT: She's given you a long
 25 definition of "quality" and also qualified.

1 MS. KOURY: Q. If you could identify studies
 2 that you've cited in your report that you would find to
 3 be of high quality.

4 A. Okay. This is going to be a long answer.

5 MR. AFFELDT: And your question goes to all
 6 the studies in her report?

7 MS. KOURY: Actually, no.

8 Q. (By Ms. Koury) Let me -- in the context of
 9 your research, showing a link between teacher quality
 10 and student achievement.

11 A. Teacher qualifications and student
 12 achievement --

13 Q. Right.

14 A. -- I assume is what you meant.

15 Q. Yes.

16 MR. AFFELDT: Teacher certification and
 17 student achievement?

18 MS. KOURY: No. Teacher qualification and
 19 certification, which, I think, is a little broader than
 20 credentials.

21 THE WITNESS: I mean, I can answer this
 22 question by going by study by study and saying what
 23 aspects of the study are useful, but we, you know, would
 24 be a few hours to kind of go through each of these
 25 studies and say in what ways they represent reasonable

1 designs.

2 MS. KOURY: Q. And that wasn't my question.
 3 My question is if there's any studies that you can point
 4 to that, in your opinion, are of high quality. And if
 5 you can't, that's --

6 A. I can point to studies that are of reasonably
 7 high quality based on the design features we've talked
 8 about. And then I'd have to explain in what ways they
 9 have some, you know, reasonable features of high
 10 quality.

11 Q. Okay.

12 A. It's just not a simple answer, but I -- we can
 13 do that.

14 So, I'm going to start --

15 (Whereupon, an unidentified
 16 individual briefly enters and exits
 17 the deposition room.)

18 THE WITNESS: I'm going to start with Betts,
 19 Rueben & Danenberg's (2000) study of -- by the Public
 20 Policy Institute of California, that looked at
 21 predictors of student achievement across 7,000
 22 California schools, which is a reasonable -- reasonably
 23 well-designed study because it both used a regression
 24 approach that could control for some features of student
 25 characteristics like student poverty and could look at a

1 variety of indicators of teacher qualifications
 2 including their level of education, the different kinds
 3 of degrees that they had and their certification status.
 4 In California there are no databases that allow you to
 5 do that with links to student achievement at the
 6 individual level. So this was done at the school level,
 7 which is a reasonable research decision for that kind of
 8 analysis.

9 Similarly, Mark Fetler's study in 1999, which
 10 was a school-level analysis of test performance in
 11 California high schools, controlled for both student
 12 characteristics such as student poverty and also
 13 controlled for test participation rates, which is
 14 important to do, and looked at several indicators of
 15 student of -- of teacher qualifications.

16 The study by Laura Goe, looking at
 17 relationships between school scores on California's
 18 academic performance index, which looked at the
 19 relationship between -- for 6,400 schools, which is a
 20 good-sized sample of the schools in the state, was also
 21 able to control for some of the characteristics of
 22 students, quite a number of those, as well as
 23 characteristics of teachers' qualifications. The API
 24 rankings are not the cleanest measure of student
 25 achievement, but it is a measure that is used for policy

1 are not fully certified and to look at gains and
 2 achievement. So that was a reasonably well-controlled
 3 study for those reasons.

4 The work by Ed Fuller, looking at schools in
 5 Texas, was able to control for both experience levels of
 6 teacher and poverty levels of students in looking at the
 7 influences of the proportions of certified teachers on
 8 student achievement on a couple of different achievement
 9 measures in Texas.

10 Ron Ferguson's study of 900 Texas school
 11 districts was able to control for several measures of
 12 student background and a pretty good range of district
 13 characteristics in looking at measures of teacher
 14 qualifications and was one of a relatively few studies
 15 that had actual scores on -- on a licensing examination
 16 as one of the indicators along with master's degrees and
 17 experience and was able to link that to a couple of
 18 different measures of student achievement in both
 19 mathematics and reading. So, given that data set, it
 20 was a reasonably well-controlled and high-quality study.

21 A similar study by Strauss & Sawyer in North
 22 Carolina was able to control for a variety of both
 23 student characteristics and district resource
 24 characteristics and family factors as well as several
 25 measures of teacher qualifications, including scores on

1 in the state of California. So it's a reasonable study
 2 to look at the predictors of those rankings, and it was
 3 reasonably well-designed.

4 The study by Goldhaber and Brewer in 2000,
 5 which used sample teachers from the National Educational
 6 Longitudinal Studies of Students, was a well-designed
 7 study in -- and in terms of having both controls for
 8 various measures of student demographics that might
 9 influence achievement and having gain scores for
 10 individual students, the ability to look at performance
 11 in the past vis-a-vis their performance at a point in
 12 time as well as characteristics of their teachers. It
 13 had the advantage of being a national data set. It also
 14 had the disadvantage of having different credentialing
 15 because it's a national data set having the definition
 16 of certification be different across the states. So,
 17 like any other study, it has strengths and weaknesses,
 18 but overall it's a well-designed study given the data
 19 set available to the authors.

20 The study by Hawk, Coble & Swanson that's
 21 cited in 1985 used a matched comparison design,
 22 something that's called a quasi-experimental design,
 23 which had teachers matched by years of experience and
 24 their school settings. I was able to compare fully
 25 certified teachers in mathematics against teachers who

1 a teacher certification exam that measures several
 2 different kinds of teaching knowledge and to link those
 3 to measures of student achievement on the state
 4 examinations in North Carolina.

5 A study by ... I've got to move ahead in
 6 the ... study by David Monk in 1994, using the
 7 Longitudinal Study of American Youth, which is a
 8 national data set, was able to look at teachers' content
 9 preparation and their preparation in subject matter
 10 methods courses as well as other indicators of
 11 qualifications, degrees and experience and link those to
 12 student achievement, including gains in student
 13 achievement. And it was a well-designed and reasonably
 14 controlled study.

15 Study by Angrist and Lavy in 1998 was able to
 16 look at matched comparison samples of teachers in
 17 schools who received -- or did not receive certain kinds
 18 of professional development training and then link that
 19 to student achievement gains, having controlled for
 20 aspects of student characteristics through the design of
 21 the comparison sample and to look at gains in
 22 achievement.

23 A study by Harold Wenglinsky, using data from
 24 the National Assessment of Educational Progress, was
 25 able to control for several characteristics of students

1 that might influence achievement and to look at the
2 relationships between dimensions of teachers' training,
3 types of content and professional coursework they'd had
4 and student achievement.

5 I'm going to stop there and reserve the right
6 to find other studies at a later time.

7 Q. I understand.

8 MS. READ-SPANGLER: Could we take a short
9 break?

10 MS. KOURY: Yeah. Go off the record.

11 (Whereupon, a break from 11:44 to
12 11:58 was taken.)

13 MS. KOURY: Q. Dr. Darling-Hammond, you also
14 cite to the William Sanders to -- to William Sanders in
15 some reports. Let me actually specify which ones. The
16 Sanders and Horn 1994 report.

17 A. Mm-hm.

18 Q. You're familiar with that report, are you not?

19 A. Yes.

20 Q. Do you have an opinion as to whether or not
21 that particular report is of reasonably high quality?

22 A. It's not one of the ones that tries to link
23 teacher qualifications to student achievement. It's
24 simply looking at the degree of variability that can be
25 explained by the teacher per se without reference to

1 of high quality or reasonably high quality?

2 A. I think I would say I don't have an opinion,
3 because I would want to review it in order to have a
4 well-grounded opinion.

5 Q. And with respect to Sanders and Rivers (1996),
6 do you have an opinion as to whether the methodology
7 used in that report is of high quality?

8 A. I would say the same thing; I would want to
9 review it before I rendered an opinion on that.

10 Q. Would your opinion would be same for Hanushek
11 (1992) report?

12 A. I'm trying figure out -- are you on a
13 particular page in the --

14 Q. No, I'm not. Do you want me to --

15 A. Did you want me to look in the reference list,
16 because there's --

17 Q. Sure. I can tell you where you cite to these
18 reports if that would help you in your --

19 A. That would help my recollection.

20 Q. I believe the Hanushek (1992) report ...

21 A. And it's cited where?

22 Q. Maybe I don't have that one.

23 MS. READ-SPANGLER: 27.

24 THE WITNESS: Page 27.

25 MS. KOURY: Q. It's in the first full

1 various aspects of the teacher.

2 I would really need to review the study to
3 remember all of its features, but I don't have any
4 particular objection to the methods that they used.

5 Q. And the flip side of that, do you have an
6 opinion as to whether or not the methods are of high
7 quality?

8 MR. AFFELDT: Objection. Asked and answered.

9 MS. KOURY: I understand that I asked that
10 question, but I don't believe I received an answer.

11 MR. AFFELDT: Objection to the extent it lacks
12 foundation because she said she would need to review it.

13 MS. KOURY: Q. In your opinion, as you sit
14 here today -- well, let me ask a follow-up question.

15 You're familiar with the Sanders and Horn
16 report; is that correct?

17 A. I am, but I haven't read it carefully for a
18 while.

19 Q. And what do you mean by "a while"? How long
20 ago do you think that it's been since you reviewed it?

21 A. Couple of years since I started working on
22 this paper, probably.

23 Q. Okay. And in your opinion, as you sit here
24 today -- or do you have an opinion, I should ask, as to
25 whether or not the methodology used in that report was

1 paragraph.

2 A. I would want to review the report before I
3 rendered an opinion.

4 Q. What about the Hanushek, Kain & Rivkin (1999)
5 report, which is cited on page 28. Sorry. 1998.

6 A. Hanushek, Kain & Rivkin (1998) on what page?

7 Q. 28. It's in the last full paragraph.

8 MR. AFFELDT: It's listed in the references as
9 1999.

10 MS. KOURY: I have -- on page 28 it says --

11 MR. AFFELDT: I realize that.

12 THE WITNESS: Yeah.

13 MR. AFFELDT: So --

14 MS. KOURY: Perhaps that's a typo.

15 THE WITNESS: No. There's Hanushek, Rivkin &
16 Kain and Hanushek, Kain & Rivkin.

17 MS. KOURY: Q. What about Hanushek, Rivkin &
18 Kain?

19 MR. AFFELDT: Are we talking about "Do Higher
20 Salaries Buy Better Teachers?"

21 MS. KOURY: I'm talking about where it's cited
22 on page 28 in "Teaching experience." "Inexperienced
23 teachers ... are often found to be noticeably less
24 effective than the --

25 THE WITNESS: I -- I have read that one more

1 recently and -- but I would want to review it before I
 2 made a definitive statement about it. But my
 3 recollection is that there -- that study did include
 4 controls for aspects of student background
 5 characteristics that would be important to control for.
 6 So my recollection is that it had -- it was reasonably
 7 well controlled, but I would have to confirm that by
 8 revisiting the study.

9 MS. KOURY: Q. And on page 14 of your report
 10 you cite to Rivkin, Hanushek and Kain (2000) report. Do
 11 you have an opinion as to the quality -- whether that
 12 report had a high quality in terms of methodology?

13 A. Let me check. Are you talking about Rivkin,
 14 Hanushek and Kain?

15 Q. Yes. I'm sorry. Did I misstate that?

16 A. I think you had the order of the authors --

17 Q. Yes. Rivkin, Hanushek and Kain.

18 A. I would want to review the methods to recall
 19 what they were for that report.

20 Q. Are you familiar with -- actually, do you have
 21 an opinion about whether, in studying the link between
 22 teacher certification and student achievement, it would
 23 be useful to look at student achievement gains?

24 A. I want to use the word "correlation" rather
 25 than "link."

1 Q. Okay. Correlation.

2 A. It can be helpful to look at student
 3 achievement gains when evidence about those is
 4 available. When evidence is not available, it is -- and
 5 it's most useful to do that when you have longitudinal
 6 data about the same students, not gains as measured from
 7 two different cross-sectional samples. When that's not
 8 available, it's important then to have the kind of
 9 controls I talked about before, which include such
 10 things as measures of student or family income,
 11 sometimes race, ethnicity or language background.

12 Q. Is that evidence available in California in
 13 order to conduct a study correlating certification and
 14 student achievement by looking at student achievement
 15 gains?

16 A. Student achievement gains can be looked at if
 17 you look at local data sets. There's not, as far as I
 18 know, a state data set that allows you to look at
 19 individual student achievement gains and link those to
 20 measures of teacher qualifications at the individual
 21 teacher level.

22 Q. Looking at student data sets, how would you do
 23 that?

24 A. How would you do what?

25 Q. How would you look at student achievement gain

1 by looking at those specific data sets in order to --

2 A. I'm sorry. Which data sets?

3 Q. You mentioned that you would have to look at
 4 student achievement -- I'm sorry -- student data sets;
 5 is that correct?

6 MR. AFFELDT: I believe she said local data
 7 sets.

8 MS. KOURY: That's the word I'm looking for,
 9 local data sets.

10 Q. (By Ms. Koury) How would you look at local
 11 data sets to see whether there's a correlation between
 12 teacher certification and student achievement?

13 A. You'd have to get permission from a local
 14 district to use a data set and probably link their
 15 personnel files for teachers, which give you the name
 16 and qualifications of each teachers. Link those files
 17 to the students they've taught, and then have available
 18 the repeated test scores of -- or other measures of
 19 student learning of those students linked to the
 20 teachers and their files revealing their, you know,
 21 qualifications that you were interested in looking at.

22 Q. Have you attempted to do that at all?

23 A. In California?

24 Q. Yes.

25 A. No.

1 Q. In other states, have you?

2 A. I -- yes, in New York.

3 Q. How recently was that?

4 A. I have a data set now from New York City that
 5 has links between student achievement and teacher
 6 characteristics.

7 Q. What advantages do you see in terms of finding
 8 or determining whether -- what advantages do you see in
 9 reviewing local data sets such as what you just
 10 testified about in order to determine the correlation
 11 between teacher certification and student achievement?

12 A. Advantages over what?

13 Q. As opposed to other studies which look at
 14 cross-sections or -- I should say any other studies that
 15 don't look specifically at the longitudinal gains of a
 16 student, that individual student?

17 A. The problem -- let me respond to your question
 18 about cross-sections versus longitudinal, because that's
 19 a specific question.

20 When you have evidence about student
 21 achievement -- that is, an aggregated data set, an
 22 average of a bunch of students (for example, scores at a
 23 point in time) -- and then you look at another point in
 24 time and have an average set of scores for a group of
 25 students, there may be changes in the group of students,

1 so you're not actually looking at a real gain score.
2 You're looking at scores that generally represent two
3 different groups of students.

4 The advantage of having longitudinal data is
5 that it allows you to look at the same students over
6 time and -- and look at changes that are occurring for
7 those students. There are still issues with looking at
8 longitudinal student achievement scores.

9 For example, if you have a test that has a --
10 it's a fairly minimal test. It has a ceiling effect.
11 I'm not even getting into the quality of different
12 tests. But putting that issue aside, some students,
13 even though they're learning a lot more, will not show
14 gains in achievement even if measured longitudinally,
15 because the test doesn't -- they're already near the top
16 of the distribution, and the test doesn't allow you to
17 see the gains that they've made.

18 So even looking at longitudinal students'
19 achievement has its limitations. But under conditions
20 where those -- you know, depending on the nature of the
21 achievement test used and what it's measuring and how
22 you're looking at student gains, it can be helpful.

23 Q. Why haven't you looked at local data sets in
24 order to determine whether -- or in order to study the
25 correlation, if any, between student achievement and

1 for such things as free or reduced-price lunches, which
2 is a poverty measure.

3 Often, it may include such things as parent
4 education; may include such things as family status (one
5 or two parents or presence of parents in the home);
6 might include such things as community in which the
7 student lives; might include such things as language
8 background.

9 Q. In your opinion, based on your review of
10 various studies and your own research, what percentage
11 would you attribute to home and family factors in terms
12 of impact on student achievement?

13 A. It really varies from study to study and
14 depends on how many other and what kinds of other
15 variables are in the given estimates.

16 Q. What do you mean by that, depends on what
17 other variables are in the estimates?

18 A. The more relevant variables -- if you're
19 looking at, for example, regression studies, the more
20 relevant variables you have in your data set that you
21 can look at (for example, if you have a study that has a
22 large number of measures of student background
23 characteristics and family and community characteristics
24 and a small number of measures of school inputs or
25 measures of school inputs that are very remote proxies

1 teacher certification in California?

2 A. I've been busy.

3 Q. Is there any other reason?

4 A. One would have to get, you know, permissions
5 to do that, and I don't know whether those would be easy
6 or difficult to do. I don't know whether I've seen any
7 studies that have done that. So I don't know whether
8 there would be difficult -- in -- in California, so I
9 don't know whether there would be difficulties in doing
10 that.

11 Q. How important are family and home factors, in
12 your opinion, on student achievement? Let me rephrase
13 that.

14 How big of an impact, in your opinion, do home
15 and family factors have on student achievement?

16 A. Most studies find that home and family factors
17 do have a substantial effect on measures of student
18 achievement.

19 Q. Just for purposes of being clear, how do you
20 define home and family factors?

21 A. Well, studies define them differently
22 depending on what's available in their data sets. But,
23 typically, they would include measures of socioeconomic
24 status such as family income, sometimes defined as
25 proportion of students or whether a student is eligible

1 for what makes a difference in schools), then you're
2 likely to find that home and family factors account for
3 a greater share of the variation in student achievement.

4 If, on the other hand, you have a large number
5 of measures of school inputs and those include measures
6 that are good proxies for resources or inputs that
7 matter, then you would find that they account for a
8 greater share of variation in student achievement, and
9 the home and family factors may account for a smaller
10 share of the variation --

11 Q. Do you know --

12 A. -- explained by the equation.

13 Q. Sorry about that.

14 A. That's okay.

15 Q. Do you know of any studies that actually have
16 taken into account, as you put it, a good amount -- or a
17 good measure for school inputs?

18 A. I think that the studies I mentioned earlier
19 by Strauss and Sawyer and by Ferguson are studies that
20 had some reasonably good measures of school resources
21 and inputs. The study by Harold Wenglinsky that I
22 mentioned earlier had pretty fine-grained measures of
23 school inputs in the form of teacher qualification
24 variables. So those would be examples.

25 Q. Do those studies purport to show the impact of

1 home and family factors on student achievement?
 2 A. Yes. All of them had measures of home and
 3 family factors on student achievement. And I believe,
 4 in each case, each of those authors addressed the
 5 question of the relative contributions to explain
 6 variations in student achievement accounted for by home
 7 and family or community factors and by school factors.

8 MS. KOURY: Can we go off the record?
 9 (Discussion off the record.)

10 MS. KOURY: Q. Mark as Exhibit 18 to your
 11 deposition transcript is a document titled "Learning ...
 12 Teaching ... Leading ..." and bears a Bates stamp
 13 PLTF-XP-LDH 03748 through 3833.

14 (Whereupon, Deposition Exhibit 18
 15 was marked for identification.)

16 MS. KOURY: Q. Could you just review -- just
 17 generally review this exhibit for me and let me know
 18 when you've had an opportunity to do so?

19 A. Okay.

20 Q. Are you generally familiar with this document?

21 A. Yes, I am.

22 Q. Could you just briefly describe the nature of
 23 this document?

24 A. This is a report of the Professional
 25 Development Task Force, the California Professional

1 Figure 1?

2 A. This figure, I believe, is sort of just a
 3 graphic representation of a finding from a single study
 4 by Ron Ferguson. It says "900 Texas districts," so I
 5 assume that's the study that's being referenced. Let me
 6 just double-check. Yes.

7 So in that particular study, given the
 8 particular regression equations that were run in this
 9 particular representation of one of the findings, this
 10 is a -- a way of representing sort of for a lay audience
 11 what that study found. But different studies will find
 12 different amounts of variation accounted for by
 13 different factors, so ... And it looks like -- okay.
 14 Leave it at that.

15 Q. I understand that different studies account
 16 for different factors. Do you have an opinion, based on
 17 your review of different studies, on what -- on the
 18 percentage that you would allocate in terms of the
 19 impact that home and family factors have on student
 20 achievement and taking into consideration any studies
 21 that you -- in terms of -- if you've reviewed studies
 22 that take into more -- take into account variables --
 23 let me back up and ask another question.

24 Do you think it's important in determining the
 25 impact of student achievement to take into account

1 Development Task Force that I served as a member of a
 2 couple of years ago.

3 Q. Generally speaking, what was your role in
 4 producing this report?

5 A. I was the co-chair of the task force, but the
 6 report was written by the staff assigned to the task
 7 force.

8 Q. Were you involved in reviewing the report
 9 before it was completed?

10 A. Yes. Although the version that was published
 11 I did not review just -- I did not review the final
 12 version before it came out with the final changes.

13 Q. Could you turn to page bearing Bates stamp
 14 3761?

15 A. Mm-hm.

16 Q. And looking specifically at Figure 1 on that
 17 page, do you have an opinion as to whether the breakdown
 18 of impact on student achievement as portrayed in Figure
 19 1 is -- or I should say, Is the breakdown of factors
 20 affecting student achievement as portrayed in Figure 1
 21 consistent with your opinion?

22 A. My opinion with respect to what?

23 Q. Let me ask it a different way.

24 Do you agree with the breakdown of factors
 25 impacting student achievement as they're portrayed in

1 numerous variables? In other words, you mentioned that
 2 there are inputs for student measurements that some
 3 studies take into account.

4 A. By "inputs for student measurements," do you
 5 mean measures of student characteristics?

6 Q. I didn't mean that. I meant -- you said
 7 earlier that certain studies have good measures for
 8 school inputs. Do you think that's important in
 9 determining what factors contribute to student
 10 achievement?

11 MR. AFFELDT: Objection. Vague and ambiguous.

12 MS. KOURY: Q. What was your answer?

13 A. My answer is if you mean -- let me just say
 14 what I think is important. See if it's what you're
 15 trying to ask.

16 That in trying to understand the influences on
 17 student achievement, it is important to have good
 18 measures of school inputs. I believe that's what you
 19 were asking. And if that's what you were asking, my
 20 answer would be yes. You would get a better
 21 approximation of what influences student achievement the
 22 better your measures are of both school inputs and other
 23 influences --

24 Q. Have you --

25 A. -- that might be unique to the individual

1 student.

2 Q. Have you reviewed studies that, in your
3 opinion, have good measures of school inputs?

4 A. Few studies have perfect measures of school
5 inputs. In fact, no studies have perfect measures of
6 school inputs. But I think that the reason that recent
7 studies, more recent studies have -- of school effects
8 on student achievement have often found larger
9 proportions of variation explained by school inputs has
10 been that there are increasingly -- data sets have
11 increasingly incorporated measures of teacher
12 qualifications, teacher backgrounds, teacher practices
13 as well as occasionally some measures of curriculum.
14 And those are more representative of what students may
15 experience in schools than what was available in earlier
16 data sets that only had, for example, measures of
17 per-pupil expenditures or a single teacher verbal score
18 or something to that effect.

19 Q. Did any of the studies which you just referred
20 break down the factors that impact student achievement
21 or attempt to break down?

22 A. I'm not sure I understand your question about
23 what studies to which I referred and factors.

24 Q. Perhaps I misunderstood you, but I thought you
25 were testifying to the fact that you've reviewed studies

1 accounted for a greater share of the explained variation
2 in student achievement than the combined student
3 characteristic variables. And he did calculate, in
4 effect, size, and that is cited in my report.

5 Q. When you refer to "combined student
6 characteristic variables," is that taking into account
7 home and family factors?

8 A. Yes. Some of -- yes.

9 Q. With respect to his finding in that regard, do
10 you agree with his conclusion?

11 A. I don't -- I don't believe he misstated his
12 findings. I agree that he probably stated his findings
13 accurately, yes, to -- given what he did and what data
14 set he had.

15 Q. Do you have an opinion as to the percentage
16 of -- actually, I'm going to cut myself off and break
17 for lunch.

18 MR. AFFELDT: Okay.

19 (Lunch recess taken from 12:31 to
20 1:39.)

21 --oOo--

22 AFTERNOON SESSION

23 EXAMINATION BY MS. KOURY (Resumed)

24 MS. KOURY: Back on the record.

25 Q. (By Ms. Koury) Did you have a nice lunch?

1 that, although not perfect, do take into account good
2 measures of school inputs?

3 A. That more recent studies tend to have more
4 precise and sometimes more extensive measures of school
5 inputs.

6 Q. Of those studies, do any of them break down
7 the factors that impact student achievement?

8 A. Most regression -- most studies that try to
9 look at student achievement using regression techniques
10 are essentially trying to break down the factors in --
11 to use the terms you used, that affect student
12 achievement, yes, that's ...

13 Q. In those studies, do they give or do
14 they allocate a percentage of impact which is attributed
15 to home and family factors on student achievement?

16 A. Some do -- some authors do make statements
17 about that; others do not. You'd have to look at the
18 amount of variance explained by the regression equation
19 and the amount of variance within that that's explained
20 by different factors to make such an estimate. And
21 that's possible to do by looking at the equations.

22 A recent study that did do that (that I
23 recall) was Harold Wenglinsky's recent study that I
24 believe in my report I cite to the fact that he found
25 that the combined set of teacher quality variables

1 A. I did. Thank you.

2 Q. I just want to remind you you're still under
3 oath.

4 A. Mm-hm.

5 Q. Did you review any documents while you were at
6 lunch?

7 A. No.

8 Q. Could you turn to page 14 of your expert
9 report, which is Exhibit 17?

10 A. Page 14?

11 Q. 14.

12 A. Okay.

13 Q. In the first full paragraph, your report
14 states that -- actually, your report indicates that
15 intern certificates with teachers teaching on emergency
16 permits and waivers and all these adjunct categories of
17 credentials do not meet the state subject matter
18 competence standards nor have they -- and then, quote:

19 "... studied or demonstrated proficiency
20 in standards-based methods of teaching subject
21 matter, methods of teaching reading"

22 Could you just review that portion of the
23 paragraph and let me know when you've had an opportunity
24 to?

25 A. Review that full first paragraph?

1 Q. Yes.
 2 A. Okay.
 3 Q. Is this still your opinion today?
 4 A. Yes.
 5 Q. And to the extent that your opinion in that
 6 paragraph -- I'm sorry.
 7 Your opinion as reflected in that paragraph on
 8 page 14, in the first full paragraph, apply equally to
 9 teachers with intern credentials; is that correct?
 10 A. I'd have to go back and reread the previous
 11 page to see what I meant by "none of these." So I can
 12 take a minute to do that?
 13 Q. Of course.
 14 A. Yes.
 15 Q. And what do you base your opinion on?
 16 A. Review of the state credentialing
 17 requirements.
 18 Q. And how recently have you reviewed the state's
 19 credentialing requirements with respect to intern
 20 credentials?
 21 A. Probably about a year ago.
 22 Q. And on page 13 you state that interns are not
 23 required to meet all subject matter requirements, which
 24 you've listed on page 12 of the report, prior to
 25 admission in the program. Is that still your

1 opinion today?
 2 A. Yes. There's a footnote there, Footnote 10,
 3 which notes that:
 4 "Interns may be issued a credential if
 5 they've completed 80 percent of an approved
 6 subject matter program, rather than the entire
 7 program. [They're] expected to satisfy the
 8 remaining requirements ... while they are
 9 serving as interns."
 10 So the point at which an intern has to have
 11 satisfied the full subject matter requirement is not
 12 prior to the issuance of the credential but sometime
 13 while holding the credential, at the time I reviewed the
 14 requirements.
 15 Q. And in Footnote 9 of your report, which is on
 16 page 12, you refer to intern certificates as a
 17 "substandard" credential. Is that still your
 18 opinion today?
 19 A. Footnote 9 doesn't use the word "substandard,"
 20 does it? Ah, yes, it does, at the very end of the
 21 sentence. Yes.
 22 Q. What did you mean by "substandard"?
 23 A. Less than standard.
 24 Q. What do you mean by "standard" then?
 25 A. As I said earlier, the standard standard

1 credential I defined as a preliminary or clear
 2 credential.
 3 Q. Is it still your opinion that intern and
 4 pre-interns don't receive classroom support from veteran
 5 teachers?
 6 A. That's not what I stated in my report. I
 7 believe I stated daily classroom supervision or
 8 something -- something like that.
 9 Q. With respect to page 14 of your report, in the
 10 first full paragraph, the last sentence:
 11 "None of the alternative credentials
 12 requires that teachers have had the
 13 opportunity to work under the direct daily
 14 supervision of a practicing veteran teacher
 15 available to demonstrate effective
 16 strategies," is that still your opinion?
 17 A. Yes.
 18 Q. And that's your opinion with respect to
 19 pre-interns and interns?
 20 A. Yes.
 21 Q. Do you think it's important for pre-interns
 22 and interns to receive daily service -- or I'm sorry --
 23 daily supervision from a practicing veteran teacher?
 24 A. Yes.
 25 Q. What do you mean by "daily supervision"?

1 A. The custom in -- when people meet
 2 student-teaching requirements in teaching, which is --
 3 okay, which is the standard requirement, it is that one
 4 is placed in the classroom of a practicing teacher's who
 5 models teaching behaviors, observes and critiques and
 6 oversees the teaching of the student teacher and plans
 7 lessons with them, looks out for problems, addresses
 8 those problems as they arise. That's important because
 9 people learn to teach in part by seeing good teaching
 10 and being coached and critiqued in their teaching and
 11 having oversight for the good of the students in the
 12 decisions that they make about their plans and treatment
 13 of students.
 14 Q. How long do you think interns and pre-interns
 15 should receive the daily supervision from a veteran
 16 teacher?
 17 A. I think all teachers ought to receive a kind
 18 of coached introduction to teaching. And the amount of
 19 time that a person might need could vary, but there's
 20 some evidence that sort of the norm -- let me put it
 21 this way: The norm across the states is that one would
 22 have at least the equivalent of a semester of supervised
 23 student-teaching. Some states have increased that to as
 24 much as a year based on evidence that that enables
 25 teachers to become more proficient. Some of the better

1 programs in California or the more intensive programs
2 have a full year of student-teaching.

3 Q. Do you have an understanding as to what
4 preservice hours means?

5 A. I don't know what you're referring to.

6 Q. With respect to credentialing requirements,
7 are you familiar with the term you used for preservice
8 hours. Does that sound familiar to you?

9 A. It sounds like it's a term that needs to be in
10 context. I don't know. Hours of what? I don't know if
11 I used that term in the report.

12 Q. Actually, could you just turn to page 41?

13 A. Okay.

14 Q. 42.

15 A. 42?

16 Q. Yeah.

17 A. Okay.

18 Q. Can you review the paragraph -- the last
19 paragraph on page 42 which starts "Although some
20 universities" and continues through the quote -- the end
21 of your quote on page 43?

22 A. My quote or McKibbin's quote?

23 Q. McKibbin's quote, which you cite.

24 A. Okay. I've read that quote. I didn't see the
25 term "preservice hours." Was that supposed to have --

1 intern programs have raised concerns about the
2 lack of support interns receive."

3 So my point was that there are some
4 high-quality internship programs, but not all internship
5 programs appear to be high-quality with respect to the
6 amount of mentoring and support that the interns
7 receive.

8 Q. And is that still your opinion today?

9 A. Yes, I guess you could say it is.

10 Q. Okay. And other than the report to which you
11 cite, and specifically McKibbin's report, do you have
12 any other research or studies that you rely on in
13 drawing your opinion that some internship programs have
14 raised concerns of the lack of support?

15 MR. AFFELDT: Objection. The report speaks
16 for itself.

17 MS. KOURY: Q. I'm not asking you about the
18 report. I'm asking you, other than what's in the
19 report, if you have any other studies or research that
20 you rely on in drawing that opinion.

21 A. I do, in the report, cite other studies on
22 that point about internship programs.

23 Q. Could you point to me where in your report --

24 MR. AFFELDT: I'm not sure she finished her
25 answer.

1 Q. No.

2 A. Okay.

3 Q. Are you familiar with this particular quote?

4 A. Yes.

5 Q. And is this still your opinion?

6 A. Well, it was McKibbin's opinion that I was
7 quoting to.

8 Q. Do you agree with Mr. McKibbin -- with
9 McKibbin's portrayal as reflected in this quote?

10 A. I have no reason to doubt the veracity of what
11 he said about the programs he looked at, at that point
12 in time.

13 Q. What is your opinion as reflected in this
14 particular paragraph, and in -- I should say more
15 broadly -- on this page?

16 MR. AFFELDT: Objection. Vague and ambiguous.
17 Her opinion about what?

18 MS. KOURY: Q. What is McKibbin pointing at
19 in this particular quote or -- let me ask you a
20 different question.

21 Why did you quote him here?

22 A. Well, the preceding sentence says:

23 "Although some universities and districts
24 have developed high-quality internship
25 programs ... recent evaluations of California

1 MS. KOURY: Oh, I'm sorry.

2 THE WITNESS: I said I'd be glad to point to
3 some of those that are easily findable.

4 MS. KOURY: Great.

5 THE WITNESS: And I have read other things
6 about some intern programs in California that may or may
7 not be cited in the report. Probably not everything
8 I've read is cited.

9 I do cite to two studies that were recently
10 done by the California State University systems that
11 were surveys of graduates, and they're cited under the
12 authorship of California State University, which found
13 that interns felt less well-prepared than fully,
14 standardly prepared graduates.

15 MS. KOURY: Q. Are those the 2002 reports
16 that you're referring to?

17 A. I believe so. And the reports by Shields, et
18 al., for the -- by -- who work for the Stanford
19 Research Institute and conduct the studies for the
20 Center for the Future of Teaching and Learning, are also
21 cited here with reference in part to their analysis of
22 the preparation of interns.

23 That's what I recall at the moment.

24 Q. Do you know what, if anything, the CCTC is
25 doing or has done to provide more oversight over these

1 programs?

2 A. Within the last few years, the intern programs
3 that were not subject to review or approval by the CCTC
4 have been put under a greater level of review. So there
5 is some greater review capacity on the part of the CCTC
6 for intern programs.

7 Q. Anything else?

8 A. That's what I can think of at the moment.

9 Q. And how did you make that determination in
10 terms of what efforts the CCTC has done?

11 A. I just keep up with the CCTC reports.

12 Q. To the extent that the CCTC has taken on
13 greater review capacity of these programs, is that
14 reflected in the studies that you cited?

15 A. Well, the CSU reports were done in 2002, so
16 they're very recent. They're -- had just been published
17 at the point that I finished the report. So they're --
18 they presumably include -- and they were studies of
19 recent graduates, so they presumably include some of the
20 effects of the recent efforts of the CCTC.

21 Q. Are you familiar with the requirements of "No
22 Child Left Behind" or the No Child Left Behind Act?

23 A. Yes.

24 Q. What is your familiarity with it?

25 A. I've read the act and reviewed it.

1 certification or licensure requirements waived
2 on an emergency, temporary, or provisional
3 basis; Holds a minimum of a bachelor's degree;
4 and Has demonstrated subject area competence
5 in each of the subjects -- academic subjects
6 in which the teacher teaches in a manner
7 determined by the State and in compliance with
8 Section 9101"

9 So, those are the major requirements. There
10 are additional statements in the law about beginning
11 teachers and veteran teachers, et cetera.

12 Q. And do you know who decides -- whether
13 California's compliant with the NCLB requirements?

14 MR. AFFELDT: Objection to the extent it calls
15 for a legal conclusion.

16 MS. KOURY: Q. You can answer that.

17 A. My understanding is that each state must make
18 a proposal to the U.S. Department of Education, and the
19 U.S. Department of Education will make decisions about
20 whether the proposals are adequate. The decision about
21 compliance with the law could, I believe, also include a
22 determination of whether The Department is fairly
23 enforcing the law, and that might be a matter that would
24 be -- that would go beyond the department.

25 Q. Do you know whether the U.S. Department of

1 Q. Anything else? Any sort of discussions or any
2 other sort --

3 A. I've had discussions with other people about
4 it, yes.

5 Q. And do you have an understanding as to how it
6 defines highly-qualified teacher?

7 A. I do have an understanding.

8 Q. What is your understanding of that?

9 A. I'd like to have the text in front of me if
10 I -- because there's, actually, a very long passage in
11 terms of how it's defined with some and's and or's that
12 make a difference in how people might interpret it. But
13 in general, from my memory, the definition of
14 "highly-qualified" states that teachers -- in fact, I
15 have -- I quote some of it in here, so let me just find
16 it rather than trying to do it from memory.

17 MR. AFFELDT: Top of page 76.

18 THE WITNESS: Thank you. Okay.

19 So, at the top of page 76, this is quoting
20 from ESEA Title IX, "Has obtained full --

21 "... a 'highly qualified' teacher is one
22 who: Has obtained full state certification as
23 a teacher or passed the State teacher
24 licensing examination and holds a license to
25 teach in the State, and does not have

1 Education has determined whether California's
2 requirements for intern certificates meets its
3 definition of highly-qualified teachers?

4 MR. AFFELDT: Objection. Calls for a legal
5 conclusion.

6 MS. KOURY: Q. You can go ahead and answer
7 that.

8 A. My most recent understanding is that the
9 department of education was the -- I -- I am aware that
10 statements were made by individuals within the
11 Department of Education that seemed to be suggesting
12 that programs like internship programs might be viewed
13 as meeting the standard of the laws. They were reading
14 that standard.

15 MS. READ-SPANGLER: Just to clarify, when you
16 say Department of Education, do you mean California or
17 U.S.?

18 THE WITNESS: U.S.

19 MS. KOURY: Can you repeat her answer, please?
20 (Record read.)

21 MS. KOURY: Q. So assuming that interns in
22 California meet the "highly qualified" definition as
23 articulated by the NCLB, would you still think that
24 California interns were substandard?

25 A. Yes.

1 Q. Do you think that they violate the
2 constitution in terms of --
3 A. Whoa. I have no way of knowing that.
4 Q. Really? Okay.
5 A. I mean, that's a legal opinion.
6 MR. AFFELDT: I'll object to the extent it
7 calls for a legal conclusion, and it's also ambiguous as
8 to which constitution you're talking about.
9 MS. KOURY: Q. Why would you think -- I'm
10 sorry.
11 With respect to your previous answer that it
12 would still be substandard, why do you think it would
13 still be substandard?
14 A. I think I defined "standard," and interns do
15 not meet the same standards as those who receive a
16 standard credential. I'm using the same definition I
17 used earlier.
18 Q. Turning to page 78 of your report, read the
19 first sentence for me, if you would, under the heading
20 "Standards and Benchmarks." For the record, it states:
21 "Ultimately, the constitutional standard
22 requires that every student have full and
23 equal access to qualified teachers who can
24 enable students to learn the curriculum and
25 standards required to the them by the state."

1 MR. AFFELDT: "Required 'of them' by the
2 state."
3 MS. KOURY: Of them by the state.
4 Q. (By Ms. Koury) Is that still your
5 opinion today?
6 A. Yes.
7 Q. What did you mean by "the constitutional
8 standard"?
9 A. The California Constitution requires a uniform
10 system of education and has an equal protection element
11 to it. And to the extent that the state has defined
12 what qualified teachers are, then the constitutional
13 standard of equal protection would seem to me to require
14 that every student should then have full and equal
15 access to that standard of qualification.
16 Q. Assuming that interns in California meet the
17 "highly qualified" definition as articulated by the
18 NCLB, do you think that intern certificates violate the
19 constitutional standard to which is referred on page 78?
20 MR. AFFELDT: Same objections.
21 THE WITNESS: You've got a lot of different
22 kinds of law in there. You've got a law passed by the
23 U.S. Congress, interpreted (with some contention) on
24 the -- in the view of some Congress people by the U.S.
25 Department of Education, applied in California, which

1 has its own constitution. So I don't think there's a --
2 necessarily, a relationship between a definition
3 accepted for No Child Left Behind and the standards for
4 education under the California Constitution.
5 MS. KOURY: Q. So do you have an opinion one
6 way or the other whether -- assuming that interns meet
7 that definition under the NCLB as defined by the U.S.
8 Department of Education -- whether that standard, the
9 intern standard, would violate the California
10 constitutional standards which you set forth on page 78
11 of your report?
12 MR. AFFELDT: Objection.
13 MS. KOURY: She can repeat that if you
14 couldn't follow it.
15 THE WITNESS: I'm sorry. What's your
16 objection?
17 MR. AFFELDT: Calls for a legal conclusion.
18 THE WITNESS: Do you want to repeat what the
19 question was?
20 (Record read.)
21 THE WITNESS: Okay. So I'll say again that I
22 don't see any necessary relationship between the U.S.
23 Department of Education's interpretation of the No Child
24 Left Behind Act and the California constitutional
25 standard, whatever it would be.

1 MS. KOURY: Q. Do you know if the U.S.
2 Department of Education has determined whether teachers
3 trained and admitted into the Teach for America program
4 meet the "highly qualified" requirements of the NCLB?
5 A. I do not know.
6 Q. Do you think it does?
7 A. No, I do not.
8 Q. Why not?
9 A. Because teachers trained in the Teach for
10 America program have, when they exit that program, not
11 demonstrated either that they meet the standard for a
12 full credential (which they do not in any state), full
13 certification as it's defined in NCLB --
14 Was the question about whether they meet the
15 NCLB standard or whether they meet the -- another
16 standard?
17 Q. The NCLB.
18 A. Yeah.
19 MR. AFFELDT: I'll object again as calling for
20 a legal conclusion.
21 THE WITNESS: So, Teach for America recruits,
22 when they finish the several weeks of Teach for America
23 training, have not obtained full state certification in
24 any state that I'm aware of.
25 MS. KOURY: Q. Using the constitutional

1 standard -- or I'm sorry.
 2 Using the definition of the constitutional
 3 standard which you've expressed and as the term is set
 4 forth on page 78 of your report, do you think that
 5 teachers on -- teaching through Teach for America
 6 violate that constitutional standard?

7 MR. AFFELDT: Objection. Calls for a legal
 8 conclusion.

9 THE WITNESS: I'm also unclear about what --
 10 how -- what you mean by an individual violating the
 11 constitutional standard.

12 MS. KOURY: Q. To the extent that you're
 13 making objections about drawing a legal conclusion, my
 14 questions are based on the legal conclusion which you've
 15 drawn in your report on page 78 regarding the
 16 constitutional standard and what it requires.

17 So my question is simply, Having that
 18 definition in mind, which you set forth on page 78, do
 19 you think that a teacher teaching through the Teach for
 20 America program violates that constitutional standard?

21 A. I think that a ...

22 MR. AFFELDT: Same objection.

23 THE WITNESS: Yeah. I'm -- I'm also wondering
 24 whether an individual violates the standard or whether
 25 the districts or state that hires them violates the

1 waiver of requirements is a reasonable definition for a
 2 qualified teacher. I would not call it a highly
 3 qualified teacher. I would call it a minimally
 4 qualified teacher. But as a definition of a minimally
 5 qualified teacher, I think it's reasonable, as I read
 6 it.

7 MS. KOURY: Q. Could you turn to page 75 of
 8 your report, please and review paragraph -- the second
 9 paragraph in that?

10 A. Second full paragraph, "in large part"?

11 Q. Yes.

12 A. Okay.

13 Q. I'm sorry. It's probably the first full
 14 paragraph, "As pressure for improving."

15 A. Mm-hm. Yes, okay.

16 Q. In particular -- actually, is that still your
 17 opinion today with respect to pre-intern credentials and
 18 the requirements for pre-intern credentials?

19 A. Yes.

20 Q. On what do you base your opinion with respect
 21 to pre-intern credential requirements?

22 A. I cite to a particular report of the CCTC,
 23 which is the report from which I got those -- that
 24 characterization of the requirements.

25 Q. And was that your last review of the CCTC

1 standard. I'm just trying to be precise about what
 2 you're asking about --

3 MS. KOURY: Sure.

4 THE WITNESS: -- what you're asking.

5 I do not think that a Teach for America
 6 teacher who has only the Teach for America training that
 7 they received prior to entering the classroom meets the
 8 definition of a qualified teacher, which is what I'm
 9 referring to in that statement on page 78.

10 MS. KOURY: Q. What is your opinion, if
 11 you -- or do you have an opinion of the NCLB's
 12 definition of qualified teacher?

13 MR. AFFELDT: Objection. Vague. And
 14 objection to the extent it calls for a legal conclusion.

15 MS. KOURY: Q. You can answer that.

16 A. What was the question? Can you restate the
 17 question?

18 Q. Do you have an opinion as to whether the
 19 NCLB's definition of "highly qualified" teacher is a
 20 good one?

21 MR. AFFELDT: Same objections.

22 THE WITNESS: I think that the statement in
 23 the law, interpreted as I understand the law to read,
 24 which is that it requires full state certification and
 25 the demonstration of subject area competence without the

1 requirements for a pre-intern credential?

2 In other words, the 2001 report, is that the
 3 most recent information that you have with respect to
 4 pre-intern credentials?

5 A. That's the most recent report I reviewed for
 6 that specific purpose, yes.

7 Q. Could you please turn to page 41 of your
 8 report? And the last paragraph of that page states:

9 "Finally, concentrations of under-prepared
 10 teachers create a drain on schools' financial
 11 as well as human resources. For example,
 12 emergency permit teachers have a high
 13 attrition rate: According to CCTC statistics,
 14 just over 40 percent leave the profession
 15 within a year"

16 Is that still your opinion today?

17 A. That statistic is from data compiled in
 18 1996-97 that was made available to me in 1998. There's
 19 usually a lag between data availability and -- and the
 20 year it's for. I would have to see the more recent
 21 statistics to know if that still holds.

22 Q. Have you reviewed any more recent statistics
 23 on that issue?

24 A. I have seen some other statistics upon --
 25 about emergency permit teachers, but I would not rely on

1 them without going back to -- you know, to the documents
2 themselves.

3 Q. Is it your recollection that the statistics
4 that you've recently reviewed are different from the
5 statistics cited here in your report?

6 A. They were similar.

7 Q. So, as far as you know -- as far as you're
8 aware, this statistic is still accurate today, in your
9 opinion?

10 MR. AFFELDT: Objection. Asked and answered.

11 MS. KOURY: Q. You can answer that.

12 A. I refer back to what I said. I don't know
13 whether it's accurate, but I have seen more recent
14 statistics that look similar.

15 Q. Okay.

16 MS. KOURY: Could we take a two-second off the
17 record?

18 MR. AFFELDT: Mm-hm.

19 (Discussion off the record.)

20 MS. KOURY: Q. Mark to your deposition
21 transcript or attach Exhibit 19, which bears -- it's a
22 document bearing the Bates stamp PLTF-XP-LDH 4325
23 through 4326.

24 (Whereupon, Deposition Exhibit 19
25 was marked for identification.)

1 sent it to me after we had a conversation in which she
2 wanted to share with me what the attrition data looked
3 like.

4 Q. You also mentioned that there are other more
5 recent data that you've reviewed that discusses the
6 attrition rate of emergency permit teachers. Could you
7 identify what that data is?

8 A. I saw some -- which I think was the last data
9 I saw. I've had conversations with researchers from SRI
10 who have been doing ongoing examination of teacher
11 issues in California. And, actually, there -- there's a
12 couple of pieces of data, one of which I would not rely
13 on, and -- and I think it may have even been something
14 similar cited on the CCTC web site, which looked at
15 attrition based on the proportion of teachers with
16 different kinds of credentials who remained in STRS data
17 set, which is the State Teacher Retirement Data Set.

18 After looking at that, the SRI people
19 discovered that being in the state retirement data set
20 is not a good indicator of whether you've left teaching,
21 because you can stay in that data set even when you've
22 left teaching. So those -- those data, which exist and
23 I think I recently saw cited on the CCTC web site, are
24 not a good indication of attrition. But in another
25 conversation with the folks at SRI, I believe I looked

1 MS. KOURY: Q. Could you just review that for
2 me and let me know when you finish?

3 A. Okay.

4 Q. For the record, this is a document with a fax
5 cover sheet addressed to Professor Darling-Hammond from
6 Anne Padilla of the CCTC.

7 Are you familiar with this document?

8 A. I am.

9 Q. And the enclosure of this document, which is a
10 one-page document titled "CCTC Emergency Permit
11 Persistence Data" dated 1996-1997 ...

12 A. Mm-hm.

13 Q. It states in the first line that this is an:
14 "Internal data compiled by CCTC,
15 Certification and Waivers Division, 1/9/98, on
16 first time Multiple and Single Subject and
17 Long Term Emergency Permits 1996/97 based on
18 subsequent activity of permits."

19 Is this the document on which you relied in
20 order -- or on which you rely in determining that
21 there's a 40 percent attrition rate?

22 A. It is the document cited there, yes.

23 Q. And how did you obtain this document?

24 A. From Linda Bond, who is -- who works for the
25 California Commission on Teacher Credentialing. She

1 data that was similar to this in terms of actually
2 staying in the classroom. And my recollection is that
3 those were similar, although I don't remember the exact
4 figure, but they were comparable. This is in
5 conversation about different ways of looking at
6 attrition.

7 Q. Was it just conversations that you had with
8 SRI researchers or was it data that you actually
9 reviewed from the SRI researchers?

10 A. They had some data that they were looking at.

11 Q. And how recent was that data?

12 A. The conversation was about a year ago. The
13 data were probably within a year prior to that.

14 Q. Other than the conversations with the SRI
15 researchers and the data that you reviewed from them and
16 Exhibit 19, is there any other data or research that you
17 rely on in drawing your opinion that attrition rate is
18 just over 40 percent for emergency permit holders after
19 a year?

20 A. That particular statistic I cite only to this
21 one thing, obviously, that -- but in my opinion, that
22 emergency credential or unprepared teachers have high
23 attrition rates, I rely on those data as well as some
24 national data, which find similar kinds of high
25 attrition rates for teachers without credentials.

1 Q. As to the national data, what are you
2 referring to?

3 A. There are studies that have been published by
4 the National Center for Education Statistics, using the
5 Baccalaureate and Beyond Data Set.

6 Q. Could I interrupt you and just ask, Does that
7 particular study address the attrition rate of emergency
8 permit holders in California?

9 A. It's national, so it includes but is not
10 limited to California. That's with respect to the
11 statement I just made about other national studies that
12 I rely on for the general conclusion about the attrition
13 rates of unprepared teachers.

14 I'm trying to see if that's cited in here so I
15 can give you an exact citation. Henke, Chen & Geis is
16 the -- is the citation for that particular study. And I
17 have more recently seen some analyses from the Schools
18 and Staffing survey database that were reported in a --
19 report that was issued since this paper was written.

20 Q. Anything else?

21 A. That's what I can recall right now.

22 Q. Okay. Looking at Exhibit 19 on page 4326
23 where it states "intern data compiled by CCTC," what was
24 your understanding as to what was meant by that?

25 A. What was meant by "internal data compiled by

1 data. And the person -- I don't recall who it was she
2 talked to, but the person she talked to said they were
3 not aware of more recent data at the time that question
4 was raised.

5 Q. When was that effort made?

6 A. Probably about a year and a half or so ago. I
7 mentioned that I had seen a statistic on the CCTC web
8 site recently which mentioned something about attrition
9 rates, but I deemed that particular statistic to be
10 unreliable because it used as a measure of attrition
11 the -- whether the person continued to appear in the
12 state retirement database, which is not the same as
13 having left the classroom.

14 Q. What do you mean by that?

15 MR. JORDAN: I'm sorry. I missed the
16 question.

17 MS. KOURY: I just asked, What do you mean by
18 that?

19 MR. JORDAN: Oh.

20 THE WITNESS: I saw, in scanning some reports
21 quickly on the CCTC web site, a statistic at one point
22 within the last year that made some inferences about
23 attrition rates of teachers with different kinds of
24 credentials. But it used, as the measure of attrition,
25 data about whether the individuals were still -- still

1 CCTC"?

2 Q. Correct.

3 A. My understanding from Linda Bond was that this
4 was calculated from the certification database that is
5 maintained by the CCTC.

6 Q. In your opinion, is it generally acceptable
7 for experts in your field to rely on this type of data,
8 which is contained in Exhibit 19, in drawing a
9 conclusion about an attrition rate such as the one that
10 you do?

11 A. Yeah. Often administrative data are the most
12 accurate data available for questions like this when
13 you're looking for a specific statistic about a
14 particular fact.

15 Q. What do you mean by "administrative data"?

16 A. Administrative data is data maintained by
17 administrative agencies such as the CCTC. It -- it is
18 the place in California the -- possibly the only
19 administrative agency that maintains data about
20 individual credentials and credentialing holders.

21 Q. Have you made any efforts to determine whether
22 the CCTC has more current information with respect to
23 its attrition rate for emergency permit holders?

24 A. We did actually make one inquiry, one of my
25 research assistants, about whether there was more recent

1 had records in the State Retirement System database.

2 It turns out I had learned previously from the
3 researchers at SRI, when they were looking at similar
4 questions, that that is not a good measure of whether
5 someone has left teaching or left the classroom, because
6 you can stay in the state retirement database -- you can
7 continue to be in the retirement database even if you're
8 working as a researcher at SRI or some place like that
9 or leaving teaching for another kind of public
10 employment position.

11 Q. Could you turn to page 65 of your report?
12 Under the heading which is numbered 6, "Overreliance on
13 Pathways into Teaching ...," the third sentence in
14 states:

15 "As noted earlier, the CCTC reports said
16 that about 40 percent of emergency
17 credentialed teachers in California leave
18 within a year ... and two-thirds leave before
19 gaining a credential."

20 A. Mm-hm.

21 Q. To the extent that you -- or I'm sorry.

22 Your opinion, as articulated in this sentence,
23 does it rely solely on the internal data compiled by the
24 CCTC which is contained in Exhibit 19?

25 A. That's the exhibit we just looked at?

1 Q. Yes.

2 A. The portion of the sentence -- you just read
3 two sentences. The portion of the first sentence that
4 deals with the statistic 40 percent does relate to the
5 same exhibit, Exhibit 19, that we were talking about.

6 Q. Where does the estimate of "two-thirds leave
7 before gaining a credential" come from?

8 A. Personal correspondence with Linda Bond. That
9 was her statement. That's cited earlier.

10 Q. Do you know where that citation is to your
11 personal communication with Linda Bond?

12 A. It's probably in the page we were just talking
13 about a few minutes ago. Do you remember what that was?

14 Q. Yes, I do. Page 41.

15 A. It's on -- in that Footnote 24.

16 Q. Did she explain to you what she based that
17 conclusion on, that two-thirds of emergency permit
18 teachers do not receive full teaching certification?

19 A. The CCTC's records in which they track -- when
20 they were tracking the progress towards a credential of
21 emergency permit holders.

22 Q. Do you know whether there's any study or -- as
23 opposed to internal compilation which you have and was
24 contained in Exhibit 19, do you know whether there's any
25 formal studies that's been set forth by the CCTC

1 comparable or better way.

2 Q. Could you turn to page 69 of your report. If
3 you want to stop and call at any point --

4 A. I'm okay for now.

5 Q. -- just tell me. Okay.

6 On page 69 of your report, it states that:

7 "... California has had no procedures for
8 ensuring that districts engage in efficient
9 recruitment strategies, hire fully certified
10 teachers when they are available, or maintain
11 a well-functioning personnel system."

12 Is that still your opinion today?

13 A. For the most part. Although, you know, over
14 the last few years, the -- there may -- over the last
15 couple of years, there may have been some additional
16 efforts made to improve this, but at the time this was
17 written, it was my opinion. And I would say, for the
18 most part, it is still my opinion.

19 Q. What additional efforts have been made by the
20 state since the time that you wrote this report?

21 A. There have been analyses of district
22 recruitment strategies done by FCMAT, which is an
23 acronym that, I believe, is F-C-M-A-T, although I'm not
24 sure that there'd been -- whether there'd been follow-up
25 procedures to ensure that the results of those studies

1 exploring this issue?

2 A. Published study?

3 Q. Yes.

4 A. I do not. I have not seen such a study, which
5 is why I relied on the internal documents.

6 Q. Is it generally acceptable for experts in your
7 field to rely on communications when drawing conclusions
8 about statistical findings such as attrition rates?

9 A. Quite often people rely on administrative
10 records, absolutely, that are conveyed in personal
11 correspondences when they're not published. We expect
12 public agencies to be honest and to make their data
13 available.

14 Q. To the extent that there is a publication that
15 sets forth that information from that agency, would that
16 override, in your opinion, an internal compilation?

17 MR. AFFELDT: Objection. Vague.

18 THE WITNESS: Yeah.

19 MS. KOURY: Q. Do you not have an opinion on
20 that?

21 A. It would depend on whether the publication
22 answered the question in a comparable or better way.

23 Q. And if it did?

24 A. If it did, you would use a published --
25 published piece if it answered the same question in a

1 have been implemented from a state perspective. It
2 is -- as I said, it's conceivable that may have happened
3 in the recent year or so.

4 Q. Anything else?

5 A. That's all that I had in mind.

6 Q. Could you turn to page 71 of your report? In
7 the first paragraph on page 71, your report states that
8 "the CCTC relies on the attestations of the district
9 when evaluating the requests." It goes on to say to
10 hire persons on emergency permits, and that the, quote,
11 CCTC does not review the districts' processing of
12 applications. And you also say, quote:

13 "Nor does the [CCTC] take any action to
14 check on the veracity of district claims when
15 a district requests a waiver of teachers'
16 credentials"

17 Is that still your opinion today?

18 A. That is -- yes, that is still my opinion. But
19 I -- but my most recent evidence about that is the
20 citation that is made there and the Swofford deposition.

21 Q. Is that your -- is that what you rely on
22 exclusively, is this Swofford deposition for that
23 opinion?

24 A. Yes. That's what I said there.

25 Q. Other than what's articulated in your report

1 in your citation to the Swofford deposition, are you
2 aware of anything more that the state is doing with
3 respect to those issues?

4 A. To which issues?

5 Q. The issues articulated in that -- on page 71
6 in the top paragraph through the end of page 71.

7 MR. AFFELDT: Objection. Compound.

8 MS. KOURY: Sure.

9 Q. (By Ms. Koury) If you would go ahead and
10 review page 71 for me.

11 A. Okay.

12 Q. Starting with "no accountability system like
13 this exists in California" through the end of page 71.

14 A. Okay. And the question I'm reading it for is?

15 Q. Do you know of any other efforts that the
16 state is making to address the issues which are
17 articulated on this page?

18 A. Okay.

19 MR. AFFELDT: Objection. Compound.

20 Go ahead and review the page.

21 THE WITNESS: I've reviewed the page and --

22 MS. KOURY: Q. Actually, I'm going to stop
23 you because I'm going to break down the question for
24 you.

25 A. Okay.

1 efforts beyond those listed in my report.

2 Q. On page 70 of your report, you reference and
3 discuss Connecticut and Minnesota's processes in
4 connection with -- or accountability system and the
5 procedures they have in place.

6 Do you think that California should adopt the
7 system used in Connecticut as articulated on page 70 of
8 your report?

9 A. Each state is different, so what each state
10 could or should do might vary. I think that there are
11 general approaches used in Connecticut that are salutary
12 and ought to be considered as approaches for California.
13 They would not necessarily be implemented in the same
14 way. The agency structures are different. The
15 authorities for various actions are more -- are more
16 distributed in California than in Connecticut.

17 So, the policy ideas from any other state
18 would have to be adapted to be adopted in California, to
19 be implemented in California.

20 Q. The approaches that you mentioned that
21 California should consider, are those approaches
22 articulated on page 70 of your report -- Connecticut's
23 approaches?

24 A. I don't know that they're all on page 70. I'd
25 have to --

1 Q. First, are the opinions reflected on page 71
2 still your opinions?

3 A. They are.

4 Q. And do you know of any other state efforts
5 that are in place to review district recruitment
6 strategies other than what you set forth in your expert
7 report?

8 A. To review district recruitment strategies?

9 Q. Correct.

10 A. No. I think that the ones I'm aware of are
11 mentioned in my report.

12 Q. Do you know of any other state efforts to
13 review districts' applications for emergency permits
14 other than what's articulated in your report?

15 A. I do not know of other efforts beyond what's
16 listed in my report.

17 Q. Do you know of any other state efforts to
18 review districts' applications for waivers other than
19 what's in your report?

20 A. Review districts' applications for waivers ...
21 When you talk about the state, I assume you're talking
22 here about the CCTC, which has the authority for that
23 and is discussed in my report.

24 Q. Yes.

25 A. And the answer is that I do not know of

1 Q. Keeping in mind the particular issue that's
2 articulated in these --

3 A. Yeah. The --

4 Q. -- Section 9 of your report, which says "Lack
5 of accountability for ensuring the hiring of qualified
6 teachers when they're available."

7 MR. AFFELDT: And I'll object as compound and
8 overbroad.

9 MS. KOURY: Q. Keeping that issue in mind,
10 the issue that's articulated in Section 9 of your
11 report, do you think that the approaches, Connecticut's
12 approaches, that California should consider are
13 articulated on page 70 of your report?

14 A. This is a very brief summary of what
15 Connecticut does. Obviously, if one wanted to implement
16 some of those approaches, you'd need more detail that's
17 cited in the footnotes. But the general approaches are
18 worth considering, yes.

19 Q. Do you know whether the State of California or
20 the CCTC in particular has considered these approaches?

21 A. There are many approaches listed here. Do we
22 want to go one by one? How should I ...

23 Q. Do you know whether the State of California
24 has considered any of those approaches that are
25 articulated in that first full paragraph on page 70?

1 A. Some of these are issues that have been taken
2 up in California in one way or another. For example,
3 the question of reciprocity, which I mention in the
4 second sentence under Connecticut, is a question that's
5 come up in California, and it's handled differently in
6 Connecticut and in California.

7 Connecticut -- on the question of the role of
8 tests in that process has been considered in both
9 states. It's handled differently if California than in
10 Connecticut.

11 The -- both states have a version of temporary
12 credentials, so California has certainly considered how
13 to use temporary credentials. They're managed
14 differently in the two states.

15 My point is that many of these are generic
16 categories of policy that have been considered in
17 California, as they have been in Connecticut and -- and
18 other states, but they are not necessarily managed in
19 the same way or the decisions are not the same within
20 those categories.

21 Q. And you think the way Connecticut has managed
22 these particular policies is better than the way
23 California has?

24 A. Well, that's a very global statement in the
25 plural. There are aspects of what Connecticut has done

1 Q. Why doesn't California use a Praxis test?

2 A. I don't know how they made that decision.

3 Q. Do you know whether they considered it?

4 A. At one point, they used the Praxis tests --
5 one of the Praxis tests in conjunction with the state
6 test. So instead of having one subject matter test,
7 California had two subject matter tests, both of which
8 had to be passed by individuals who didn't have a
9 subject matter waiver.

10 Now, my understanding is that that was the
11 belief, that each of them was measuring something
12 somewhat different than the other.

13 Q. And do you think that California should use
14 the Praxis test -- in other words, allow teachers to
15 qualify if they pass the Praxis test?

16 A. I think that's a -- you know, a kind of
17 decision that ought to be considered. If the -- if one
18 is in a situation where one assumes that all of the
19 vacancies in the state will be filled by people who are
20 trained within the state, it makes more sense to have a
21 state-specific set of tests that are readily available
22 to be taken only by people within the state. But if
23 you're in a situation as an import state rather than an
24 export state for teachers, it makes sense to think about
25 ways to facilitate the movement of teachers into your

1 that have been much more effective than what California
2 has done, yes.

3 Q. Which particular aspects do you think are more
4 effective?

5 A. Okay. I think that the way Connecticut has
6 handled reciprocity has allowed more teachers to
7 experience reciprocity more easily. The use of national
8 tests like the Praxis test by Connecticut allows
9 teachers to come from any part of the country and if
10 they've already taken the Praxis test in another state,
11 they then no longer have to revisit that requirement.

12 The ability of Connecticut to enforce pretty
13 rigorous requirements for a temporary license or a
14 permanent license or a professional license is also
15 supported by the fact that Connecticut has salary
16 policies that allow it to be particular in terms of
17 enforcing those -- allows it to be rigorous in enforcing
18 those standards.

19 So you couldn't assume that -- you have to
20 look at the whole context of the state. And if you're
21 thinking about which of the policies would make sense in
22 California, you have to think about them in the context
23 of overall policy environment there. But, clearly, some
24 of these policies have enabled Connecticut to do some
25 things more easily than they've been done in California.

1 state from other states. That's one way that some
2 states make that possible. There are other ways.

3 Some states will grant a reciprocal license to
4 graduates from other states who have come from an
5 NCATE-accredited university. So having the Praxis test
6 is not the only way to facilitate that.

7 Q. Do you think California is an import state or
8 an export state?

9 A. Right now it's probably not an import state.
10 But to the extent that California wants to have access
11 to a broader range of -- it gets relatively few of its
12 teachers from out of state (about 5,000 a year). But to
13 the extent that it wanted to be able to have access to
14 more teachers, it would need to become more of an import
15 state.

16 MS. READ-SPANGLER: Do you want to take a
17 break?

18 THE WITNESS: When Valerie's at a good --

19 MS. KOURY: Vanessa.

20 THE WITNESS: I'm sorry. Vanessa.

21 MS. KOURY: That's okay. Considering what I
22 did to John's last name.

23 Q. (By Ms. Koury) Could you tell me what aspects
24 of Minnesota's system that you think California should
25 consider? Keeping in mind that we're discussing in

1 particular the lack of accountability for ensuring the
2 hiring of qualified teachers when they're available.

3 A. I'm going to review what I said about
4 Minnesota before I answer that question.

5 Q. In particular you're reviewing the second
6 paragraph on page 70?

7 A. Mm-hm.

8 MR. AFFELDT: By the way, that's N-C-A-T-E.
9 She said NCATE in her answer.

10 THE WITNESS: Okay. I think that the way in
11 which Minnesota has a system for districts filing annual
12 reports and the state has a system for following up with
13 districts on the basis of their annual reports is a
14 useful system that ought to be considered. I think that
15 the way in which both Minnesota and Connecticut handle
16 requests for exceptions to the licensing rules on a
17 case-by-case basis, which is common in most states, is
18 a -- an important way to handle the question about
19 waiving state certification requirements.

20 It might seem to California difficult to
21 imagine doing that on a individual person-by-person
22 basis at this point because of the extent to which
23 wholesale waivers have been granted. But it ought to be
24 a goal for at least those districts where there have
25 been continuous problems to ensure that the law is

1 make a demonstration that when vacancies are filled by
2 teachers who are not fully qualified, that they have
3 made adequate efforts towards recruitment and that no
4 hireable better-qualified teachers were available to
5 take those positions.

6 And by hireable, I mean to suggest that (as is
7 the case in other states) if a person has a credential
8 but has bad job references, for example, or, you know,
9 was in some way inadequate, that that does -- would not
10 mean they would have to be hired, that that would be a
11 basis for not having to hire a person just because they
12 have a credential, but that a system like those in place
13 in the states we've just talked about ought to be put in
14 place so that that kind of determination can be made and
15 that kind of enforcement can be pursued.

16 Q. On page 80 of your report, if you would please
17 flip to that page. Under the paragraph numbered 2 ...

18 A. Mm-hm.

19 Q. It states:

20 "Expand investigatory power and capacity
21 of appropriate state agencies to enforce the
22 state's credentialing standards and prevent
23 the hiring of uncredentialed teachers where
24 qualified, credentialed teachers are
25 available."

1 enforced with respect to the hiring of teachers in the
2 order by which their credentials are ranked -- that is,
3 the most qualified teachers before the less qualified
4 teachers.

5 Q. In your opinion, does California have a system
6 for filing an annual report with respect to applications
7 for emergency permits and waiver and a system of
8 following up with those reports?

9 A. Reports are filed requesting waivers, if
10 that's what you're referring to. But there does not
11 seem to be a very well-developed system for following up
12 to be sure that the most qualified teachers are hired
13 and that teachers who are underqualified are making
14 progress towards their credentials or leaving when more
15 qualified teachers are available.

16 Q. What kind of follow up, in your opinion, is
17 necessary by California or by the CCTC with respect to
18 this particular issue?

19 A. This particular issue being?

20 Q. Following up with applications by the
21 districts for emergency permits and waivers.

22 A. I think there ought to be a review -- I talk
23 about this in my report, so I want to, first, reference
24 that the report is -- does treat this issue. And what I
25 think is required is a system by which districts would

1 Is it still your opinion today that that's
2 something you think is necessary for California?

3 A. Yes.

4 Q. And as far as you know, that's not the current
5 affair of things?

6 In other words, as far as you know, the CCTC
7 doesn't have that authority right now?

8 A. Does not have adequate -- well, what my
9 statement here says is "investigatory power and
10 capacity ... to enforce." And I still -- that is still
11 my belief. I also refer here to "appropriate state
12 agencies," which might go beyond the CCTC, depending on
13 how it was configured.

14 Q. This is a good breaking point if you want to
15 take a 10-minute break.

16 A. Good. I was just kind of thinking that.

17 (Whereupon, a break from 2:54 to
18 3:10 was taken.)

19 MS. KOURY: Q. Would you please turn to
20 page 80 of your report?

21 A. Okay.

22 Q. And --

23 A. I have a version that has two page 78's.

24 MR. HILL: Mine does too.

25 THE WITNESS: But it's okay because there's a

1 79 and there's an 80.

2 MS. KOURY: I actually did my own copying, and
3 I only have myself to blame.

4 Q. (By Ms. Koury) Is there a page 80?

5 A. Yes, there is.

6 Q. Okay. Great. If you could read the paragraph
7 that starts at the -- sort of the middle of the page,
8 "as other states do, require all districts applying for
9 emergency permits and waivers to demonstrate that" and
10 just let me when you've had an opportunity to read it.

11 A. Okay.

12 Q. Is this still your opinion today?

13 A. Yes.

14 Q. And do you think that California should adopt
15 the recommendations that you set forth in this
16 paragraph?

17 A. I -- yes, in the context of the broader set of
18 recommendations that I make. I would not allege that
19 any single recommendation would in and of itself be
20 sufficient.

21 Q. Leaving aside the third point that you make in
22 this paragraph, which is actually numbered 3, leaving
23 that sentence aside, do you know -- are you aware of
24 anything that the state is doing with respect to the
25 first and second items that you list, which, for the

1 "... there are no certified individuals in
2 this field currently holding non-teaching
3 positions in the district who could be
4 reassigned in lieu of hiring an uncredentialed
5 teacher."

6 Is this still your opinion?

7 A. Yes.

8 Q. What do you mean by "certified individuals ...
9 holding non-teaching positions in the district"?

10 A. There are many credentialed -- people who are
11 credentialed as teachers who hold nonteaching positions
12 in -- and that can sometimes reach a fairly sizable
13 proportion of the total staff in a district.

14 Q. What do you base that opinion on?

15 A. Statistics I've seen about the assignment of
16 individuals in -- in districts.

17 Q. And that's specific to California school
18 districts?

19 A. California and other, yes. So who would that
20 be?

21 Q. No. That wasn't my question, but could you
22 identify the statistics you're referring with respect to
23 California school districts?

24 A. I'm thinking there are two kinds of statistics
25 that I've seen. There are statistics at the district

1 record, are requiring:

2 "... districts applying for emergency
3 permits and waivers to demonstrate ... an
4 adequate search has been conducted [and that]
5 there are no suitable, qualified individuals
6 who have applied for the position"

7 A. And the question is ...

8 Q. Are you aware of anything that the state is
9 doing with respect to those two items?

10 A. The state as a whole, including the
11 legislature and so on, has been -- there is some
12 legislation that I cite earlier that aims in this
13 general direction.

14 Q. Which legislation are you referring to?

15 A. I can't remember the statute number, AB
16 something-or-other, but it is a statute that requires
17 districts to hire teachers in the order of
18 qualifications, and it presumes that -- its intention is
19 that districts would not hire, for example, a teacher on
20 a waiver if there was a credentialed individual who had
21 applied for the position who is suitable. So the state
22 has done some things aiming at this idea. AB 471.

23 Q. With respect to the third item listed in this
24 paragraph, that a district applying for emergency
25 permits and waivers must show that, quote:

1 level that I've seen for a number of statistics that
2 show the -- sometimes it's called certificated staff,
3 that include people assigned to administrative and
4 supervisory and teaching and other positions that
5 include credentialed teachers who are assigned to
6 nonteaching positions. And then there are some state
7 data that show total numbers of staff and staff assigned
8 to particular categories, including teaching and
9 nonteaching positions.

10 Q. What do you mean by could be reassigned?

11 A. A -- for example, a credentialed science
12 teacher who is assigned not in the classroom but to
13 administer a program or to serve in a nonteaching
14 capacity as a assistant principal, a program monitor, a
15 curriculum developer, could be reassigned as a classroom
16 teacher in lieu of hiring an uncredentialed teacher.

17 Q. How do you propose that they be reassigned?

18 A. I'm not sure I understand your question.

19 Q. Presumably, that person is choosing to act as
20 a program monitor or as an assistant principal. So how
21 do you suggest that the school districts or the state
22 reassign them as a teacher?

23 A. School districts have the authority to decide
24 what kinds of positions they will have and what kinds of
25 situations staff will be in.

1 For example, I know I did a study in San Diego
2 recently. Large numbers of central-office personnel
3 were reassigned to school-level and classroom-based
4 teaching positions as part of the management decisions
5 of the district that can be done.

6 Q. Is that forced reassignment then?

7 A. I don't know if you would call it forced
8 reassignment. I don't know that they called it that.

9 Q. In your study of the San Diego school
10 district, were the persons that were in nonteaching
11 positions given the option to either take a teaching
12 position and/or quit?

13 A. I don't know -- they were given -- yeah, I
14 mean, obviously, you always have the option to quit.

15 Q. Right. So far, yeah.

16 A. But they were -- yeah, they were given options
17 about whether to take positions to which they were to be
18 reassigned. There -- there were, in some cases, some
19 choices among positions to be posted. But the districts
20 have the authority to say, We're going to have X-number
21 of people in these positions and X-number of people in
22 those positions and to make decisions about the
23 assignment of personnel.

24 Q. The San Diego school district study that you
25 referred to, how would I go about finding that document,

1 teaching positions, some of which might have been other
2 school-level positions.

3 My general point is that it is possible for
4 districts to reassign staff, and that's just one
5 example.

6 Q. Do you have an opinion as to whether
7 California should have a law mandating districts to
8 impose this type of reassignment procedure?

9 A. I don't know that -- I don't have an opinion
10 that that's the -- an essential thing to do. It's one
11 idea to create incentives for districts to seek out,
12 recruit aggressively, and higher qualified people, but
13 it's not the only thing or necessarily the most
14 important thing that a district would do.

15 Q. Do you know whether any other school districts
16 other than the San Diego district has imposed these type
17 of reassignment procedures?

18 A. Lots of districts do reassignments at various
19 points in time for various purposes. It's not an
20 unusual thing to do.

21 Q. With respect to asking persons that are
22 holding nonteaching positions to teach?

23 A. In the 30 years I've been in education,
24 there's been various periods of budget cuts and staffing
25 changes and so on. I've seen lots of districts do a

1 that study?

2 A. There are lots of documents that resulted from
3 the study of a number of folks in there. There's one
4 report that is available in draft form that I'm a
5 co-author on that is probably on the web site of the
6 Center for the Study of Teaching and Policy, which is at
7 the University of Washington. And it's just been
8 reviewed and is about to be revised and finalized.

9 There are other studies that have been done by
10 other members of the Center for the Study of Teaching.
11 There are other reports that had been issued as well
12 about the San Diego reforms that are probably available
13 on that same web site by individuals such as Milbrey
14 McLaughlin [PHONETIC] and Amy Hightower, if you're
15 looking for authors.

16 Q. In San Diego do you know how many positions
17 they reassigned?

18 A. I don't have the exact number, but it was a
19 substantial number.

20 Q. Estimate? More than five?

21 A. Yeah. More than a hundred.

22 Q. In other words, they reassigned persons
23 holding nonteaching positions to over a hundred teaching
24 positions in that school district?

25 A. To other positions, some of which were

1 variety of kinds of reassignments to -- of individuals
2 who were teachers back to teaching positions or of
3 individuals from central offices to schools or across
4 different categories.

5 Q. Could you review the next paragraph on that
6 page where it starts "Monitor the Annual Teacher
7 qualification index" and just let me know when you've
8 had an opportunity.

9 A. Okay.

10 Q. Is that still your opinion?

11 A. Yes.

12 Q. And it's still your opinion that the state of
13 California should consider doing this?

14 A. Yes. That it should be considered, yes.

15 Q. Are you aware of anything that the state is
16 doing in this regard?

17 In other words, here in this paragraph you
18 state that -- that the state -- that:

19 "For schools and districts that exceed the
20 maximum aggregate level of underqualified
21 teachers, the State should impose closer
22 scrutiny, including independent verification
23 of facts regarding reasons for the
24 unavailability of credentialed teachers,
25 before approving any emergency permits,

1 waivers, or pre-internships."
 2 Are you aware of anything that the state is
 3 doing in this regard?
 4 A. The -- for school districts that have large
 5 numbers of underqualified teachers, the state has
 6 authorized through legislation and implemented through
 7 the FCMAT agency an audit procedure for imposing closer
 8 scrutiny on districts that have large numbers of
 9 underqualified teachers. I am not aware of any efforts
 10 that the state has made to evaluate reasons --
 11 independent verification of the facts regarding reasons
 12 for the unavailability of credentialed teachers before
 13 approving emergency permits, waivers or pre-internships.
 14 Q. The legislation that you just referred to,
 15 with respect to FCMAT, do you know when that was passed?
 16 A. In the last few years.
 17 Q. Is that discussed in your report?
 18 A. The FCMAT reports are discussed in my report.
 19 Q. But that particular issue that you raised with
 20 respect to the legislation for FCMAT to review this in
 21 this regard, is that in your report?
 22 A. I'm not sure if I mentioned the specific
 23 legislation.
 24 Q. What do you mean by -- in this paragraph, what
 25 do you mean by, quote, exceed the maximum aggregate

1 that employ 20 percent or more of its staff on emergency
 2 permits for four years, would that be an appropriate
 3 standard to use in determining which districts exceed
 4 maximum aggregate level of underqualified teachers?
 5 A. Yes. I specify on page 79 that I think that
 6 would be appropriate in the short run while a
 7 comprehensive remedy is being implemented. Ultimately,
 8 the standard should be more rigorous than that.
 9 Q. Meaning what?
 10 A. Meaning that the -- as I propose elsewhere,
 11 the state ought to be setting a goal to eliminate
 12 emergency permits and waivers and to move teachers, you
 13 know, fully into preliminary and clear credential
 14 status.
 15 Q. What do you mean by, quote, including
 16 independent verification of facts regarding reasons for
 17 the unavailability of credentialed teachers, end quote,
 18 in the second-to-last paragraph of page 80?
 19 A. Earlier I referenced the statements that Sam
 20 Swofford, the director of the CCTC, made about the fact
 21 that the CCTC takes district attestations on face value
 22 about their hiring practices and outcomes. So by
 23 "independent verification of facts," I mean a
 24 verification by an agency other than the district, which
 25 might include the CCTC or it might include the

1 level of underqualified teachers?
 2 A. There is no maximum aggregate level right now,
 3 but I proposed earlier on page 79 some potential
 4 benchmarks that could be used, and those benchmarks are
 5 stated under No. 1 on page 79. The first of those is --
 6 these are short-run kinds of benchmarks that could be
 7 considered. First says that:
 8 "No school (or track in schools with
 9 year-round multi-track schedules) should be
 10 allowed to have more than 20 percent of its
 11 teachers lacking full preliminary or clear
 12 certification."
 13 That would -- and then the second point says:
 14 "Low-performing schools should be
 15 prohibited from having more than the state
 16 average proportion of teachers without
 17 preliminary or clear credentials."
 18 Then on the third point on the top of page 80,
 19 I suggest that there ought to be required evidence of
 20 annual progress using a Teacher Qualifications Index.
 21 So, those standards are the ones I refer to when I later
 22 talk about the maximum aggregate level of underqualified
 23 teachers.
 24 Q. If the state or in particular the -- actually,
 25 if the state paid closer scrutiny to those districts

1 Department of Education or FCMAT, depending on what
 2 agency was given responsibility of doing that.
 3 Q. Would you be a proponent of having the state,
 4 whether it be the CCTC or some other agency, review the
 5 districts' recruitment efforts to make certain that they
 6 were sufficient in terms of reviewing, for example,
 7 their efforts to post job positions, attend job fairs,
 8 and et cetera?
 9 A. I think that would be not an unreasonable
 10 thing to do, but the slip between a couple and the --
 11 the slip between the cup and the lip -- that is to say,
 12 the implementation problems usually occur
 13 post-recruitment, although recruitment can be part of it
 14 in the hiring procedures: when people are hired, how
 15 expeditiously they're hired, et cetera. And so, those
 16 would be the areas where I think scrutiny would be
 17 important.
 18 Q. If the state followed up with targeted
 19 districts, who, for example, employ 20 percent or more
 20 of its staff on emergency permits for four years in a
 21 row to determine if they improved the number
 22 credentialed teachers, do you think that that would be
 23 an adequate step in implementing some sort of
 24 independent verification?
 25 MR. AFFELDT: Objection. Vague and ambiguous

1 as to "adequate."
 2 THE WITNESS: Should I go ahead and answer?
 3 MS. KOURY: Q. Yes.
 4 A. I think it would be a useful thing for the
 5 state to do, to be following up with those districts,
 6 absolutely.
 7 Q. On page 80, could you review the last
 8 paragraph that continues on to the top of page 81 and
 9 just let me know when you've had an opportunity to do
 10 so?
 11 A. Okay.
 12 Q. Is it still your opinion that the state
 13 should:
 14 "Conduct a full and complete state audit
 15 of school hiring needs and district hiring
 16 policies in schools or districts that
 17 repeatedly hire large numbers of
 18 underqualified teachers"?
 19 A. Yes.
 20 Q. Are you aware of anything the state is doing
 21 in this regard other than what you've already testified
 22 to?
 23 A. Well, in terms of what I go on to say later in
 24 the paper, which I may not yet have testified to, there
 25 is a set of audits that are conducted by FCMAT. But as

1 I note, there appears not to be a clear follow-up
 2 mechanism for those audits.
 3 Q. You just referenced what you go on later to
 4 say in your report. Are you referring to FCMAT?
 5 A. Yeah. In the -- in the subsequent sentences.
 6 Q. Okay. Are you familiar with SB837?
 7 A. I might be, but I don't know it by that
 8 number.
 9 Q. Okay.
 10 A. If I do know it.
 11 Q. Could you turn to page 53 of your report? On
 12 page 53, in the first full paragraph, you state that:
 13 "Teachers prepared for teaching in
 14 California often leave the state or enter
 15 other careers when they confront the realities
 16 of salaries and working conditions, and
 17 attrition rates appear to be higher in
 18 California than elsewhere in the nation."
 19 With respect to the last portion of the
 20 sentence, "attrition rates appear to be higher in
 21 California than elsewhere in the nation," what does that
 22 mean?
 23 A. Teachers' rates of leaving teaching is what I
 24 mean by attrition rates.
 25 Q. That California teachers trained in -- I'm

1 sorry.
 2 That California-trained teachers leave at a
 3 higher rate in California than other -- let me rephrase
 4 that.
 5 A. Who's leaving? Is that the question?
 6 Q. Yes.
 7 A. Teachers who teach in California (they may or
 8 may not have been trained in California) --
 9 Q. Thank you.
 10 A. -- appear to be higher -- appear to be leaving
 11 teaching (that is what I mean by attrition rates) at
 12 higher rates than elsewhere in the nation.
 13 Q. And what's the source for that conclusion?
 14 A. I go on to describe a study by Mark Fetler.
 15 Let me see if I can find it here.
 16 At the bottom of that page, I compare:
 17 "National data from the Schools and
 18 Staffing Teacher Follow-up Surveys
 19 suggest[ing] ... about 30 percent of beginning
 20 teachers leave teaching within five years,
 21 [and] survival rate data through 1995
 22 indicated that about 40 percent of
 23 California's beginning teachers leave within
 24 that time frame."
 25 Q. And that's referring to the Fetler report?

1 A. Yes.
 2 Q. Do you know whether the CCTC has any
 3 statistical data on this issue?
 4 A. On the issue of attrition?
 5 Q. Yes. Of teachers in California.
 6 A. I mentioned earlier that I recently saw a --
 7 something on the CCTC web site that had some data about
 8 attrition, that was measuring attrition on the basis of
 9 whether a teacher's records disappeared from the State
 10 Teacher Retirement System database. And as I mentioned
 11 earlier, I don't think that's very accurate, a very
 12 accurate measure of attrition.
 13 Q. Is that the only --
 14 A. That's the only thing I have seen more
 15 recently than what I've cited in this report about
 16 teacher attrition from the CCTC.
 17 Q. What about statistical data from the
 18 California Employment Development Department; have you
 19 reviewed any information --
 20 A. I have not reviewed that, and I'd have to see
 21 it to know.
 22 Q. And any information from the Public
 23 Policy Institute of California?
 24 A. I've looked at several reports of PPIC. If
 25 there's a particular report, I'd have to be refreshed in

1 my memory about that.

2 Q. In drawing this conclusion about California's
3 attrition rate as articulated on page 53, did you look
4 at or review -- or rely on the PPIC --

5 A. I did not for the statement, obviously, or I
6 would have cited them.

7 MR. AFFELDT: Just have to make sure that
8 Miss Koury is allowed to finish her question.

9 THE WITNESS: I'm sorry. I'm getting tired.

10 MS. KOURY: Q. The next sentence reads that:

11 "Based on several sources of data, a
12 reasonable estimate of current entry rates of
13 California-trained teachers into California
14 schools is between 70 and 85 percent, a figure
15 that is similar to entry rates for individuals
16 graduating from teacher education programs
17 nationally."

18 And you cite -- you have a footnote at the end
19 of that sentence, but it's unclear to me -- well, let me
20 ask you this: What are the sources of data that you
21 used to come up with this estimate?

22 A. Well, the sources are listed in Footnote 42,
23 and they include a CCTC study in 1999 which found that
24 more than 90 percent of graduates from California
25 institutions sought jobs, and of these, more than

1 that you just listed are accurate?

2 A. Well, all these numbers are estimates based on
3 various data points, and so I have no reason to believe
4 they are --

5 Q. Not accurate?

6 A. -- not accurate. There are -- there's another
7 estimate that has come out more recently from the CSU
8 study that that's cited here that suggest that the rate
9 of entry might be even a little higher for CSU
10 graduates.

11 Q. With respect to the CCTC (1999) survey that
12 you cited, how did you obtain that document?

13 A. Oh, I don't remember.

14 Q. It provides statistical data on the rate of
15 entry of California-trained teachers; is that correct?

16 A. Yes.

17 Q. And why did you rely on that document?

18 A. It was available, and understanding that these
19 are -- and it seemed like it was a reasonable piece of
20 work. And understanding that these are all estimates, I
21 looked at several studies in order to get a sense of the
22 range of estimates, which is what one does in cases like
23 this.

24 Q. Do you know if the CCTC generally gathers this
25 type of information?

1 90 percent took jobs in teaching, which would give a
2 rate that was somewhere in the vicinity of 80 or
3 85 percent of the total, which was similar to that of an
4 earlier study by Tierney, Dennis Tierney, which I cite
5 there.

6 Then I note that the Legislative Analysts
7 Office estimated entry rates somewhat lowered, around
8 70 percent, which was the lower bound of the range I
9 mentioned above. And then I go on to suggest that these
10 are probably reasonable rates because they are
11 comparable to rates that are found elsewhere in the
12 nation, and I give those national data. But the 70 to
13 85 percent is based on the CCTC study and the Tierney
14 study.

15 Q. In other words, did you take an average of
16 those two studies -- the findings of those two studies
17 to come up with that rate?

18 MR. AFFELDT: Objection. Asked and answered.

19 MS. KOURY: Q. You can answer that.

20 A. No. I noted that one study estimated -- oh,
21 in the Legislative Analysts Office. I'm sorry. There
22 are three studies, and those studies provide estimates
23 that range between about 70 and 85 percent, and I stated
24 that range.

25 Q. Do you know whether the numbers in the sources

1 A. My understanding is that they have
2 periodically funded studies, survey-based studies, but
3 that they don't do this on an annual basis.

4 Q. Have you made any efforts to determine whether
5 the CCTC has anymore or has any recent information
6 regarding the entry rate of California-trained teachers?

7 A. Yes. This was the most recent study available
8 from the CCTC through the time I completed this report.

9 Q. Which was when?

10 A. This was published in 1999, and my report was
11 completed in 2002 -- early 2002.

12 Q. You indicate that the CCTC's 1999 survey
13 response rate was low. Did you investigate to see why
14 that was? Or do you know why that was? I'm sorry.

15 A. A lot of these kinds of surveys don't have --
16 that is, surveys of recent graduates from teacher
17 education institutions, that kind of thing -- unless it
18 comes from the district or the teacher education
19 institution itself, often have relatively low response
20 rates because it's hard to track people down and hard to
21 get them to respond. And often state agencies don't
22 have a lot of money to do follow-up to track down
23 missing addresses and so on. So I assume it was some
24 combination of those kinds of factors.

25 Q. Assuming that -- actually ...

1 A. That's why I gave a range of estimates,
2 because each of the studies, you know, has its own
3 limitations.

4 Q. In the next sentence in the same paragraph,
5 your report states, quote:

6 "Among those who do not accept jobs in
7 California after they graduate, some unknown
8 number leave the state to teach elsewhere,
9 some pursue additional studies and enter
10 teaching later ... and some choose other
11 occupations altogether."

12 Leaving aside your comment regarding the
13 figure of nationally delayed entrants, what is the
14 source of your conclusion with respect to California
15 graduates?

16 A. I'm not sure I understand your question.

17 How do we know that this is what people who
18 don't accept teaching jobs would do?

19 Q. No. What is the source of your information
20 with respect to your comment that of:

21 "... those who do not accept jobs in
22 California after they graduate, some unknown
23 number leave the state to teach elsewhere,
24 some pursue additional studies and enter
25 teaching later ... and some choose other

1 or "do not accept jobs in California after they graduate
2 ... leave the state to teach elsewhere, some pursue
3 additional studies and enter teaching later ..., and
4 some choose other occupations altogether?"

5 A. The Boe et al., study is referencing the
6 specific statement that nationally delayed entrants
7 comprise almost one-third of new hires. And,
8 presumably, there are some teachers in California who
9 pursue additional studies and enter teaching later, like
10 that, although I'm not inferring a proportion that
11 necessarily will apply to California.

12 Q. In the next paragraph, your report states
13 that, quote:

14 "Survival rate data through 1995 indicated
15 that about 40 percent of California's
16 beginning teachers leave within that time
17 frame."

18 The time frame that you're referring to is
19 five years; is that correct?

20 A. I believe so, yes.

21 Q. You cite Fetler's 1997 report, "Where have all
22 the teachers gone?" Is that the only source of your
23 opinion here? I'm sorry. Let me rephrase that.

24 Is that the only basis for your opinion here?

25 A. That's the basis for that statement, for that

1 occupations altogether"?

2 A. Right. So those are all the choices that are
3 available. And I personally know individuals who have
4 done each of those three things as well as the fact that
5 most studies that look at, you know, teachers, look for
6 those -- if you're looking at the state labor market,
7 look at those three categories of choices that
8 individuals might make.

9 Q. So there's no particular reports that you were
10 relying on in --

11 A. No, nothing.

12 MR. AFFELDT: Other than those cited in the
13 report already.

14 THE WITNESS: Right.

15 MS. KOURY: Q. Meaning just cited, in
16 general, there's no particular reports that you would
17 identify to support that proposition?

18 MR. AFFELDT: Objection. The document speaks
19 for itself. She cites at least one report in the middle
20 of that sentence.

21 MS. KOURY: That's why I was asking the
22 question.

23 Q. (By Ms. Koury) This report that you cite in
24 the middle of that sentence, the Boe et al., 1998, does
25 that support your proposition that those that leave --

1 specific statement, yes.

2 Q. Why did you rely on the Fetler report for that
3 statement?

4 A. Because it was the only survival-rate study
5 that I could find, at that time, that looked across
6 cohorts. And I noted that the rate may have changed in
7 recent years, but no more-recent data were available to
8 me to evaluate that.

9 Q. Does the Fetler report survey teachers? Is it
10 a survey of teachers?

11 A. I don't remember the report. I think it was
12 a -- my recollection is that that was state record data,
13 where they were tracking cohorts of teacher records and
14 finding out how many people remained in the teaching --
15 in teaching positions rather than a survey.

16 Q. Do you know if the CCTC has any statistical
17 data on the attrition rate of beginning teachers --
18 meaning teachers who have just been teaching for one
19 year?

20 MR. AFFELDT: Objection. Asked and answered.

21 MS. KOURY: Q. I don't believe -- I mean, you
22 can still answer that.

23 A. They have data that I cited elsewhere about
24 the rates of -- we looked at this -- what they call
25 activity or nonactivity of permits, for example, for

1 emergency permit teachers, which allow you -- since
 2 people on emergency permits have to renew their permits
 3 annually, it's possible to know if they're still
 4 teaching in the state based on whether they renew their
 5 permit. I don't know that they have attrition-rate data
 6 other than that for all beginning teachers, including
 7 those who would not necessarily have to renew their
 8 permit annually.

9 Q. Assuming that the CCTC had a more recent
 10 report on teacher attrition rates for beginning
 11 teachers, would you have any reason to believe that that
 12 information would be inaccurate?

13 MR. AFFELDT: Objection. Lacks foundation.
 14 Calls for speculation.

15 MS. KOURY: Q. In your opinion as an expert?

16 A. We talked earlier about some data that I
 17 recently saw about --

18 Q. On the web site? I'm sorry.

19 A. Yes, on the web site, about attrition rates
 20 that I found potentially problematic because of the way
 21 it tried to guess who might have attrited from
 22 teaching. So it would depend on the report as to
 23 whether I would find it a useful indication of attrition
 24 rates or not.

25 Q. Next your report states that, quote, a rate --

1 And so based on -- what one will tend to do
 2 is, to figure out whether an attrition rate is likely
 3 increasing or decreasing, is to try to look at the
 4 composition of the teaching force in part as one of the
 5 ways to evaluate whether a attrition rate in a given
 6 time frame likely holds or has changed.

7 Q. You don't have any data, though, actually
 8 showing that the rate of attrition for new teachers in
 9 California has increased, do you?

10 A. I don't. Other than what's already cited that
 11 we've already discussed.

12 Q. And what did you mean by "unprepared teachers"
 13 in this sentence?

14 A. Teachers who have not had teacher education,
 15 preservice teacher education.

16 Q. Your report goes on to say:

17 "California data show that uncertified
 18 teachers leave at a very high rates -- about
 19 40 percent within the first year -- thus
 20 increasing the annual demand for replacement
 21 teachers and reducing the total supply."

22 Is that still your opinion?

23 A. Yes. As we've discussed, that is my opinion
 24 based on the statistics that I cited for that -- the
 25 sources I cited for that statistic.

1 well ... In the last full paragraph of page 53, your
 2 report states:

3 "Survival rate data through 1995 indicated
 4 that about 40 percent of California's
 5 beginning teachers leave within that time
 6 frame ..., a rate that may have increased in
 7 recent years with greater hiring of new
 8 teachers and individuals who are unprepared,
 9 groups that traditionally leave teaching at
 10 higher rates."

11 Looking only at the latter half of that
 12 sentence, starting with "a rate that may have increased
 13 in recent years," is that still your opinion?

14 A. Yes.

15 Q. And on what do you base that opinion?

16 A. There are a number of studies that have found
 17 that certain categories of teachers leave teaching at
 18 higher rates than others. Going back to work that was
 19 done at the RAND Corporation, looking at the U-shaped
 20 curve and teacher attrition -- or new teachers leave at
 21 higher rates than mid-career teachers who leave at lower
 22 rates than teachers who are retiring, and several kinds
 23 of studies that have found higher rates of attrition for
 24 individuals who are unprepared, some of which we have
 25 talked about already.

1 Q. And here you -- with respect to the term
 2 "uncertified teachers," what do you mean? Is that --

3 A. Uncredentialed. The same meaning as
 4 uncredentialed.

5 Q. And you would include intern credentials,
 6 pre-intern credentials, emergency permits and waivers;
 7 is that correct?

8 A. In this sentence, I'm referring to teachers on
 9 emergency permits or waivers.

10 Q. In the next paragraph, also on page 54, your
 11 report states, quote:

12 "Teachers and administrators in a number
 13 of schools attended by plaintiffs report
 14 turnover rates of 50 percent or more annually,
 15 causing great disruption to the educational
 16 process."

17 Other than the deposition testimony that you
 18 cite to, do you have any other source of data to support
 19 that opinion?

20 A. I cite to the testimony of those teachers and
 21 administrators. That's what I'm referring to.

22 Q. So there's no other data that you would turn
 23 to and say that that data supports the notion that the
 24 turnover rates are 50 percent or more annually?

25 MR. AFFELDT: In those schools?

1 MS. KOURY: Or in any school district -- let
2 me rephrase that.
3 THE WITNESS: The sentence means exactly what
4 it says, and I rely on the reports of teachers and
5 administrators that I cited.
6 MS. KOURY: Q. Okay. So what do you mean by
7 "in a number of schools" then? How many schools are you
8 referring to?
9 A. I don't recall the exact number, but there
10 were -- there were several, at least two of which I
11 quoted here.
12 Q. Other than the two schools which you've cited
13 to here, are there any other schools that are included
14 in this number of schools?
15 A. I, frankly, don't remember how many there
16 were.
17 Q. I'm sorry. I don't understand what you mean
18 by that.
19 Do you remember --
20 A. I reviewed a lot of -- I'm sorry. I didn't
21 mean to interrupt.
22 Q. That's okay.
23 A. I reviewed the testimony of a lot of teachers
24 and principals, and a number of them reported these kind
25 of turnover rates, but I do not remember the exact

1 number.
2 Q. If other teachers and principals reported a
3 turnover rate of 50 percent or more and you had reviewed
4 them, wouldn't you have cited them in your report?
5 A. Not necessarily. There's an overwhelming
6 amount of data and paper in this case. One has to make
7 some selection.
8 Q. The two deposition transcripts to which you
9 cite, these were not the only two deposition transcripts
10 that you reviewed in terms of supporting the conclusion
11 that you draw here?
12 A. I think I just stated that I reviewed a large
13 number of deposition transcripts.
14 MS. KOURY: Can we take our last break of the
15 day?
16 MR. AFFELDT: Sure.
17 THE WITNESS: Good idea. I'm really ready.
18 (Whereupon, a break from 3:57 to
19 4:11 was taken.)
20 MS. KOURY: Q. Could you turn to page 52 of
21 your report?
22 A. Okay.
23 Q. And looking at --
24 MR. JORDAN: 52?
25 MR. HILL: 52.

1 MS. KOURY: Q. First full paragraph of that
2 page, the third sentence down:
3 "Whereas there are about 300,000 K-12
4 teaching jobs in California, by one estimate
5 there are about 1.3 million individuals who
6 hold teaching credentials in the state."
7 And you cite in Footnote 37 personal
8 communication with Michael McKibbin, CCTC consultant.
9 A. Mm-hm.
10 Q. Could you tell me about that communication to
11 which you refer to?
12 A. What do you want to know about it?
13 Q. Well, why is it that you cite him with respect
14 to the finding that there is 1.3 million individuals who
15 hold teaching credentials in the state?
16 A. Why do I cite him? Because he said it. I'm
17 not sure I'm understanding the point of your ... He is
18 familiar with the credentialing system there. He was
19 present as a CCTC representative at a meeting of the
20 California Professional Development Task Force, which
21 was the context in which he made the statement about
22 1.3 million credentials in the database in -- in the
23 credentialing database.
24 Q. Did you contact him for purposes of learning
25 how many individuals in California hold teaching

1 credentials?
2 MR. AFFELDT: Objection. Asked and answered.
3 THE WITNESS: Yeah. I just answered that he
4 made that statement in a meeting.
5 MS. KOURY: Q. I'm sorry. I think I ...
6 A. A little tired.
7 Q. Thank you.
8 A. You could do the Coke and coffee thing.
9 Q. Do you know whether he had any documentation
10 to support that?
11 A. I don't know what his documentation was. I
12 assumed, because he is a -- someone who works with the
13 CCTC credentialing system (he was there representing the
14 CCTC), that he made an accurate statement about that.
15 Q. And I apologize if you already answered this,
16 but when was that meeting that he made this statement?
17 A. It would have been sometime in 2001, I
18 believe.
19 Q. Other than this communication, his verbal
20 communication in this regard, did you make any other
21 efforts to determine whether the CCTC had information --
22 A. I did -- I'm sorry about that.
23 Q. Go ahead.
24 A. I did. My research assistant called the CCTC
25 to see if they had a formal report that stated the size

1 of the credentialing pool. The individual she spoke to
2 said that they were not aware of any such report. And
3 she -- and in the course of the conversation, my
4 research assistant stated that she had gotten that -- or
5 I had gotten that statistic in a meeting from Mike
6 McKibbin, and the person she spoke to said, Well, he
7 ought to know.

8 Q. And when was that?

9 A. When was that?

10 Q. Yes.

11 A. Sometime in the last year. I would have to
12 get the exact dates from her notes.

13 Q. With respect to your other statement -- or
14 your statement in that same paragraph, quote:

15 "Some of these individuals who prepared to
16 teach and never entered teaching in the state,
17 entering other careers or going to other
18 states to teach" -- I think I missed --
19 misread that.

20 "Some of these are individuals who
21 prepared to teach and never entered teaching
22 in the state, entering other careers or going
23 to other states to teach. Many of these are
24 individuals who taught in California and left
25 teaching."

1 minimal standard for a school that can
2 function even at" --

3 MR. AFFELDT: Rudimentary.

4 MS. KOURY: Thank you. "... level of
5 professional responsibility for planning and oversight
6 of practice."

7 Is this still your opinion?

8 A. Yes.

9 Q. And with respect to the sentence starting:

10 "This is far from a constitutional
11 standard -- which would require all students
12 in public schools to have full access to
13 teachers who meet the state's standards for
14 professional teaching credentials ..., " is
15 that still your opinion, that phrase?

16 A. Yes.

17 Q. What do you base that opinion on?

18 A. We talked about this earlier, and my answer is
19 the same, that I understand the constitutional standard
20 to be the state's requirement to provide a uniform
21 system of public schools and to provide equal access.
22 And so, the access to teachers who meet the state
23 standards for professional teaching credentials ought to
24 be full and equal.

25 Q. Have you had any conversations with any of the

1 Do you have any -- what do you base this
2 opinion on?

3 A. On the fact that those are the destinations
4 that teachers would have and that we know that some
5 people who prepare to teach never enter teaching in the
6 state based on the other documents we cited and talked
7 about earlier. We -- I know personally that there are
8 people who prepare to teach and enter other careers or
9 go to other states to teach.

10 Q. But there isn't any specific data that you're
11 referring to with respect to this opinion?

12 A. No. And I'm not quantifying those
13 proportions.

14 Q. Could you turn to page 79 of your report?

15 A. Mm-hm.

16 Q. In the second-to-last paragraph on that page
17 where you state, quote:

18 "No school ... should be allowed to have
19 more than 20 percent of its teacher lacking
20 full preliminary or clear certification. This
21 is far from the constitutional standard --
22 which would require all students in public
23 schools to have full access to teachers who
24 meet the state standards for professional
25 teaching credentials -- but has proposed as a

1 other experts in this case regarding what the
2 constitutional standard requires?

3 A. Not -- not in a specific way.

4 Q. How about in general terms?

5 A. We've had -- I'd had conversations with some
6 people. I'm remembering a conversation at the meeting
7 we discussed yesterday where a number of California
8 researchers were assembled -- some of whom have become
9 experts, but I don't know all of the people who were on
10 that list -- where we talked about what the standard
11 ought to be, but we did not -- what the standard would
12 be for the state's efforts, but we did not talk about it
13 in terms of what a constitutional standard would be.

14 Q. What was said in terms of what the standard
15 ought to be for the state's efforts?

16 A. I don't remember the full conversation, but I
17 do remember some discussion about whether a percentage
18 of teachers ought to meet the credentialing
19 requirements, some of that conversation focusing on the
20 findings in the SRI reports that -- and others that
21 there are some schools with very high proportions of
22 teachers without credentials that make the school even
23 more dysfunctional than the dysfunction in an individual
24 classroom. So that was part of the conversation.

25 Q. What percentage, if any, of teachers ought to

1 meet credentialing requirements?
2 A. I believe a hundred percent ought to, as they
3 do in law and medicine and other licensed professions.

4 Q. Do you believe that that's the -- what the
5 constitutional standard should be, a hundred percent --
6 or is?

7 MR. AFFELDT: Objection to the extent it calls
8 for a legal conclusion.

9 You may answer.

10 THE WITNESS: What I state here is that I
11 believe the standard requires all students to have full
12 access to teachers who meet the state's standards.

13 MS. KOURY: Q. In your opinion, is that the
14 same as a hundred percent of teachers ought to meet the
15 credentialing requirements?

16 A. Yes. I believe that that is what ought --
17 what a state ought to be striving to accomplish.

18 Q. To the extent that your opinion, as
19 articulated on page 79, says that no school should be
20 allowed to have more than 20 percent of teachers lacking
21 full preliminary or a clear certification, is that
22 something, then, that you think should be just an
23 interim standard?

24 A. Yes, I -- that's exactly right.

25 Q. Would you put you a time frame on how long

1 But it's a -- it's a useful benchmark given the research
2 that's been done that clearly shows that dysfunction
3 above that level.

4 Q. The SRI research that you refer to, is that
5 cited in your report?

6 A. Yes, it is.

7 Q. Assuming there were a standard where every
8 school had no more than 20 percent of teachers without
9 full or preliminary certification, that wouldn't
10 guarantee that every student would actually have
11 80 percent of its teachers on full credentials; is that
12 right?

13 A. That would not guarantee is what you're
14 saying?

15 Q. Correct.

16 A. Right. Particularly assuming that there was
17 continued inequality in the allocation of teachers to
18 students within schools, that can still be a problem.

19 Q. You'd still have one student -- although
20 they're attending a school with 80 percent of its
21 teachers having full credentials, you could still have
22 one student that happens to have a bad luck and hit that
23 20 percent time and time again; is that correct?

24 A. Absolutely. In an elementary school, you
25 could have 20 percent of the students being taught all

1 that should be the standard?

2 A. I wouldn't put a specific time frame, because
3 all these things are, you know, relevant to what gets
4 worked out in a moment in time and what the situation
5 is. In the -- I -- I would, however, say that I agree
6 with the conclusion in the California Professional
7 Development Task Force report that the state ought to be
8 able to eliminate emergency permits and waivers without
9 diluting the credentialing standard, by the way, within
10 five years.

11 Q. How did you arrive at this percentage for the
12 interim standard that no more than to percent of a
13 school's teachers should lack full preliminary or clear
14 certification?

15 A. It -- it's a very approximate kind of measure
16 based in part on the research of some researchers at
17 SRI in particular that looked at the effects of having
18 more than 20 percent of teachers lacking full training
19 as a teacher and identified the dysfunctions that occur.
20 From their perspective -- and I think they've done a lot
21 of research in California on the teaching question --
22 that begins to be a kind of tipping point.

23 But I would certainly add that there is
24 nothing magic about 20 percent. 19 percent would also
25 be a lot of teachers without preparation, or 18 percent.

1 year long by the 20 percent of the teachers who are
2 uncredentialed.

3 The purpose for the criterion, however, is to
4 also take into account that in schools where you have
5 too many teachers without training, you also lack
6 mentors and you lack supervisors and you lack people who
7 can be supportive of other teachers, insufficient
8 numbers.

9 Q. In the next paragraph on page 79, it states:

10 "Low-performing schools should be
11 prohibited from having more than the state
12 average proportion of teachers without
13 preliminary or clear credentials."

14 What do you mean by that, "more than the state
15 average proportion of teachers"?

16 A. Whatever that state average proportion is. If
17 that criterion were to pertain currently, it would be
18 about 14 percent.

19 Q. And how did you arrive -- or what do you base
20 this opinion on?

21 A. That low-performing schools, there ought to be
22 a special effort made -- particularly given the
23 accountability system in the state -- to make it an
24 accountability system. A special effort ought to be to
25 made to be sure that low-performing schools do not have

1 underprepared teachers.

2 I mention in my paper that in New York State,
3 the schools that are assigned to what's called the
4 "Schools Under Registration Review," or SURR program,
5 are no longer permitted to hire uncredentialed teachers.
6 Because if the state is trying to improve the
7 achievement of students in those schools, they have a
8 special responsibility to make sure that those
9 students -- that those schools have -- hire prepared
10 teachers and those students have such teachers.

11 So here I'm suggesting those schools deserve a
12 more rigorous standard rather than a less rigorous
13 standard for their hiring.

14 Q. Are you aware of any special efforts by the
15 state to ensure that low-performing schools do not have
16 high levels of underqualified teachers?

17 A. There have been some -- pieces of state
18 legislation have tried to enable low-performing schools
19 to hire -- to access and hire more qualified teachers.
20 Some of those have been helpful, although not all of
21 them have been continued with the budget cuts.

22 Q. Are those discussed in your report?

23 A. Yes, they are.

24 Q. Are there any other state efforts that are not
25 discussed in your report that you're aware of in this

1 ideas in the report.

2 The main point I'm making here is that the
3 prohibition here should be accompanied by the incentives
4 and supports.

5 Q. Have you attempted to determine how much, in
6 terms of dollar amounts, it would cost the state in
7 order to implement a prohibition that you just
8 articulated -- in other words, to couple a prohibition
9 with incentives and subsidies?

10 A. I haven't developed a single number for that.
11 There are some elements of what I discuss here that I
12 give examples of methods for costing out. But the
13 answer to that would depend on how the state decided to
14 approach the problem, with what combination of
15 incentives, under -- under what circumstances.

16 Q. Could you point me to where in your report
17 that you give examples of that with respect to
18 quantifying the amount of implementing such prohibition?

19 You just articulated that you attempt to give
20 examples of that in your report -- in other words, of
21 how much that would cost. Is that accurate?

22 A. Not -- not that with respect to the
23 prohibition clause. In particular I said I give
24 examples in the report of some of the kinds of
25 incentives that I discuss of how you could cost them

1 regard?

2 A. None that come to mind at the moment.

3 Q. How would you propose that the state went
4 about prohibiting low-performing schools from having
5 more than the state average of teachers without
6 preliminary or clear credentials?

7 A. I'm not sure I understand your question. How
8 does the state prohibit something?

9 Q. Yes. How would you propose that the state go
10 about prohibiting?

11 A. I would propose that they do it much in the
12 way that New York did when they made a similar
13 prohibition or Connecticut did when they eliminated
14 emergency credentials, which is to couple the
15 prohibition, the legal prohibition, with supports and
16 incentives that enable schools and districts to recruit,
17 attract and retain those teachers. So, a two-prong
18 strategy that couples the -- the prohibition with
19 subsidies that -- on a larger scale than currently
20 exists for fully prepared teachers to receive free or
21 reduced-price teacher education; that they go into
22 low-performing schools that require -- that provide
23 additional incentives like the Teachers as a Priority
24 program did for hiring and retaining credentialed
25 teachers in those schools and so on. So I detail those

1 out.

2 Q. Can you point me to where that is in your
3 report?

4 A. There is a place where I give an example of
5 what it would cost to ... Page 84 is one example.
6 Page 83 is another example. Flip to 83 first.

7 If part of what the state was doing was to try
8 to increase teacher salaries, Footnote 65 simply
9 describes how you could estimate the costs of an
10 increase of a particular amount in teacher salaries. On
11 page 66 -- on page 84 in Footnote 66, I give an estimate
12 for the programs that provide subsidies for preparation
13 for teachers who agree to teach in hard-to-staff or
14 underperforming schools. And I give an example of what
15 it would cost to expand that set of subsidies.

16 Q. With respect to Footnote 65 in the example you
17 provide there, how did you derive that estimate that:

18 "An average increase of 5,000 in teacher
19 salaries for new hires would cost the state
20 about 125 million annually"?

21 Actually, let me rephrase that question.

22 How did you derive the estimate that an
23 increase in 5,000 in teacher salaries, in your opinion,
24 is necessary for new hires?

25 A. I didn't --

1 Q. Or I'm sorry. Is it your opinion that -- let
2 me start over.

3 MR. JORDAN: One at a time.

4 THE WITNESS: We're both so tired we're going
5 to be rolling out of here.

6 MS. KOURY: Q. Why do you estimate that an
7 average increase of 5,000 in teacher salaries should be
8 implemented for new hires?

9 A. I don't advocate that particular amount. I
10 simply give the example that if one wanted to increase
11 salaries, this is a way to make an estimate of the cost.

12 Q. Do you think that an increase of 5,000 in
13 teachers salaries would be effective in hiring new fully
14 credentialed teachers?

15 A. In some places, it's not needed, because in
16 large numbers of districts in the state, they're able to
17 hire fully credentialed teachers. In other places, it's
18 might be needed if that's the reason for the failure to
19 hire uncredentialed teachers.

20 As I suggest throughout the report, you have
21 to do a diagnostic on the situation at a moment in time
22 in particular districts to figure out which of the
23 remedies is most needed.

24 Q. Do you know whether districts perform those
25 types of analysis?

1 Q. I'm just going to finish my question.

2 A. Oh, I'm sorry.

3 Q. That's okay. Just for the record.

4 That you suggest on page 79? And your answer
5 is?

6 A. I have not.

7 Q. Okay. Footnote 66 on page 84, if you could
8 please turn to that. It states that at:

9 "The current funding level for these
10 programs combined is about 25 million. The
11 state spent about 50 million on programs for
12 uncertified teachers in 1999-2000."

13 What do you mean by "programs for uncertified
14 teachers"?

15 A. Programs supporting -- legislation providing
16 financial support for programs for emergency permit
17 teachers, pre-intern teachers, and so on.

18 Q. You go on to say that:

19 "At 12,000 awards annually and \$10,000
20 average award, the costs of an expanded set of
21 subsidies for preparation, sufficient to fill
22 all hard-to-staff vacancies with
23 fully prepared teachers, would be 120 million
24 annually."

25 What do you mean by that?

1 A. Some districts do. You know, say, we have
2 this particular experience in our hiring, and we've
3 decided that, in order to remedy it, we either need to
4 raise salaries or we need for monitoring for beginning
5 teachers because we're getting them, but they're leaving
6 or we need to change our recruitment process so that we
7 can hire earlier because we're hiring too late. So
8 there are lots of reasons why you could have difficulty,
9 and the remedies would vary based on the reasons that
10 that district is experiencing.

11 Q. So, in your opinion, the need for increasing
12 teacher salaries will vary depending on each district;
13 is that correct?

14 A. It -- it could be that some -- that one needs
15 a policy that increases district -- helps to increase
16 salaries in some places, but not others, not necessarily
17 across the board for the state as a whole. It would
18 also depend, at the point at which the state decides to
19 do something, what the labor market is and what the
20 salaries look like at that moment in time.

21 Q. Have you attempted to quantify how much would
22 be necessary in terms of providing money to districts
23 that have low-performing schools in order to implement
24 the legal prohibition that you suggest?

25 A. I have not.

1 A. What part of it don't you understand?

2 Q. Well, to what extent or what do you base your
3 opinion on to the extent that you say that that amount
4 of money would be "sufficient to fill all hard-to-staff
5 vacancies with fully prepared teachers"?

6 A. There are about 25,000 teachers hired each
7 year in California, and some proportion (less than
8 50 percent of them) have been less than
9 fully credentialed. And if one assumed that all of
10 those were -- this is a generous assumption that all of
11 those were hard-to-staff vacancies, and you were trying
12 to provide a subsidy tied to working in a hard-to-staff
13 school for each person -- for each of 12,000 people,
14 this would be a way of estimating that cost.

15 Q. That calculation, though, assumes that there
16 are not other factors which play a part in a teacher's
17 decision to teach at a hard-to-staff school; is that
18 correct?

19 A. Right. It's not including the costs that one
20 might need to have to also improve the working
21 conditions at those schools or the mentors for the
22 beginning teachers. This is just to get awards tied to
23 a teacher's intention to work in a hard-to-staff school
24 like those that are cited above.

25 Q. Also, on page 80, which is under -- start

1 over.

2 Under Section 1 of page 79, which is:

3 "Establish a standard below which no
4 school can fall and maintain a monitoring
5 system that identifies schools falling below
6 the standard and ensures those schools and
7 their districts receive close scrutiny and
8 oversight,"

9 under that section, you state on page 80 in the
10 second or first full paragraph, "Require evidence of
11 annual progress."

12 Could you just review that and let me know
13 when you've had an opportunity to?

14 A. Mm-hm. Okay.

15 Q. In this paragraph you state that the state
16 should develop an annual Teacher Qualifications Index,
17 which would:

18 "... provide school-level and district
19 information about the number of emergency
20 permits, waivers, intern, pre-intern, clear
21 credentialed, and National Board Certified
22 teachers."

23 Do you know whether California currently has a
24 database that includes this type of information?

25 A. Yes, I believe it does, and such an index has

1 updating and streamlining and hiring

2 processes, for timely hiring of

3 fully qualified teachers, and for priority

4 placement of fully qualified teachers and

5 administrators in hard-to-staff schools."

6 What is the basis for this opinion?

7 MR. AFFELDT: Do you want to allow her to
8 finish reading the paragraph herself?

9 MS. KOURY: Oh, I'm sorry. I thought you had
10 indicated that you had reviewed it.

11 THE WITNESS: Okay. I'm not sure I understand
12 your question.

13 MS. KOURY: Q. Sure. What is the basis of
14 your opinion that the state should provide these
15 incentives for updating and streamlining the hiring
16 process?

17 A. By "basis," do you mean why do I think this
18 would be a desirable thing to do?

19 Q. Yes.

20 A. Because there is -- because there's evidence
21 that districts that have been able to do so, to upgrade
22 their personnel departments, computerize application
23 processes, make the recruitment and hiring processes
24 more aggressive and streamlined, have been able to
25 improve their outcome for hiring credentialed teachers.

1 been proposed and actually enacted, but vetoed and --
2 and described by Futernick in the document I cite.

3 Q. So, in other words, this state has considered
4 this particular type of index but rejected it?

5 A. Well, the legislature passed it, but the
6 governor vetoed it.

7 Q. And why do you propose that the index include
8 national -- whether teachers have national board
9 certifications?

10 A. It's a -- simply a measure of accomplished
11 teaching. Like board certification in medicine or
12 certification in public accounting, that gives a measure
13 on the positive side of teachers having met higher
14 standards, and that's the way it was proposed in the
15 places that I cite there in the paragraph.

16 Q. I'm really jumping around here, but could you
17 please turn to page 81 and review the first full
18 paragraph on that page and let me know when you've had
19 an opportunity to do so?

20 A. Mm-hm. "Provide incentives to districts"?

21 Q. Correct.

22 A. Mm-hm.

23 Q. For the record, your report states that the
24 state should:

25 "Provide incentives to districts for

1 And it is also true, in some districts that have had
2 various kinds of budget problems to deal with over the
3 years, that many -- particularly urban districts -- have
4 not had the resources to upgrade their recruitment and
5 hiring processes.

6 Q. What districts have -- are those districts in
7 California that you're referring to in your --

8 A. Certainly, yes, there are districts in
9 California that are included in what I just said.

10 Q. What districts in California are you aware of
11 that have done this -- in other words, that have updated
12 and have a streamlining process for hiring?

13 A. I cite here in the report New Haven,
14 California, and give some discussion of what they did,
15 and San Diego, California, as two examples.

16 Q. Are there any other examples other than the
17 ones cited in your report?

18 A. Certainly, other examples exist. Those are
19 examples that are documented in research reports that I
20 cite.

21 Q. What efforts, if any, are you aware of by the
22 state in terms of providing such incentives to
23 districts?

24 A. None. On this particular -- on this
25 particular set of points. I should qualify that by

1 simply saying that one could consider the Teachers as a
 2 Priority Program as an incentive for creating supports
 3 for hiring fully qualified teachers, but that program
 4 did not go to the issues of streamlining hiring
 5 processes, updating personnel departments, et cetera.

6 Q. Could you turn to page 53 of your report? And
 7 in the first paragraph, you say -- in the first
 8 paragraph, it states:

9 "In addition to the large number of
 10 prepared credentialed teachers in California,
 11 there are many states that have had surpluses
 12 of teachers for most of the last decade and
 13 are expected to have surpluses into the
 14 future, which should provide an additional
 15 pool."

16 Is that still your opinion today?

17 A. Yes.

18 Q. And as to the point that "there are many
 19 states that have had surpluses for teachers for most of
 20 the last decade," you cite the AAEE 1997 report?

21 A. Mm-hm.

22 Q. Is there any other report and/or data that
 23 you -- that you would point to in support of that
 24 opinion?

25 A. Not that I can recall at the moment.

1 research in terms of what the CCTC does in order to
 2 ascertain what type of surplus of teachers are out
 3 there?

4 A. I don't -- I'm not aware that they do try to
 5 do that.

6 Q. I'm sorry. Just to be clear, is it that
 7 you're not aware because you have not made such efforts
 8 in order to determine what the CCTC does or are you
 9 aware based on some understanding of what the CCTC does?

10 A. In my conversation with various CCTC staff
 11 over the last few years and in which I have asked them
 12 about their understanding of teacher supply and demand
 13 or surpluses/shortages in other states, none of them
 14 have been aware of any particular efforts the CCTC makes
 15 to evaluate that question.

16 Q. On page 63 of your report, if you would please
 17 turn to that. Your report states that -- at the bottom,
 18 the last paragraph, in, quote:

19 "In the spring of 1998, the legislature
 20 passed a bill authorizing the CCTC to
 21 establish reciprocity with other states and,
 22 in the spring of 2000, the CCTC approved a
 23 list of states with which it would seek to do
 24 so. The process does not establish full
 25 reciprocity, however, but ascertains

1 Q. And with respect to the point that -- or your
 2 opinion that these surpluses are expected to continue
 3 into the future and should provide an additional pool,
 4 what data do you have that supports that opinion?

5 A. Also, the AAEE data, and I've seen projections
 6 from some states' own individual administrator, you
 7 know, data that are -- are similar -- that provide
 8 evidence for that same conclusion.

9 MS. KOURY: I'm sorry. Could you read back
 10 that last part?

11 (Record read.).

12 THE WITNESS: Okay. That would be not be
 13 administrators. That would be administrative data.
 14 That's what I was trying to say.

15 MS. KOURY: Q. How recent are those
 16 projections from other states' data that you reviewed?

17 A. Within the last couple of years. There have
 18 been also some recent reports in the Popular Press about
 19 surpluses of teachers occurring as a part of the recent
 20 recession, recent economic recession.

21 Q. Do you know if the CCTC has investigated what
 22 states have surplus teachers and the extent of their
 23 surpluses?

24 A. I do not know if they have.

25 Q. Have you ever made any investigation or

1 'equivalences' for various aspects of the
 2 California requirements ... for equivalence in
 3 six areas."

4 Could you describe the changes that occurred
 5 in 1998 with respect to reciprocity?

6 A. I describe them in some detail in the report.

7 Q. Other than what's in your report, do you have
 8 any other understanding as to the reforms that occurred
 9 in 1998?

10 A. Yeah. There are probably things I know about
 11 that are not stated in the report.

12 Q. Is it your understanding that the basic change
 13 in 1998 was to waive specific credentialing requirements
 14 for experienced out-of-state-certified teachers or
 15 experienced out-of-state teachers?

16 MR. AFFELDT: Objection. Asked and answered.
 17 And objection to the extent it calls for a narrative.

18 MS. KOURY: Actually, it was sort of a
 19 yes-or-no question, so I don't know how it's a
 20 narrative, but it might have been asked and answered.

21 THE WITNESS: It's my understanding that in
 22 1998 there were some changes made to waive certain
 23 requirements in California, not only for experienced
 24 teachers from out of state but for teachers who were
 25 prepared out of state.

1 MS. KOURY: Q. Is it your opinion that
 2 California should establish full reciprocity with other
 3 states?
 4 A. I do recommend in the report that the state
 5 establish fuller reciprocity -- that is, to continue to
 6 give credit for a wider range of the experiences and
 7 qualifications teachers have met from out of state so
 8 that the process becomes more streamlined.
 9 Q. Do you know what the CCTC has considered in
 10 terms of which equivalences to establish and how far to
 11 go with reciprocity?
 12 A. I -- I am aware of what the CCTC has done in
 13 establishing equivalence yes, and what the criteria are
 14 that they're using.
 15 Q. Are you aware of the underlying considerations
 16 that they have taken in that regard?
 17 A. I believe so, based on the publications that
 18 they've issued and that I have read and that I cite in
 19 this report.
 20 Q. Are you familiar, then, with certain
 21 reciprocity procedures that the CCTC has considered but
 22 rejected for one reason are the other?
 23 A. I'm aware of, certainly, some of those.
 24 MS. KOURY: Can we go off the record for a
 25 second?

1 CERTIFICATE OF REPORTER
 2
 3 I, QUYEN N. DO, a Certified Shorthand Reporter,
 4 hereby certify that the witness in the foregoing
 5 deposition was, by me, duly sworn to tell the truth, the
 6 whole truth and nothing but the truth, in the
 7 within-entitled cause;
 8 That said deposition was taken down in
 9 shorthand by me, a disinterested person, at the time and
 10 place therein stated, and that the testimony of the said
 11 witness was thereafter reduced to typewriting, by
 12 computer, under my direction and supervision;
 13 I further certify that I am not of counsel or
 14 attorney for either or any of the parties to the said
 15 deposition, nor in any way interested in the event of
 16 this cause, and that I am not related to any of the
 17 parties thereto.
 18
 19 DATED: April 14 , 2003
 20
 21 _____
 22 QUYEN N. DO, CSR 12447
 23
 24
 25

1 (Whereupon, the deposition was
 2 adjourned at 4:55 p.m.)
 3
 4 --oOo--
 5
 6 I declare under penalty of perjury that the
 7 foregoing is true and correct. Subscribed at
 8 _____, California, this ____ day of
 9 _____, 2003.
 10
 11 _____
 12 LINDA DARLING-HAMMOND
 13 --oOo--
 14
 15
 16
 17
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