

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

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ELEIZER WILLIAMS, a minor, by )  
Sweetie Williams, his guardians )  
ad litem, et al., )  
Plaintiffs, )

vs. ) No. 312236

STATE OF CALIFORNIA, DELAINE ) VOLUME II  
EASTIN, State Superintendent of )  
Public Instruction, et al., )  
Defendants. )

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Continued deposition of MARCIA HINES, at  
400 South Hope Street, 15th Floor,  
Los Angeles, California, commencing  
at 9:27 A.M., Thursday, July 5, 2001,  
before Ricki Q. Melton, CSR No. 9400,  
RPR No. 45429.

1 APPEARANCES OF COUNSEL:  
 2  
 3 FOR THE PLAINTIFFS:  
 4  
 5 ACLU FOUNDATION OF SOUTHERN CALIFORNIA  
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 9 (213) 977-9500  
 10  
 11 FOR DEFENDANT STATE OF CALIFORNIA:  
 12  
 13 O'MELVENY & MYERS LLP  
 14 BY: S. BENJAMIN ROZWOOD, ESQ.  
 15 400 South Hope Street  
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 17 Los Angeles, California 90071  
 18 (213) 430-6000  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 LOS ANGELES, CALIFORNIA, JULY 5, 2001  
 2 9:27 A.M.  
 3  
 4 MARCIA HINES,  
 5 the witness, having been previously administered an  
 6 oath in accordance with CCP Section 2094, testified  
 7 further as follows:  
 8  
 9 EXAMINATION (CONTINUING)  
 10 BY MR. ROZWOOD:  
 11 Q. Good morning, Ms. Hines. We are going to 09:27:07  
 12 continue your deposition from the prior day, and I 09:27:09  
 13 just want to remind you that the testimony you will 09:27:12  
 14 give today is under oath as it was in your previous 09:27:15  
 15 session. 09:27:17  
 16 Do you understand that? 09:27:18  
 17 A. Yes, I understand. 09:27:18  
 18 Q. Okay. Did you have a chance to review the 09:27:21  
 19 transcript of your prior deposition session? 09:27:23  
 20 A. No, I did not. 09:27:26  
 21 Q. Okay. Have you done anything to prepare for 09:27:27  
 22 this deposition session? 09:27:29  
 23 A. Not really other than put these materials in 09:27:32  
 24 a folder. 09:27:34  
 25 Q. What materials are you referring to? 09:27:36

1 APPEARANCES OF COUNSEL (CONTINUED):  
 2  
 3 FOR DEFENDANT LOS ANGELES UNIFIED SCHOOL DISTRICT:  
 4  
 5 LOZANO SMITH  
 6 BY: HOWARD A. FRIEDMAN, ESQ.  
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 9 Santa Monica, California 90405  
 10 (310) 382-5300  
 11  
 12 ALSO PRESENT:  
 13  
 14 LAURA FAER  
 15 HECTOR OSCAR VILLAGRA  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 A. I'm referring to the year-round 09:27:37  
 2 instructional school calendar. I have also -- I have 09:27:40  
 3 the leadership council members which you asked for, 09:27:46  
 4 and I have a bell schedule and a map. I have a map. 09:27:49  
 5 Q. Okay. I guess at the break I'll go ahead 09:27:59  
 6 and make copies of the list of leadership council 09:28:02  
 7 members, the bell schedule. 09:28:09  
 8 I have a copy here that you have given me of 09:28:11  
 9 the year-round calendar, which we can hold off and 09:28:13  
 10 talk about a little bit later. 09:28:17  
 11 A. I also have leadership council 09:28:19  
 12 responsibilities, and there was a question about that 09:28:21  
 13 before. So I brought an agenda which lists all the 09:28:23  
 14 responsibilities, and that's it. 09:28:29  
 15 Q. You mentioned last time there were minutes 09:28:33  
 16 taken at the leadership council meetings. 09:28:35  
 17 A. Yes, there are minutes taken. 09:28:38  
 18 Q. Are those minutes among the documents 09:28:40  
 19 produced to Specialized Legal Services this week? 09:28:42  
 20 A. Not that I'm aware of. 09:28:50  
 21 (Off the record.) 09:29:10  
 22 MR. ROZWOOD: I think that the leadership 09:29:10  
 23 council minutes are responsive to the outstanding 09:29:19  
 24 document request. I think those are of relevance to 09:29:25  
 25 the litigation. I would like to attain those before 09:29:28

1 completing the deposition and reserve our rights to 09:29:32  
 2 continue the deposition based upon new information 09:29:36  
 3 revealed in those minutes. 09:29:40  
 4 MR. FRIEDMAN: I would just offer that I 09:29:42  
 5 think we are resuming Ms. Roland's deposition next 09:29:44  
 6 Wednesday, and possibly we can get those minutes and 09:29:48  
 7 have Ms. Roland bring them with her next week because 09:29:51  
 8 I do recall this being a subject of conversation 09:29:59  
 9 before. It escaped me in terms of bringing them 09:30:01  
 10 today. 09:30:06  
 11 MS. LHAMON: It would be helpful if we could 09:30:07  
 12 get them before the deposition rather than at the 09:30:09  
 13 deposition, if possible. 09:30:11  
 14 MR. FRIEDMAN: I was offering to try to 09:30:12  
 15 produce them when Ms. Roland's deposition resumes on 09:30:14  
 16 Wednesday, prior to, if possible, but my thought 09:30:18  
 17 being, if they were produced by next Wednesday, they 09:30:23  
 18 are certainly available to ask her about, and in 09:30:26  
 19 turn, if we are resuming Ms. Hines's deposition at 09:30:28  
 20 some later point, you would have ample time to take a 09:30:31  
 21 look at them before Ms. Hines's deposition. 09:30:36  
 22 MS. LHAMON: Depending on the length of the 09:30:40  
 23 minutes, we may not have time to review them to ask 09:30:41  
 24 Ms. Roland about it if you don't produce them until 09:30:49  
 25 Wednesday, which is why we would like them 09:30:52

1 beforehand. 09:30:54  
 2 MR. FRIEDMAN: We will try to do that. 09:30:55  
 3 BY MR. ROZWOOD: 09:30:57  
 4 Q. Other than the documents that you have 09:30:58  
 5 listed, do you have any other documents with you 09:31:00  
 6 today? 09:31:02  
 7 A. I have just notes that I took at the 09:31:12  
 8 deposition about what I was supposed to bring today 09:31:18  
 9 and directions, and I think that's it. 09:31:22  
 10 Q. Have you had any discussions with anyone 09:31:31  
 11 about your previous deposition session? 09:31:33  
 12 A. No, with the exception of my principal. 09:31:36  
 13 Q. When did you discuss your previous 09:31:42  
 14 deposition with Ms. Roland? 09:31:43  
 15 A. I really couldn't tell you the date. 09:31:47  
 16 Q. How many occasions did you have a 09:31:50  
 17 conversation with her about your previous deposition? 09:31:52  
 18 A. Probably twice. 09:31:55  
 19 Q. What was the substance of your conversation 09:31:57  
 20 with Ms. Roland? 09:31:59  
 21 A. I talked about the documents that we needed 09:32:01  
 22 to produce. I stated that you had asked me some 09:32:04  
 23 questions about leadership council, about the 09:32:09  
 24 year-round calendar, about the cleanliness of the 09:32:13  
 25 plant, and that's all I recall. 09:32:21

1 Q. Do you recall anything Ms. Roland stated to 09:32:25  
 2 you during those conversations? 09:32:28  
 3 A. The only thing I can remember is that she 09:32:30  
 4 wanted to talk to the plant manager to find out -- 09:32:32  
 5 again, to solidify in her mind about the plant, 09:32:37  
 6 questions about the plant. 09:32:41  
 7 Q. Okay. Did Ms. Roland mention anything about 09:32:46  
 8 her deposition to you after she had it taken? 09:32:49  
 9 A. No, other than she didn't have lunch. 09:32:54  
 10 Q. We try. 09:32:58  
 11 What I would like to do is ask you a 09:33:02  
 12 question or two about the declaration of the proposed 09:33:04  
 13 class representative in this lawsuit that attends 09:33:08  
 14 Fremont High School. Her name is Cindy Diego. 09:33:10  
 15 And I'll mark this document as the next 09:33:14  
 16 exhibit to your deposition. It bears Bates stamped 09:33:17  
 17 Nos. PLTF 00129 through 00131. 09:33:22  
 18 (Document referred to above was 09:33:22  
 19 marked as Defendants' Exhibit 7 09:33:22  
 20 for identification by the reporter 09:33:39  
 21 and is attached hereto.) 09:33:39  
 22 BY MR. ROZWOOD: 09:33:39  
 23 Q. That's going to be -- Exhibit 7 that the 09:33:41  
 24 reporter just handed to you is going to be the actual 09:33:43  
 25 exhibit to your deposition. I see a pencil in your 09:33:47

1 hand. Any marks you make will be part of the 09:33:50  
 2 permanent record. 09:33:53  
 3 Do you know Cindy Diego? 09:34:00  
 4 A. No, I do not. 09:34:04  
 5 Q. Have you had occasion to do any 09:34:12  
 6 investigation regarding Ms. Diego's attendance or 09:34:24  
 7 status as a student at Fremont High School? 09:34:24  
 8 A. No. 09:34:24  
 9 Q. Do you see where she says in paragraph 3: 09:34:34  
 10 "The multi-track schedule makes it 09:34:36  
 11 hard to learn because once the 09:34:37  
 12 teacher starts really getting into 09:34:39  
 13 a subject, it is time to go on 09:34:40  
 14 vacation again"? 09:34:42  
 15 And she continues in paragraph 3: 09:34:43  
 16 "When we come back, I've forgotten 09:34:45  
 17 what I learned. That happens every 09:34:47  
 18 time we go on and off track." 09:34:50  
 19 A. Yes, I see that. 09:34:52  
 20 Q. Do you agree with Ms. Diego's 09:34:53  
 21 characterization of the difficulty that the 09:34:56  
 22 multitrack schedule creates for students? 09:34:57  
 23 A. As I mentioned before, I really think the 09:35:01  
 24 primary thing about learning is the teacher and 09:35:03  
 25 instructional strategies the teacher uses, and for 09:35:07

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1 some teachers, this multitrack might be more of a 09:35:11  
 2 challenge, but I still think that the main challenge 09:35:16  
 3 that we have is getting competent teachers that know 09:35:18  
 4 how to teach well, and whatever schedule you put a 09:35:22  
 5 good teacher on, they are going to do an excellent 09:35:27  
 6 job. 09:35:31  
 7 Q. When you say "they are going to do an 09:35:32  
 8 excellent job," what does that mean with respect to 09:35:34  
 9 the students' ability to learn the subject matter? 09:35:36  
 10 A. That it will be enhanced and maximized. 09:35:39  
 11 Q. Is that independent of whether or not the 09:35:42  
 12 school is on a multitrack schedule, in your opinion? 09:35:44  
 13 A. Absolutely. 09:35:47  
 14 Q. Do you see where Ms. Diego states in 09:35:52  
 15 paragraph 3, on lines 13 and 14: 09:35:58  
 16 "I was tested on my first day after 09:36:01  
 17 break and didn't do well because I 09:36:04  
 18 couldn't remember everything I 09:36:07  
 19 learned before the break"? 09:36:09  
 20 Do you see that? 09:36:10  
 21 A. Yes. 09:36:11  
 22 Q. Is that a problem created by the multitrack 09:36:11  
 23 schedule, in your opinion? 09:36:14  
 24 A. Actually I'm not really sure what she is 09:36:17  
 25 referring to here. 09:36:19

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1 Q. Okay. 09:36:22  
 2 A. "Tested" meaning -- I don't know. It could 09:36:23  
 3 be a teacher-generated test. I don't believe there 09:36:27  
 4 would be any standardized test on the first day after 09:36:31  
 5 a break. 09:36:33  
 6 Q. Well, that's correct. We took her 09:36:35  
 7 deposition, and I can represent to you that she is 09:36:36  
 8 referring to a teacher-generated test related to the 09:36:39  
 9 subject matter of that class, Algebra 2B, and she is 09:36:44  
 10 testifying in her declaration that she took -- she 09:36:49  
 11 was forced to take a test on her first day back from 09:36:52  
 12 break and that she didn't do well because she 09:36:55  
 13 couldn't remember everything she learned before the 09:36:58  
 14 break. 09:37:00  
 15 And my question is: Is Ms. Diego's failure 09:37:01  
 16 to remember everything she learned before the break, 09:37:08  
 17 in your opinion, a function of the multitrack 09:37:10  
 18 schedule? 09:37:14  
 19 MS. LHAMON: Calls for speculation. 09:37:16  
 20 BY MS. LHAMON: 09:37:20  
 21 Q. You can answer. 09:37:20  
 22 A. I don't really think I can answer that 09:37:22  
 23 question. I don't know enough about the test, the 09:37:24  
 24 teacher. I mean there are just way too many things 09:37:29  
 25 involved. 09:37:33

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1 Q. Other than the test and the teacher, what 09:37:41  
 2 else is involved in -- what else would you need to 09:37:44  
 3 know to answer that question? 09:37:48  
 4 A. Well, I guess I would have to know a little 09:37:51  
 5 bit more about the student. There are a ton of 09:37:53  
 6 variables in that concept. 09:37:57  
 7 Q. Can you list the variables for us that you 09:38:00  
 8 can think of as you are sitting here? 09:38:03  
 9 A. I can try. 09:38:05  
 10 Q. Great. 09:38:06  
 11 A. Okay. You are talking about a student -- 09:38:07  
 12 you could be talking about a student who has some 09:38:09  
 13 kind of physical problem on that particular day, 09:38:12  
 14 there could have been family problems, there could 09:38:15  
 15 have been incompetent mastery of the subject the 09:38:18  
 16 first time around, the test itself could have been 09:38:22  
 17 flawed, the teacher -- yeah, that relates to the 09:38:25  
 18 teacher insofar as making up the test, as far as what 09:38:32  
 19 is on the test. So just a lot of things to take into 09:38:35  
 20 consideration. 09:38:40  
 21 Q. Have you ever yourself ever taught classes 09:38:42  
 22 on a multitrack schedule? 09:38:45  
 23 A. No. 09:38:45  
 24 Q. But you do review teachers that teach on the 09:38:49  
 25 schedule; correct? 09:38:52

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1 A. Yes. 09:38:52  
 2 Q. Is that part of the Stull testing? 09:38:53  
 3 A. All teachers are reviewed as part of their 09:38:57  
 4 evaluation. 09:39:00  
 5 Q. Is there anything that you do special as 09:39:02  
 6 part of an evaluation of a teacher on a multitrack 09:39:04  
 7 schedule? 09:39:09  
 8 MS. LHAMON: Vague as to "special." 09:39:09  
 9 THE WITNESS: The only thing I can think of 09:39:12  
 10 is there are two different time lines for 09:39:14  
 11 evaluations. C track is evaluated earlier than B and 09:39:16  
 12 A. 09:39:20  
 13 BY MR. ROZWOOD: 09:39:20  
 14 Q. Have you ever participated in evaluations of 09:39:21  
 15 teachers that teach on a traditional school calendar? 09:39:24  
 16 A. Yes. 09:39:24  
 17 Q. The evaluation process, is it different for 09:39:31  
 18 teachers on a traditional calendar versus on a 09:39:33  
 19 multitrack schedule? 09:39:36  
 20 A. No. 09:39:36  
 21 Q. Why not? 09:39:40  
 22 A. Well, because the district gives us the same 09:39:42  
 23 objectives, standards to evaluate the teacher. We 09:39:48  
 24 have to use the same -- 09:39:51  
 25 Q. Can you describe the objective standards for 09:39:52

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1 us. 09:39:53

2 A. Yeah. Let me think about that. 09:39:54

3 There are five areas. The first one has to 09:39:57

4 do with achievement of instructional objectives, 09:40:02

5 planning and preparation, and there's the actual 09:40:06

6 classroom delivery section. There's a section on 09:40:11

7 punctuality and attendance, and there's a section on 09:40:27

8 professional responsibility. 09:40:27

9 Those aren't the exact terms, but that's a 09:40:27

10 general description. There are five areas. 09:40:27

11 Q. When you evaluate a teacher's ability to 09:40:38

12 achieve instructional objectives on the multitrack 09:40:40

13 schedule, do you take into account the phenomenon 09:40:44

14 referenced by Cindy Diego in her declaration in 09:40:49

15 paragraph 3 where there are breaks within semesters 09:40:54

16 that create differences from a traditional school 09:41:00

17 calendar? 09:41:04

18 A. Actually that's never come up, in my 09:41:05

19 knowledge, with a teacher evaluation. 09:41:06

20 Q. Have you ever known a student to complain 09:41:09

21 about the break that -- the effect of a break within 09:41:12

22 a multitrack schedule on their ability to learn the 09:41:16

23 subject matter? 09:41:19

24 A. I can't remember that discussion with any 09:41:20

25 student. 09:41:22

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1 Q. Did you ever have such a discussion with any 09:41:23

2 student? 09:41:26

3 A. I don't think so, but I've been in the 09:41:27

4 system a long time. It's possible, but I don't 09:41:29

5 recall any discussion like that. 09:41:32

6 Q. Have you ever had a discussion with any 09:41:34

7 teacher or administrator regarding a student's 09:41:36

8 inability to learn as a result of the break within a 09:41:39

9 semester on a multitrack schedule? 09:41:42

10 A. No. 09:41:42

11 Q. In your opinion, does an effective teacher 09:42:03

12 on a multitrack schedule -- strike that. 09:42:06

13 Can you look at paragraph 4 of Ms. Diego's 09:42:32

14 declaration -- 09:42:35

15 A. Uh-huh, yes. 09:42:36

16 Q. -- where she says: 09:42:37

17 "We're not supplied with the things 09:42:38

18 we need and we don't learn as much 09:42:40

19 as we're supposed to because we 09:42:41

20 don't have the supplies"?' 09:42:43

21 A. Yes, I see that. 09:42:45

22 Q. The example Ms. Diego gives in paragraph 4 09:42:46

23 is: 09:42:46

24 "We do not have enough books for my 09:42:51

25 economics class." 09:42:54

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1 Do you have any knowledge of a book problem 09:42:55

2 or shortage in an economics class at Fremont? 09:42:57

3 A. No. Especially this year and last year we 09:43:02

4 have been given enough funds. Funds should be taken 09:43:07

5 to replace or redo the books for each of the academic 09:43:11

6 areas, and Econ. is certainly an academic area. We 09:43:17

7 have enough funds. 09:43:34

8 So if there were a shortage of Econ. books, 09:43:35

9 it would be the responsibility of the department 09:43:38

10 chair to let the administration know and order those 09:43:40

11 books. 09:43:40

12 I have no knowledge there was a shortage of 09:43:45

13 Econ. books. 09:43:48

14 Q. Is that something you would become aware of 09:43:49

15 in the ordinary course of performing your 09:43:53

16 responsibilities at Fremont? 09:43:55

17 A. Yes. 09:44:07

18 Q. Is it your testimony that, for the current 09:44:15

19 school year -- I guess we are -- let me ask you. 09:44:18

20 Are we on summer break now at Fremont? 09:44:21

21 Which track are we on? 09:44:25

22 A. We are never on a break at Fremont. 09:44:26

23 Q. Which track? 09:44:28

24 A. Right now we are opening C track -- actually 09:44:29

25 the school year opened July 2nd. So this is the 09:44:33

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1 third day of classes for the new school year. 09:44:37

2 Q. That's for the 2001/2002 school -- 09:44:39

3 A. Uh-huh. 09:44:43

4 Q. -- year; correct? 09:44:44

5 A. Yes. 09:44:44

6 Q. I want to ask you for the previous two 09:44:46

7 school years whether you are aware of any textbook 09:44:50

8 problems at Fremont, shortage problems at Fremont. 09:44:53

9 A. As a year-round school where all the books 09:44:57

10 are in use, we periodically do have shortage 09:45:00

11 problems, but again, the procedure is for the 09:45:03

12 department chair to report that shortage, and it's 09:45:05

13 one of my responsibilities to try to make sure we try 09:45:09

14 to find the funding and supply enough books for the 09:45:11

15 students, but a regular Econ. class I do not remember 09:45:15

16 anyone saying that was a problem. 09:45:19

17 Q. And to your knowledge, was there ever any 09:45:22

18 instance in which, after you were made aware of the 09:45:25

19 need for additional textbooks, you were unable to 09:45:30

20 provide those to the students in the class at 09:45:33

21 Fremont? 09:45:36

22 A. Sometimes there's a time lag. So, you know, 09:45:36

23 the student would not know that was in process. So 09:45:39

24 that could have happened. 09:45:42

25 Again, I'm speculating, but this was not 09:45:45

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1 reported to me. The department chair did not report 09:45:49  
2 it to me. 09:45:51

3 Q. Do you see where she says in paragraph 4: 09:46:01  
4 "We can't take books home, and in 09:46:04  
5 class two to three people share 09:46:08  
6 each book"? 09:46:10

7 A. Yes, I see that. 09:46:11

8 Q. Are you aware of any class in Fremont over 09:46:12  
9 the last preceding two school years where students 09:46:16  
10 shared a book -- there were two to three students per 09:46:22  
11 book in a class? 09:46:26

12 MS. LHAMON: Asked and answered. 09:46:28

13 THE WITNESS: I'm sorry. 09:46:32

14 MS. LHAMON: I said "asked and answered." 09:46:33  
15 It was an objection. 09:46:34

16 THE WITNESS: Okay. What was that one? 09:46:36

17 MS. LHAMON: It means that I think 09:46:37  
18 Mr. Rozwood has asked you that question and you have 09:46:38  
19 answered it. 09:46:42

20 MR. FRIEDMAN: You can go ahead and answer 09:46:43  
21 the question. 09:46:44

22 THE WITNESS: Okay. Would you ask it again? 09:46:45

23 BY MR. ROZWOOD: 09:46:48

24 Q. Sure. 09:46:48  
25 Are you aware of any situation over the last 09:46:49

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1 two preceding school years in which two to three 09:46:51  
2 students had to share a book in any class? 09:46:55

3 A. No, no, not for the whole semester. I think 09:46:58  
4 we talked before about that one AP class last 09:47:01  
5 semester that we had to get books for where the kids 09:47:04  
6 did share a book, but that was advanced placement. 09:47:08

7 Q. Other than we previously talked about -- 09:47:21  
8 A. No. 09:47:21

9 Q. -- is there anything else you can think of? 09:47:21  
10 A. No. 09:47:21

11 Q. Do you see where Ms. Diego states that: 09:47:34  
12 "The books we have in class are in 09:47:36  
13 'C' condition"? 09:47:38  
14 Do you think that's a true statement about 09:47:40  
15 the books used by students at Fremont? 09:47:42

16 MS. LHAMON: Calls for speculation. 09:47:45

17 BY MR. ROZWOOD: 09:47:45

18 Q. May I say something for the record. 09:47:49  
19 The comments that are being made by counsel 09:47:51  
20 are for the record and not to direct your testimony 09:47:54  
21 in any way. 09:47:57

22 My question -- this is the deposition I've 09:47:58  
23 noticed. I'm asking you questions. I would 09:48:00  
24 appreciate it if you answer them, unless your 09:48:02  
25 attorney instructs you not to, so we can move more 09:48:04

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1 quickly. She is free to make her objections for the 09:48:08  
2 record and for the record only. 09:48:12

3 A. So the question was -- is? 09:48:15

4 Q. Is that a true statement about the books 09:48:18  
5 used by students at Fremont? 09:47:42

6 A. No. I think I would like you to look at the 09:48:21  
7 textbook record and see that probably 95 percent of 09:48:23  
8 the books are in excellent condition. 09:48:27

9 Q. "A" condition? 09:48:29

10 A. Yes. 09:48:29

11 Q. New books? 09:48:31

12 A. Yes. 09:48:31

13 Q. Do you see where she says: 09:48:32  
14 "They are torn, written on, old, 09:48:33  
15 and falling apart"? 09:48:38

16 Do you see that statement? 09:48:39

17 A. Yes. 09:48:39

18 Q. Do you see where she says that? 09:48:42

19 A. Yeah. I see where that is, and I disagree. 09:48:44

20 Q. Can you think of any class in which that 09:48:48  
21 characterization of the books was accurate during any 09:48:53  
22 of the preceding two school years? 09:48:55

23 A. I can think of one class. There was a class 09:48:58  
24 called the Physical Science class. It was where 09:49:00  
25 there was a substitute taking the class. We 09:49:03

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1 subsequently moved that substitute. 09:49:07

2 When the books were collected, they were 09:49:09  
3 full of graffiti, and we dealt with it 09:49:11  
4 administratively. 09:49:15

5 That's the only one I can think of. I don't 09:49:17  
6 know what she is talking about other than that. 09:49:20

7 Q. That would be graffiti in terms of being 09:49:22  
8 written on; correct? 09:49:25

9 A. Uh-huh. 09:49:26

10 Q. But the books themselves, were they old and 09:49:26  
11 falling apart in that class? 09:49:29

12 A. I don't know. They looked so bad when they 09:49:30  
13 came back. I don't know. The graffiti was the 09:49:33  
14 outstanding characteristic. 09:49:36

15 Q. Are you aware of any instance in which a 09:50:05  
16 teacher was not permitted to make photocopies of 09:50:09  
17 assignments they wanted to use in class at Fremont? 09:50:15

18 A. Can I ask permitted by whom? 09:50:25

19 Q. By the school. 09:50:27

20 A. No. There are lots of ways to make copies 09:50:29  
21 at Fremont High School, and you don't really need 09:50:33  
22 anyone's permission to do that. 09:50:36

23 Q. Is there any reason you can think of why a 09:50:38  
24 teacher would make copies outside of the school for 09:50:40  
25 purposes of making -- providing lessons to the 09:50:43

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1 students? 09:50:50

2 A. Yeah, I can think of some reasons. One of 09:50:52

3 the reasons is teachers like to copy books, and 09:50:54

4 that's not really legal. You can't -- if you want 09:50:57

5 someone to make your copies for you at Fremont, you 09:51:02

6 can't give them a textbook and have them make copies 09:51:05

7 because it's against the law. 09:51:08

8 Sometimes teachers do that on their own. 09:51:09

9 There is one walk-up machine that the teachers can 09:51:12

10 use. It's sometimes not functional. If they 09:51:15

11 actually wanted to copy a text quickly, they would 09:51:18

12 have to go to Kinko's because Title I and bilingual 09:51:22

13 will not copy directly from a book. They will, 09:51:27

14 however, copy copies. So if a teacher had a copy of 09:51:30

15 something they wanted to copy, that might be why they 09:51:33

16 go to copy. 09:51:37

17 Another reason, it's just faster. Bilingual 09:51:38

18 and Title I usually do not provide same-day service, 09:51:40

19 and if you want to do walk-up copiers, you sometimes 09:51:44

20 have to wait in a line. People tend to wait for the 09:51:49

21 last minute or wait until the night before and want a 09:51:53

22 copy. 09:51:58

23 It's sometimes more expedient to go to 09:51:59

24 Kinko's. 09:52:02

25 Q. Does that happen a lot at Fremont, teachers 09:52:03

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1 going to Kinko's to make copies of lessons? 09:52:07

2 MS. LHAMON: Vague as to "a lot." 09:52:11

3 THE WITNESS: Yeah. What is "a lot"? 09:52:13

4 BY MR. ROZWOOD: 09:52:14

5 Q. How many occasions are you aware of in which 09:52:15

6 it occurred? 09:52:18

7 A. Well, probably more than 20. I would assume 09:52:21

8 that it is a fairly common thing especially among 09:52:24

9 newer teachers who don't have a lot of time. They go 09:52:29

10 to school and have to plan things quickly, you know, 09:52:32

11 to be ready for the next day. 09:52:37

12 In fact, one of the things we gave the new 09:52:41

13 teachers was a gift certificate for Kinko's. That 09:52:43

14 was in their goody basket. So I can see that's 09:52:46

15 something that is probably done at most schools. 09:52:51

16 Just because something comes up and you want it right 09:52:54

17 then, and that's the way to get it right then. 09:52:58

18 Q. Why would a teacher need to make copies out 09:53:05

19 of a textbook? I mean aren't there sufficient 09:53:08

20 textbooks for students to use? 09:53:11

21 A. Yes, there are. So that would be that 09:53:14

22 teacher's choice if they perhaps wanted to use a book 09:53:16

23 that there weren't enough copies of, or it was an 09:53:20

24 older book or even a newer book. 09:53:22

25 For example -- I'll give you an example. We 09:53:26

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1 just have been instructed -- directed as a district 09:53:38

2 to use Prentice Hall for algebra; however, those 09:53:38

3 books have not arrived yet. They are there now but 09:53:38

4 not processed. School started Monday and Tuesday. 09:53:40

5 So we have to use that book. So the department chair 09:53:42

6 had the first chapter copied of that book. Probably 09:53:46

7 not legally. 09:53:51

8 I'm saying to a bunch of lawyers it's not 09:53:56

9 legal. 09:53:58

10 I think that's -- but at any rate, that 09:53:59

11 problem will be fixed fairly soon because the books 09:54:02

12 are in campus, and we need to get them in the hands 09:54:07

13 of the teachers. 09:54:11

14 Q. So whenever a teacher -- other than this 09:54:12

15 Prentice Hall situation that you just described, when 09:54:14

16 a teacher makes copies of a textbook, it's for use as 09:54:16

17 a supplemental instructional material to the 09:54:20

18 textbooks that students are already provided at -- 09:54:23

19 A. Yeah. 09:54:27

20 Q. -- Fremont High School? 09:54:27

21 A. I was just guessing about that, but I would 09:54:27

22 say that was an accurate statement. 09:54:29

23 I think most of the copies that the teachers 09:54:31

24 make have to do with magazine articles, "L.A. Times" 09:54:33

25 articles, perhaps a poem, something that they want 09:54:36

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1 the kids to be able to write on and mark up, which is 09:54:41

2 like a really good reading strategy, and obviously 09:54:44

3 you are not supposed to write in textbooks owned by 09:54:48

4 L.A.U.S.D., but it's helpful as a learning device. 09:54:52

5 Actually I'm just pontificating now. 09:54:58

6 If you copy a chapter of a book and work 09:55:02

7 through the reading strategies and underline the main 09:55:04

8 points, I think that would be an excellent learning 09:55:08

9 device, and some of the teachers may be doing that. 09:55:10

10 Q. But that's not required -- 09:55:13

11 A. No. 09:55:13

12 Q. -- by the district? 09:55:15

13 A. No. 09:55:15

14 Q. While it's not required as a learning 09:55:17

15 device, is it required at Fremont? 09:55:19

16 A. No, absolutely not. 09:55:22

17 Q. If the teacher plans to deploy that learning 09:55:26

18 device in advance, would they be able to make 09:55:29

19 sufficient copies of the lesson plans at Fremont's 09:55:32

20 copy facilities? 09:55:35

21 A. Yes. 09:55:37

22 MS. LHAMON: Objection. Calls for 09:55:37

23 speculation. 09:55:38

24 BY MR. ROZWOOD: 09:55:43

25 Q. In one of your previous answers when we were 09:55:43

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1  
2 discussing copies, you said sometimes copies are used 09:55:46  
3 where there are insufficient number of textbooks 09:55:50  
4 available. 09:55:53  
5 Were you referring to supplemental textbooks 09:55:54  
6 or insufficient numbers of the main textbook used in 09:55:57  
7 that class? 09:56:01  
8 A. In that discussion I was talking about the 09:56:02  
9 Prentice Hall book. We just didn't have those at 09:56:04  
10 all. 09:56:08  
11 Other times the reason for copying books -- 09:56:10  
12 the reason has not been shared with me. I know the 09:56:12  
13 literature teachers, she just wants a copy of a poem 09:56:15  
14 or a copy of a short story so the kids could mark it 09:56:19  
15 up. 09:56:23  
16 Q. That's the learning device -- 09:56:24  
17 A. Uh-huh. 09:56:25  
18 Q. -- that we just discussed? 09:56:26  
19 A. Uh-huh. 09:56:27  
20 Q. Other than what we just discussed, can you 09:56:28  
21 think of any instances in which teachers made copies 09:56:30  
22 of lessons at Fremont -- used photocopies -- 09:56:35  
23 MS. LHAMON: Objection -- 09:56:35  
24 BY MR. ROZWOOD: 09:56:40  
25 Q. -- as lessons? 09:56:40

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1 MS. LHAMON: -- calls for speculation. 09:56:42  
2 I'm sorry. I didn't mean to interrupt. 09:56:43  
3 MR. FRIEDMAN: Off the record. 09:56:47  
4 MR. ROZWOOD: Off the record. 09:56:48  
5 (Off the record.) 10:01:14  
6 MR. ROZWOOD: Back on the record. 10:01:14  
7 Q. Ms. Hines, does Fremont have a policy with 10:01:16  
8 respect to the assignment of homework to students in 10:01:19  
9 class? 10:01:23  
10 A. We have the district policy, which we 10:01:25  
11 reiterate to the teachers. 10:01:30  
12 Q. What is that policy? 10:01:31  
13 A. The district policy is 30 minutes of 10:01:32  
14 homework per academic class each evening. 10:01:34  
15 Q. Is Fremont in compliance with that district 10:01:43  
16 policy? 10:01:46  
17 MS. LHAMON: Calls for speculation. 10:01:47  
18 THE WITNESS: Actually it's really not been 10:01:51  
19 monitored schoolwide. I work with individual 10:01:53  
20 teachers within the English department, and I -- 10:01:57  
21 that's something I monitor with them, but schoolwide 10:02:01  
22 I don't think anyone is really monitoring. 10:02:04  
23 BY MR. ROZWOOD: 10:02:04  
24 Q. And is the English department in compliance 10:02:06  
25 with that policy? 10:02:09

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1 A. I think mostly. Some teachers are better 10:02:10  
2 than others. 10:02:12  
3 Q. Is that something that the department chairs 10:02:17  
4 are responsible for ensuring compliance with? 10:02:19  
5 A. No, not in particular. 10:02:24  
6 Q. Is that something the teachers are informed 10:02:25  
7 of, the policy -- the district policy on homework? 10:02:28  
8 A. Yes. 10:02:28  
9 Q. Is it the teacher's responsibility for 10:02:33  
10 ensuring that students receive 30 minutes of homework 10:02:35  
11 per academic class -- 10:02:39  
12 A. Yes. 10:02:39  
13 Q. -- at Fremont? 10:02:42  
14 When you discussed the reviews earlier, you 10:02:45  
15 discussed one area of review, and that was the 10:02:48  
16 achievement of the instructional objectives. 10:02:52  
17 Is it part of the review process that the 10:02:55  
18 teachers comply with the district homework assignment 10:03:00  
19 policy and be assessed -- 10:03:07  
20 MS. LHAMON: Objection as to "review 10:03:09  
21 process." 10:03:12  
22 BY MR. ROZWOOD: 10:03:12  
23 Q. I'm referring to the teacher review process. 10:03:13  
24 A. When a teacher is visited, the instructional 10:03:16  
25 objectives should be obvious to whoever is visiting 10:03:18

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1 the teachers, and one of the things we do a lot of 10:03:22  
2 times, if it's convenient, is to walk around the 10:03:25  
3 school and talk to the students about what they are 10:03:39  
4 learning and they know why they are learning. After 10:03:39  
5 a visit, we talk to the teachers about what we have 10:03:39  
6 observed. 10:03:39  
7 Q. Is it part of the review process at all 10:03:39  
8 the -- strike that. 10:03:42  
9 Is the teacher's compliance with the 10:03:48  
10 district's policy on homework in academic classes 10:03:50  
11 addressed at all as part of the teacher review 10:03:55  
12 process? 10:03:59  
13 MS. LHAMON: Objection. Again vague as 10:04:01  
14 to "review process." 10:04:03  
15 THE WITNESS: The review process -- I'm 10:04:06  
16 assuming you are reviewing the teachers, you are 10:04:07  
17 looking at the teacher and monitoring what they do in 10:04:10  
18 the classroom and then conferencing with them. 10:04:13  
19 BY MR. ROZWOOD: 10:04:13  
20 Q. Well, you mentioned five objective -- five 10:04:17  
21 areas of objective standards in the classroom as one, 10:04:20  
22 planning and preparation was another, achievement of 10:04:24  
23 instructional objectives was another, and 10:04:27  
24 professional responsibility was another. 10:04:29  
25 I just wondered if the teacher's -- the 10:04:32



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1 teacher's homework policy and teacher's practice with 10:04:36  
 2 assigning homework to students in academic classes 10:04:40  
 3 was covered as any portion of the evaluation process 10:04:44  
 4 for teachers at Fremont. 10:04:50  
 5 A. Yeah. 10:04:52  
 6 MS. LHAMON: I'm going to object. I think 10:04:53  
 7 that mischaracterizes the testimony to a certain 10:04:53  
 8 extent. 10:04:53  
 9 THE WITNESS: I think it's a part of it. 10:04:58  
 10 BY MR. ROZWOOD: 10:04:58  
 11 Q. Can you explain how the homework practice of 10:05:00  
 12 teachers at Fremont is part of the evaluation 10:05:04  
 13 process? 10:05:07  
 14 A. Yes. Because when you visit a room, you 10:05:08  
 15 look at what is on the board, and normally homework 10:05:10  
 16 is on the board, what is assigned for the students to 10:05:13  
 17 do overnight, and it usually says "homework," or 10:05:17  
 18 "freja," and if it doesn't say that, at our 10:05:21  
 19 conference following the visit, we ask the teacher 10:05:24  
 20 about the homework assigned. 10:05:29  
 21 Q. Do you ask the students about the homework 10:05:31  
 22 assignments the teacher gives? 10:05:33  
 23 A. Sometimes. It's not necessarily part of 10:05:36  
 24 every visit, but it's certainly a possibility. 10:05:39  
 25 Q. Do you discuss the homework practices with 10:05:42

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1 teachers -- other than what you previously testified 10:05:45  
 2 to, do you discuss the homework assignment and 10:05:48  
 3 practices of teachers with them during their 10:05:52  
 4 evaluations? 10:05:54  
 5 A. Yes. 10:05:54  
 6 Q. Do you see in paragraph 6 of Ms. Diego's 10:06:05  
 7 declaration where she refers to 60 people in her 10:06:07  
 8 government class standing -- not standing. I'm 10:06:20  
 9 mischaracterizing that. I apologize. 10:06:24  
 10 She says: 10:06:25  
 11 "For the first two weeks, there 10:06:26  
 12 were sixty people in my government 10:06:28  
 13 class and some people had to 10:06:30  
 14 stand." 10:06:31  
 15 Do you see that? 10:06:32  
 16 A. Yes, I see that. 10:06:32  
 17 Q. Did you have occasion over the course of 10:06:34  
 18 exercising your responsibilities as assistant 10:06:36  
 19 principal at Fremont to become aware of the classroom 10:06:39  
 20 sizes at the school? 10:06:41  
 21 MS. LHAMON: Objection. Vague as to 10:06:45  
 22 "classroom sizes." 10:06:47  
 23 Are you talking about all the classroom 10:06:49  
 24 sizes? 10:06:50  
 25 THE WITNESS: That actually is not my 10:06:52

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1 responsibility, but I am aware like a peripheral kind 10:06:53  
 2 of thing that a teacher might say "I have all these 10:06:59  
 3 kids," and I say does the department chair know, have 10:07:01  
 4 they reported it to the assistant principal of 10:07:05  
 5 counseling. 10:07:08  
 6 So that would just be my responsibility as 10:07:09  
 7 far as making sure everyone knew there was a problem 10:07:12  
 8 if it's reported to me, but in general, those 10:07:15  
 9 problems go to the department chair, and then they go 10:07:18  
 10 to the assistant principal in charge of counseling, 10:07:21  
 11 who can direct counselors to change programs, and she 10:07:24  
 12 can also modify the master schedule based on student 10:07:27  
 13 enrollment. 10:07:31  
 14 BY MR. ROZWOOD: 10:07:33  
 15 Q. Is it unusual, to your knowledge, at Fremont 10:07:34  
 16 for 60 students to be assigned to a class at the 10:07:37  
 17 beginning of a semester? 10:07:42  
 18 MS. LHAMON: Objection. Calls for 10:07:44  
 19 speculation. 10:07:45  
 20 THE WITNESS: I would assume that it would 10:07:46  
 21 be very unusual to have 60 students in a class. 10:07:48  
 22 BY MR. ROZWOOD: 10:07:52  
 23 Q. What do you base your assumption on? 10:07:53  
 24 A. Well, because the students are scheduled by 10:07:57  
 25 the computer, the scheduler, and built into that 10:08:00

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1 program the classes are equalized or they are 10:08:05  
 2 balanced. 10:08:09  
 3 Now, because not as many students show up as 10:08:10  
 4 students enrolled, each class is oversubscribed into 10:08:14  
 5 the computer, but you have one class totally 10:08:17  
 6 unsubscribed would be very unusual. 10:08:20  
 7 Sometimes it does happen, but we try to fix 10:08:23  
 8 it within a couple of days if that's a -- if that 10:08:26  
 9 does occur. 10:08:30  
 10 BY MR. ROZWOOD: 10:08:31  
 11 Q. Do you have any role in Fremont's efforts to 10:08:31  
 12 balance its classes at the outset of a semester? 10:08:36  
 13 A. No, no. As I said, the only role I have is 10:08:40  
 14 to make sure the assistant principal of counseling is 10:08:43  
 15 aware and the department chair is aware if it's 10:08:47  
 16 reported to me. 10:08:49  
 17 Q. Can you think of any instances in which 10:08:56  
 18 classroom overcrowding was reported to you? 10:08:58  
 19 A. Yes. 10:09:01  
 20 Q. And do you recall the specific classes -- 10:09:01  
 21 well, let's talk about the previous -- well, we have 10:09:06  
 22 a new school year happening now. 10:09:08  
 23 A. Uh-huh. 10:09:20  
 24 Q. Approximately how many classes -- let's 10:09:20  
 25 strike that. 10:09:20

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1	Approximately what percentage of the	10:09:20
2	classes -- the current classes for the current school	10:09:21
3	year are experiencing overcrowding problems, to your	10:09:24
4	knowledge?	10:09:28
5	MS. LHAMON: Objection. Calls for	10:09:29
6	speculation.	10:09:30
7	She testified she only knows about it if a	10:09:31
8	teacher reports it to her.	10:09:33
9	THE WITNESS: Yeah, that is correct. I only	10:09:36
10	know if they report it to me.	10:09:38
11	I'm thinking did anyone report that to me	10:09:40
12	Monday, and I think somebody did. My response was	10:09:43
13	does your department chair know and are they going to	10:09:46
14	tell the head counselor, the assistant principal of	10:09:50
15	counseling, and if the response is yes, that they do	10:09:53
16	know and yes, that is going to be reported, then it	10:09:56
17	becomes a casual matter when I see her next, "Oh, did	10:10:00
18	you know? Oh, did you know?"	10:10:04
19	If they have a feeling no one is helping	10:10:06
20	them, then I go to the assistant principal of	10:10:08
21	counseling and report it myself.	10:10:11
22	BY MR. ROZWOOD:	10:10:12
23	Q. So just one teacher has reported to you this	10:10:13
24	school year so far?	10:10:17
25	A. Yes.	10:10:17

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1	Q. Do you know the teacher?	10:10:20
2	A. No.	10:10:20
3	Q. Do you know the class?	10:10:21
4	A. This is a fairly common. The first day or	10:10:22
5	the second day there will be a couple of classes that	10:10:24
6	for some reason all the kids showed up that were	10:10:27
7	programmed in there, and so, you know, it's not	10:10:30
8	anything that would click in my mind, "Oh, yeah, it	10:10:35
9	was that person."	10:10:38
10	Q. Are you aware of any instances over the last	10:10:39
11	two -- well, over your career at Fremont in which an	10:10:43
12	overcrowding problem in a classroom continued	10:10:47
13	throughout the entire semester?	10:10:50
14	A. No.	10:10:50
15	Q. Do you see where Ms. Diego says in	10:11:00
16	paragraph 6 of her declaration, "We don't have enough	10:11:02
17	desks"? It's in that same sentence. Let's me quote	10:11:07
18	it.	10:11:13
19	She says:	10:11:13
20	"Now there are forty people in	10:11:14
21	class and still some people have to	10:11:15
22	stand because we don't have enough	10:11:17
23	desks. Three or four people get	10:11:19
24	chairs from outside the classroom	10:11:22
25	and sit on them."	10:11:22

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1	Do you see that?	10:11:23
2	A. Yes, I see that.	10:11:24
3	Q. Are you aware of any instance over your	10:11:26
4	14-year career at Fremont in which students were	10:11:28
5	unable -- did not have sufficient chairs or desks in	10:11:32
6	a classroom?	10:11:37
7	A. I'm not aware of that over any duration.	10:11:39
8	Sometimes it does happen at the beginning of the	10:11:42
9	semester like the first two days until the classes	10:11:45
10	are balanced, but I can't imagine that would have	10:11:48
11	ever occurred over the course of a semester.	10:11:52
12	Q. To your knowledge, it never did happen --	10:11:54
13	A. No.	10:11:54
14	Q. -- at Fremont; correct?	10:11:59
15	A. No, it didn't happen, to my knowledge.	10:12:02
16	Q. Do you see where Ms. Diego continues:	10:12:07
17	"There are forty-five people in my	10:12:10
18	American Literature class and four	10:12:11
19	people have to stand every day"?	10:12:13
20	A. Yes.	10:12:13
21	Q. Do you have any knowledge of students having	10:12:18
22	to stand every day in any American Literature class	10:12:19
23	at Fremont?	10:12:23
24	A. No.	10:12:23
25	Q. And with respect to her statement that five	10:12:29

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1	or six people bring in extra chairs to use, did you	10:12:31
2	ever become aware of a time when students in the	10:12:36
3	American Literature class had to bring in extra	10:12:42
4	chairs to use at Fremont?	10:12:45
5	A. No.	10:12:45
6	Q. Do you see in paragraph 9 where she says:	10:12:59
7	"There are three counselors for	10:13:00
8	around 1,000 students on the 'B'	10:13:02
9	track"?	10:13:05
10	A. Yes.	10:13:05
11	Q. Is that an accurate statement?	10:13:06
12	A. That would be an estimate. It sounds like a	10:13:13
13	fairly decent estimate.	10:13:17
14	Again, that's not my responsibility as far	10:13:18
15	as counselors, but I believe there are three	10:13:20
16	counselors per track, or two and a half, and there	10:13:23
17	are about 1,500 students on a track. So it's a good	10:13:28
18	estimate.	10:13:32
19	Q. Do you see where she says:	10:13:33
20	"That's not enough counselors for	10:13:35
21	all the students"?	10:13:36
22	A. Yes.	10:13:36
23	Q. Do you agree with that statement?	10:13:38
24	A. Yes.	10:13:38
25	Q. How many counselors do you think are	10:13:39

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1 required for that number of students? 10:13:41  
2 A. Actually Fremont probably has more than the 10:13:44  
3 district requires. We certainly don't have any less, 10:13:46  
4 but the district only gives us a certain allotment of 10:13:50  
5 counselors and that we utilize that to the full 10:13:54  
6 extent. L.A.U.S.D. policy. 10:13:58  
7 Q. Can you describe what you mean "the district 10:14:04  
8 only gives us a certain allotment of counselors." 10:14:06  
9 A. Well, you have a norm, depending on how many 10:14:10  
10 students. Teachers and allocated personnel are 10:14:13  
11 allocated to a school, and based on your enrollment, 10:14:16  
12 you are allocated so many counselors. 10:14:19  
13 So this sounds like an accurate amount, 10:14:22  
14 although I think really it's worse. I think it's 10:14:25  
15 about 1,500 students. 10:14:28  
16 Q. When you say "allocated a certain number of 10:14:29  
17 counselors," does that mean in your budget provided 10:14:32  
18 to you by the big district that the money you are 10:14:35  
19 provided is only sufficient to pay for that number of 10:14:38  
20 counselors? 10:14:41  
21 A. Yes. 10:14:41  
22 Q. That's a particular category in the 10:14:43  
23 budget -- 10:14:44  
24 A. Yes. 10:14:44  
25 Q. -- that is earmarked by the district? 10:14:45

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1 A. Yes. 10:14:45  
2 Q. Could Fremont spend money from any other 10:14:49  
3 category of its school budget to acquire additional 10:14:51  
4 counselors for its students? 10:14:57  
5 A. Yes. 10:14:57  
6 Q. What category of funds are available to the 10:15:12  
7 school to do that? 10:15:12  
8 A. Actually we do do that to some extent. We 10:15:12  
9 have Title I funds, and I know they purchased a 10:15:12  
10 psychiatric social worker, and they also purchased 10:15:12  
11 pupil services, an attendance counselor. 10:15:13  
12 You also can just take a teacher and turn a 10:15:20  
13 teacher into a counselor if they have a credential. 10:15:23  
14 Then that would take away from how many teachers are 10:15:26  
15 available to teach the students. 10:15:29  
16 Q. Why doesn't Fremont have more counselors? 10:15:32  
17 You've said it doesn't have enough 10:15:38  
18 counselors. You agreed with Ms. Diego that it needs 10:15:39  
19 more counselors for its students. 10:15:42  
20 Why is it, in your opinion, that Fremont 10:15:45  
21 doesn't have -- hasn't hired more counselors for its 10:15:46  
22 student body? 10:15:50  
23 A. I think it's looking at the resources as I 10:15:52  
24 just described. 10:15:54  
25 The only other source at this particular 10:15:55

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1 point I'm aware of would be to convert teachers to 10:15:57  
2 counselors, and I really think class size is 10:16:00  
3 important for learning as well. 10:16:04  
4 Someone is making a decision we need the 10:16:05  
5 teachers in the classroom rather than turning them 10:16:07  
6 into counselors with a credential. 10:16:11  
7 Q. Do the students have any ability to get 10:16:26  
8 involved with their schedule -- let me rephrase. 10:16:34  
9 Can you describe what the students at 10:16:43  
10 Fremont can do to proactively get involved with their 10:16:45  
11 scheduling, their class scheduling. 10:16:52  
12 MS. LHAMON: Objection. Vague as to "get 10:16:56  
13 involved" and calls for speculation. 10:16:58  
14 THE WITNESS: Well, as part of the school 10:17:02  
15 program, they talk to their counselor. They are all 10:17:03  
16 called in to discuss their schedule with the 10:17:06  
17 counselor when they are programmed. 10:17:08  
18 What a student could do if they need 10:17:13  
19 additional assistance is make an appointment with the 10:17:16  
20 counselor to talk to the counselor on an informal 10:17:18  
21 basis to discuss his schedule further. 10:17:21  
22 As you noted earlier, there are a lot of 10:17:28  
23 students per counselor. So they are seen as a part 10:17:30  
24 of the scheduling process. If a student would want 10:17:34  
25 more time, that would be what they do is they would 10:17:38

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1 make an additional appointment with the counselor. 10:17:40  
2 They might have their parents come in and 10:17:44  
3 talk with a counselor. 10:17:46  
4 BY MR. ROZWOOD: 10:17:49  
5 Q. What types of scheduling -- well, strike 10:17:55  
6 that. 10:17:58  
7 To your knowledge, do the students at 10:18:07  
8 Fremont make appointments with their counselors in 10:18:10  
9 addition to the standard scheduling appointments that 10:18:15  
10 they have? 10:18:21  
11 A. Yes. 10:18:21  
12 Q. They do? 10:18:22  
13 A. Uh-huh. 10:18:22  
14 Q. Is there a record that Fremont keeps of 10:18:24  
15 which students have made additional appointments with 10:18:28  
16 their counselors above and beyond the standard 10:18:30  
17 appointments? 10:18:34  
18 A. I don't know. That really isn't my office. 10:18:35  
19 So I really don't know. 10:18:38  
20 Q. Is it fair to say that increasing the number 10:18:55  
21 of counselors at Fremont would require either more 10:18:57  
22 money or a decision to have less teachers, fewer 10:19:01  
23 teachers and, therefore, larger class sizes? Is that 10:19:09  
24 the trade-off, if I understand your testimony? 10:19:14  
25 A. To my knowledge, it is. The principal may 10:19:16

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1 know something else that I don't know. She has the 10:19:20  
 2 total big picture. That would be my good guess, 10:19:23  
 3 yeah. 10:19:25  
 4 Q. Who has the power to make the decision to 10:19:29  
 5 turn teachers into counselors? 10:19:31  
 6 A. Principal. 10:19:35  
 7 Q. Does the leadership council or any other 10:19:39  
 8 group have any say in that decision, to your 10:19:42  
 9 knowledge? 10:19:47  
 10 A. I don't believe so. 10:19:47  
 11 Q. Do the students or parents or other 10:19:49  
 12 interested groups have any say in how and/or whether 10:19:52  
 13 that decision would get made? 10:19:58  
 14 A. The ultimate decision would be the 10:20:00  
 15 principal's, but obviously if there's a ground swell 10:20:02  
 16 of the school community -- "This is what we want and 10:20:05  
 17 how we want to allocate our resources" -- I'm sure 10:20:08  
 18 any principal would take that into consideration. 10:20:11  
 19 Q. To your knowledge, has there been any 10:20:15  
 20 interest expressed in reducing the number of teachers 10:20:17  
 21 in favor of increasing the number of counselors at 10:20:21  
 22 Fremont High School? 10:20:24  
 23 A. No, I'm not aware. 10:20:26  
 24 Q. Do you think that's a good idea? 10:20:28  
 25 A. Probably if it were my decision, I would 10:20:33

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1 keep the teachers in the classroom because the 10:20:35  
 2 achievement of our kids is really so important. That 10:20:37  
 3 would be my decision. 10:20:43  
 4 Q. Is your decision -- is your answer based in 10:20:46  
 5 part on your earlier testimony that the most 10:20:49  
 6 important factor in a student's education is the 10:20:53  
 7 quality and effectiveness of the teacher in the 10:20:55  
 8 classroom? 10:20:58  
 9 MS. LHAMON: Objection. I think it 10:21:01  
 10 mischaracterizes her testimony. 10:21:02  
 11 BY MR. ROZWOOD: 10:21:05  
 12 Q. Is that why -- 10:21:06  
 13 A. Well -- 10:21:06  
 14 Q. -- you would rather have them -- 10:21:06  
 15 A. Well -- 10:21:08  
 16 Q. -- not in a counseling office -- 10:21:08  
 17 Because we had this problem in your last 10:21:11  
 18 deposition and with others, when you are answering, 10:21:14  
 19 I'll try to stop and listen because I think I've 10:21:16  
 20 interrupted you a couple of times so far, and 10:21:19  
 21 hopefully you can do the same. 10:21:22  
 22 You may know exactly what I'm going to ask 10:21:24  
 23 and many times you have, but hopefully you can listen 10:21:26  
 24 and make sure you have the full question that you can 10:21:30  
 25 respond to fully. 10:21:32

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1 Okay? 10:21:44  
 2 A. Okay. 10:21:44  
 3 Q. Great. 10:21:44  
 4 Is that the reason why you said you would 10:21:44  
 5 rather keep the teachers in the classrooms? 10:21:44  
 6 A. I don't see the relationship between those 10:21:48  
 7 two statements. I mean I think that quality 10:21:50  
 8 instruction is important, but I'm even saying you 10:21:53  
 9 should take teachers just beginning and keep them in 10:21:58  
 10 the classroom. I don't see the relationship between 10:22:01  
 11 those two statements. 10:22:03  
 12 Q. Well, the impact of a teacher on a student's 10:22:05  
 13 education is greater than the impact of a counselor 10:22:08  
 14 on a student's education -- correct? -- in your 10:22:11  
 15 opinion? 10:22:14  
 16 A. In general, yes. In general. 10:22:15  
 17 Q. If you had an extra million dollars, you 10:22:27  
 18 would hire all the teachers and counselors you 10:22:31  
 19 wanted; right? 10:22:34  
 20 MS. LHAMON: Objection. Incomplete 10:22:34  
 21 hypothetical. 10:22:35  
 22 THE WITNESS: Sure. 10:22:37  
 23 BY MR. ROZWOOD: 10:22:38  
 24 Q. But with limited resources, the current 10:22:38  
 25 allocation of teachers and counselors at Fremont is 10:22:42

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1 as good as it can be, in your opinion; correct? 10:22:48  
 2 MS. LHAMON: Objection. Incomplete 10:22:52  
 3 hypothetical and calls for speculation. 10:22:53  
 4 THE WITNESS: In answering that question, I 10:22:59  
 5 guess I would say that I would keep a maximum number 10:23:00  
 6 of teachers in the classroom as opposed to taking 10:23:03  
 7 them out of the classroom and putting them as 10:23:06  
 8 counselors. 10:23:09  
 9 BY MR. ROZWOOD: 10:23:10  
 10 Q. Well, do you think you should turn some of 10:23:10  
 11 the counselors into more teachers so you would have 10:23:12  
 12 fewer counselors per student if they were 10:23:15  
 13 credentialed and qualified and could be -- 10:23:18  
 14 A. No. 10:23:18  
 15 Q. -- effective classroom teachers? 10:23:21  
 16 A. No. 10:23:21  
 17 Q. So you wouldn't change the allocation of 10:23:23  
 18 teachers and counselors at Fremont; correct? 10:23:25  
 19 A. I feel like I'm being talked into something. 10:23:27  
 20 I don't know. 10:23:30  
 21 Q. Well, I'm asking if you think it's better to 10:23:31  
 22 have more -- 10:23:33  
 23 You know you have a certain number of people 10:23:34  
 24 that work at Fremont. Is it better to have -- 10:23:35  
 25 Let's just say: How many counselors are 10:23:38

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1 there total at Fremont? 10:23:40

2 A. I believe there are 11. 10:23:42

3 Q. Okay. Let's just say approximately 11. 10:23:44

4 How many teachers are there at Fremont 10:23:47

5 approximately? 10:23:49

6 A. 170-plus on two tracks. Three tracks we are 10:23:50

7 going up in the 200's. So about 70 teachers per 10:23:58

8 track. 10:24:02

9 Q. My question is: Given the amount of 10:24:05

10 resources the school has, would you rather see a 10:24:08

11 different allocation than 11 counselors and 10:24:11

12 approximately 210 teachers? 10:24:15

13 A. No, that's fine. Keep it that way. 10:24:20

14 Q. Do you think that a different allocation or 10:24:25

15 split between teachers and counselors would have any 10:24:28

16 significant impact on the ability of the students to 10:24:31

17 learn the subject matter at the school? 10:24:36

18 MS. LHAMON: Objection. Calls for 10:24:38

19 speculation. 10:24:38

20 THE WITNESS: I would have a hard time 10:24:42

21 answering that question. 10:24:44

22 BY MR. ROZWOOD: 10:24:45

23 Q. I think we all would. 10:24:49

24 Is there anything that the administration at 10:25:06

25 Fremont High School could do to improve the quality 10:25:08

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1 or the effectiveness of the classroom teachers at the 10:25:13

2 school that it's not already doing? 10:25:17

3 MS. LHAMON: Objection. Calls for 10:25:21

4 speculation. 10:25:22

5 THE WITNESS: I think one of the things that 10:25:25

6 could happen is that, as Mrs. Roland so often says, 10:25:27

7 sometimes we let our operational needs drive us. We 10:25:32

8 have emergencies with pipes, we have emergencies with 10:25:36

9 floors, we have someone that needs to go home because 10:25:39

10 they did something or other, and we continually are 10:25:42

11 dealing with those people walking into our rooms all 10:25:46

12 the time because we all have open-door policies, and 10:25:50

13 what happens then is we are not in the classrooms as 10:25:54

14 much as we should be. 10:25:58

15 I would say yeah, we need to prioritize our 10:26:00

16 time so we get in the classroom every day for at 10:26:03

17 least two classes and watch what is going on. 10:26:07

18 I think sometimes that doesn't happen 10:26:12

19 because we are pulled this way and that way with 10:26:15

20 various operational needs which are important as 10:26:17

21 well. 10:26:22

22 BY MR. ROZWOOD: 10:26:23

23 Q. Other than getting into the classrooms more, 10:26:31

24 is there anything that the school administration 10:26:34

25 could do to improve the quality of or effectiveness 10:26:37

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1 of its classroom teachers? 10:26:41

2 A. After you go into the classroom, it's 10:26:43

3 important that the teacher gets feedback about what 10:26:45

4 you saw so they can improve. 10:26:47

5 You can either do that on a casual basis, as 10:26:49

6 is sometimes suggested now in various books that we 10:26:53

7 are reading, or you can actually have a conference in 10:26:56

8 the office where you go through and help the teacher 10:26:58

9 with whatever they need to do. 10:27:02

10 I think it's important to give them 10:27:04

11 assistance, especially the new teacher, to make time 10:27:05

12 for them to visit other teachers, to make time to go 10:27:08

13 to conferences. 10:27:12

14 I think we are doing that. Obviously we can 10:27:13

15 always do a better job. 10:27:16

16 Q. I want to ask you the same questions with 10:27:17

17 respect to the learning experience of the students at 10:27:19

18 Fremont. 10:27:21

19 Is there anything that the administration at 10:27:22

20 Fremont could do to improve the quality of the 10:27:25

21 educational experience at Fremont other than what it 10:27:28

22 is already doing? 10:27:34

23 A. I'm not sure how that question varies from 10:27:35

24 the one you just asked. 10:27:37

25 Q. So the only way you can improve the quality 10:27:39

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1 of the learning experience of the students or of the 10:27:54

2 educational experience of the students is to focus on 10:27:54

3 the classroom teachers? 10:27:54

4 A. Okay. I think I understand. You are 10:27:54

5 talking about textbooks. 10:27:54

6 Q. I'm talking about anything. 10:27:54

7 I'm asking what do you think that the 10:27:56

8 administration should do that it's not doing to 10:28:00

9 improve the quality of the educational experience 10:28:02

10 with students. Just a general question. Whatever 10:28:04

11 you can think of would be great. 10:28:07

12 A. I think the main things have to do with 10:28:15

13 talking with teachers about instructional issues. 10:28:17

14 One of the things we are talking about doing 10:28:20

15 this year as staff development is having study 10:28:22

16 groups, and a lot of the current research talks about 10:28:26

17 teachers talking to other teachers, sharing ideas, 10:28:30

18 looking at students' work. 10:28:34

19 We are in the process of facilitating that 10:28:36

20 with Los Angeles County Department of Education, and 10:28:39

21 hopefully that will offer help as well. 10:28:41

22 Q. Is there anything else you can think of that 10:28:52

23 the administration could be doing to improve the 10:28:55

24 quality of the educational experience of its 10:29:01

25 students? 10:29:04

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1 MR. FRIEDMAN: Can I ask, when you say "the 10:29:05  
 2 administration," you are referring to the 10:29:07  
 3 administration at the school site? 10:29:10  
 4 MR. ROZWOOD: Correct. 10:29:11  
 5 THE WITNESS: I'm sure there are things we 10:29:19  
 6 could be doing. I can't think of anything right now 10:29:21  
 7 that's on my plate that we are already working on to 10:29:24  
 8 try to help our kids learn. 10:29:29  
 9 BY MR. ROZWOOD: 10:29:31  
 10 Q. Can you tell us what the school's site 10:29:31  
 11 administration is currently working on to improve the 10:29:34  
 12 quality of the educational experience of its 10:29:38  
 13 students. 10:29:41  
 14 A. Well, we have -- like I said, we are working 10:29:42  
 15 with the staff development plan as far as teachers 10:29:45  
 16 sharing ideas and looking at student work and 10:29:48  
 17 investigating how students learn. That's our current 10:29:51  
 18 focus for staff development. 10:29:54  
 19 We will have more staff development days 10:29:56  
 20 this year because of the mandate actually from the 10:29:59  
 21 big district that we redesign the bell schedule so 10:30:03  
 22 there's more staff development time available. 10:30:07  
 23 We also are creating -- not creating but 10:30:09  
 24 implementing a reading program called Language that 10:30:13  
 25 should help our kids that are just emergent readers, 10:30:18

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1 learning to read better. We have a reading 10:30:22  
 2 10:30:24  
 3 coordinator now for four periods out of the 10:30:24  
 4 classroom. 10:30:28  
 5 She will be working with the Language 10:30:31  
 6 program as well as literacy strategies and the 10:30:33  
 7 content areas for our other teachers. 10:30:37  
 8 One of the problems that the teachers have 10:30:40  
 9 observed is that the textbooks are difficult for the 10:30:43  
 10 students. The students need strategies in order to 10:30:47  
 11 digest this information and remember it and do well 10:30:51  
 12 with it, and that will be one of her challenges, 10:30:54  
 13 charges this year to work with that. 10:31:00  
 14 We have Kate Kinsella signed up to come in, 10:31:03  
 15 who is an extremely well-recognized literacy expert 10:31:06  
 16 from San Francisco State University. 10:31:10  
 17 Q. I apologize for interrupting. Can you spell 10:31:12  
 18 that name for the reporter. 10:31:15  
 19 A. First name Kate, with a K, and Kinsella, 10:31:17  
 20 K-i-n-s-e-l-l-a. 10:31:20  
 21 Q. I'm sorry to interrupt. She is the literary 10:31:25  
 22 expert? 10:31:29  
 23 A. Yeah, she is one of the experts in the State 10:31:30  
 24 of California and probably nationally, but she is 10:31:33  
 25 going to be working with faculty members. She 10:31:35

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1 already started, but she will be coming to Fremont. 10:31:38  
 2 We are also working with Adrienne Mack, 10:31:43  
 3 M-a-c-k, who is out of LACOE, L-A-C-O-E, Los Angeles 10:31:45  
 4 County Office of Education, and she will be helping, 10:31:55  
 5 as well, the teachers, with the study groups, and 10:31:57  
 6 with literacy strategies. 10:32:01  
 7 We continually work to conserve our 10:32:05  
 8 textbooks. Students need to learn to take care of 10:32:09  
 9 their books, retain the books, cover the books. 10:32:11  
 10 Those are just some of the things that come 10:32:25  
 11 to mind. I'm sure we are doing other things. 10:32:26  
 12 Q. You mentioned the literacy strategies, and 10:32:32  
 13 you also mentioned programs to help students digest 10:32:35  
 14 information contained in textbooks. 10:32:40  
 15 Are those two different sets of approaches 10:32:42  
 16 to help students learn the subject matter in their 10:32:45  
 17 classes, or are they related -- I'm trying find what 10:32:48  
 18 the connection is between -- 10:32:51  
 19 A. Actually the connection is something you 10:32:53  
 20 talked about with Cindy Diego, that she could not 10:32:55  
 21 remember the information. 10:33:01  
 22 So, again, I'm assuming maybe there was a 10:33:03  
 23 little faulty learning going on in the first place. 10:33:07  
 24 If you can follow through and help the students get 10:33:10  
 25 the information in the first place, I'm guessing that 10:33:13

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1 there will be better carry-over. 10:33:17  
 2 Q. You mentioned that sometimes it's difficult 10:33:22  
 3 for students to absorb the information contained in 10:33:27  
 4 textbooks. 10:33:30  
 5 Is that what you said? 10:33:31  
 6 A. Yes, it is. 10:33:33  
 7 Q. Is that something that is common in your 10:33:37  
 8 experience, or is it, like, the results of some 10:33:44  
 9 studies that you are aware of? How do you know that? 10:33:48  
 10 A. Well, probably lots of things. I read a 10:34:00  
 11 lot, for one thing. I go to a lot of conferences. I 10:34:00  
 12 talk to a lot of teachers. I talk to a lot of 10:34:00  
 13 students. 10:34:00  
 14 So it's really like a global gestalt of why 10:34:02  
 15 I would say something like that. 10:34:05  
 16 This is not uncommon in L.A. Unified. It's 10:34:07  
 17 not just a Fremont problem. Probably you could say 10:34:09  
 18 it's a cultural thing. Kids aren't reading as much, 10:34:12  
 19 certainly not picking up textbooks as much, a lot of 10:34:17  
 20 visual stuff going on. 10:34:21  
 21 I think it's one of the missions of teachers 10:34:22  
 22 to talk about how we look at the textbook, how we 10:34:24  
 23 read a textbook, how I would go about remembering 10:34:27  
 24 that, how I would work my thoughts so I could call 10:34:31  
 25 upon them when I need to. 10:34:34

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1 Q. Are you aware of any particular conferences 10:34:37  
 2 that you attended that discussed this issue of 10:34:40  
 3 students' difficulty absorbing information in 10:34:45  
 4 textbook format? 10:34:48  
 5 A. Yes. 10:34:48  
 6 Q. Which conferences are those? 10:34:50  
 7 A. Well, I went to the California Literacy 10:34:53  
 8 Symposium in San Diego. I have gone to California 10:34:55  
 9 Association of Teachers in English. I have gone to 10:35:02  
 10 various workshops that the County gives. Southland 10:35:06  
 11 Council of Teachers of English. 10:35:18  
 12 Q. Can you think of any others? 10:35:29  
 13 A. Not off the top of my head, but I've gone to 10:35:33  
 14 lots. 10:35:35  
 15 Q. If you think of any others, you can let us 10:35:36  
 16 know at any time. 10:35:39  
 17 A. Okay. 10:35:40  
 18 Q. During the course of your evaluation of the 10:35:40  
 19 English teachers at Fremont, have you had occasion to 10:35:43  
 20 observe any specific instances in the classroom of 10:35:47  
 21 students having difficulty absorbing textbook 10:35:53  
 22 information? 10:35:56  
 23 A. You know, actually in the English classes, 10:35:57  
 24 the teachers do not use textbooks as much as they do 10:35:59  
 25 in science, math, and social studies. 10:36:03

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1 Q. Do you think that's a problem? 10:36:06  
 2 A. No, I think it's wonderful. 10:36:08  
 3 In English, we usually look at poetry and 10:36:10  
 4 novels and essays, and usually the essays will be 10:36:14  
 5 photocopied, and we talk about how those things are 10:36:17  
 6 read. 10:36:21  
 7 The textbooks -- the actual textbook 10:36:22  
 8 strategies I was talking about was how to read a 10:36:25  
 9 social studies textbook, how to read a science 10:36:28  
 10 textbook. 10:36:32  
 11 Q. Math? 10:36:33  
 12 A. Yes. 10:36:35  
 13 Q. So social studies, science, and math? 10:36:35  
 14 A. Yes. 10:36:35  
 15 Q. Are there any other subjects where the use 10:36:38  
 16 of textbooks may be difficult for students -- may 10:36:40  
 17 present difficulties for students attempting to learn 10:36:49  
 18 the subject matter? 10:36:51  
 19 A. Yes. 10:36:51  
 20 Q. What other subjects are there? 10:36:53  
 21 A. There are a few business classes left. 10:36:56  
 22 There are some textbooks in art. Home Ec. may have 10:37:00  
 23 some, but I am not really sure. 10:37:10  
 24 Most of the conferences, though, do focus on 10:37:12  
 25 the core academic areas that the information that's 10:37:14

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1 presented can carry over if there's a textbook in 10:37:17  
 2 another field. 10:37:20  
 3 Q. I asked you about symposiums or conferences. 10:37:44  
 4 Are you aware of -- strike that. 10:37:48  
 5 I asked you about symposiums or conferences 10:37:50  
 6 where the issue of textbook presenting learning 10:37:54  
 7 difficulty for students might have been raised. 10:37:57  
 8 Are you aware of any studies or formal 10:37:59  
 9 findings by any experts or research groups that have 10:38:02  
 10 investigated this issue? 10:38:07  
 11 A. Not really specifically. I just thought of 10:38:11  
 12 another conference, though. 10:38:14  
 13 The California League of High Schools, and 10:38:15  
 14 they have a Focus on Literacy conference that occurs 10:38:17  
 15 at least once a year. I have been to that one as 10:38:21  
 16 well as just the general California League of High 10:38:25  
 17 Schools conference. 10:38:28  
 18 Q. You listed as one of the things that the 10:38:41  
 19 administration is doing to improve the overall 10:38:45  
 20 quality of its students' education is working to 10:38:48  
 21 conserve its textbooks, to help students better 10:38:56  
 22 retain and cover their books; is that correct? 10:39:01  
 23 A. Yes. 10:39:01  
 24 Q. What does Fremont do specifically to 10:39:04  
 25 conserve its textbooks? 10:39:11

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1 A. We have textbook covers available in the 10:39:13  
 2 textbook room so that, when the class sets of 10:39:16  
 3 textbooks or student sets of textbooks are checked 10:39:20  
 4 out, there is a cover available for every book. 10:39:23  
 5 We have strongly suggested that any sets 10:39:26  
 6 that are kept in the classroom be numbered so that, 10:39:29  
 7 if you have a classroom set, they are displayed in a 10:39:33  
 8 numbered manner so immediately before a class 10:39:37  
 9 dismisses you can see what number is missing. 10:39:39  
 10 The teacher has assigned a number to each of 10:39:42  
 11 the students so they know who uses that. And that's 10:39:46  
 12 not done in every classroom, but especially any 10:39:48  
 13 teachers who have experienced textbook loss, we more 10:39:52  
 14 or less say, "This is what you are going to do. This 10:39:55  
 15 is how we are going to help you keep your books." 10:39:58  
 16 They have suggested, if the teacher will be 10:40:02  
 17 out for a few days, that, if an unknown sub is 10:40:18  
 18 coming, that the books be locked up. 10:40:18  
 19 We monitor how many books are lost or 10:40:18  
 20 damaged by individual teachers. We talk to the 10:40:20  
 21 students about the importance of keeping their books, 10:40:28  
 22 studying from their books. 10:40:31  
 23 Q. Can you think of anything else that Fremont 10:40:36  
 24 does to conserve the quality of the textbooks? 10:40:38  
 25 A. Well, we have an excellent textbook clerk. 10:40:44

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1 She keeps really good records. Probably might be 10:40:46  
 2 unique to some schools. A good clerk is hard to 10:40:49  
 3 find. Her records are really excellent. Her 10:40:54  
 4 textbook room is organized. Our textbook room is 10:40:56  
 5 organized. We know what we have. We know the 10:41:00  
 6 condition of our books. We know who has what book. 10:41:02  
 7 All I have to mention is a certain teacher, and she 10:41:05  
 8 can tell me immediately what book that teacher is 10:41:08  
 9 using, when they got it, how they are doing, and 10:41:11  
 10 that, I think, is an extremely valuable resource that 10:41:13  
 11 we have a valuable support person in that office. 10:41:17  
 12 Q. I think I may have asked you this, but how 10:41:20  
 13 long has the textbook clerk been with Fremont? 10:41:22  
 14 MS. LHAMON: Asked and answered. 10:41:26  
 15 THE WITNESS: I'm guessing, but maybe eight 10:41:26  
 16 years. 10:41:30  
 17 BY MR. ROZWOOD: 10:41:32  
 18 Q. That's Linda Jones? 10:41:33  
 19 A. Yes. 10:41:33  
 20 Q. Can you think of anything that the 10:42:13  
 21 administration at Fremont could do that it's not 10:42:17  
 22 doing to improve the students' responsibility for 10:42:22  
 23 their textbooks, for retaining and covering and 10:42:26  
 24 taking care of and returning their textbooks? 10:42:29  
 25 MS. LHAMON: Objection. Calls for 10:42:37

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1 speculation. 10:42:37  
 2 THE WITNESS: I'm thinking. 10:42:40  
 3 I suppose there probably is something that 10:42:41  
 4 doesn't occur to me right this very minute. 10:42:43  
 5 BY MR. ROZWOOD: 10:42:47  
 6 Q. Do you think the students at Fremont are 10:42:47  
 7 generally responsible with their textbooks in terms 10:42:51  
 8 of their use and maintenance and return? 10:42:55  
 9 MS. LHAMON: Objection. Calls for 10:42:58  
 10 speculation. 10:42:59  
 11 THE WITNESS: I think they are generally 10:43:02  
 12 responsible. I think -- personally, I think they 10:43:04  
 13 need to value the textbooks more, though. 10:43:08  
 14 I think the books are now \$65, \$70 each, and 10:43:11  
 15 the learning they provide is tremendous, and I think, 10:43:17  
 16 if the student could be made to see the value of the 10:43:19  
 17 book and what it represents and what it can give 10:43:25  
 18 them, you know, maybe that student will be motivated 10:43:29  
 19 to take better care of it. 10:43:34  
 20 Again, it's like anything else. I think the 10:43:36  
 21 student in terms of damage or losing books are in a 10:43:38  
 22 small minority, but a minority can make a big mess 10:43:44  
 23 for the majority. 10:43:48  
 24 BY MR. ROZWOOD: 10:43:48  
 25 Q. In the context of the availability of 10:43:49

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1 textbooks, how can the bad acts of the minority 10:43:51  
 2 affect the majority? 10:43:58  
 3 A. Well, say you have a class of 35 and 5 kids 10:44:00  
 4 lose their book, and you multiply that times -- say 10:44:03  
 5 there may be 20-some biology classes. So you are 10:44:07  
 6 immediately short a hundred books, and a hundred 10:44:11  
 7 books is \$70 a book. So that's a lot of money. So 10:44:14  
 8 it just grows, and then you don't have enough books 10:44:18  
 9 the following semester because of those books are 10:44:21  
 10 damaged or lost or defaced. 10:44:25  
 11 Q. How long does it take to replace the books 10:44:26  
 12 lost or damaged by the minority at Fremont? 10:44:31  
 13 A. You would be looking probably the next year. 10:44:35  
 14 Normally just order one title a year. 10:44:38  
 15 I mean like say you are missing a whole 10:44:41  
 16 biology book. We don't put in a second order for 10:44:43  
 17 biology until the fall because the funds are 10:44:48  
 18 expended. They are allocated and expended unless the 10:44:51  
 19 district comes and spends a lot of money, which has 10:44:55  
 20 happened in the last couple of years. Then we would 10:44:59  
 21 order the books. 10:45:03  
 22 Of course, we try to get them back if we 10:45:04  
 23 can, and that's one of Linda Jones's responsibilities 10:45:06  
 24 to call and send letters and try to get the books 10:45:09  
 25 back. 10:45:12

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1 Q. From the student to whom they were issued; 10:45:14  
 2 correct? 10:45:15  
 3 A. Yes. 10:45:15  
 4 Q. When you say Ms. Jones tries to get them 10:45:16  
 5 back, does she make contact with the parents to whom 10:45:19  
 6 they were issued as well? 10:45:22  
 7 A. Yes, she calls and sends letters. 10:45:24  
 8 Q. What happens on a new track after only 30 of 10:45:31  
 9 35 books are returned at the end of the previous 10:45:34  
 10 track and there is no money to buy replacement 10:45:37  
 11 textbooks? What happens to the class using that set 10:45:39  
 12 of textbooks at Fremont? 10:45:43  
 13 A. Okay. Since I don't supervise those 10:45:46  
 14 teachers, I don't know specifically what happens. 10:45:49  
 15 If it were an English teacher, I would work 10:45:51  
 16 with an English teacher to make sure there was 10:45:54  
 17 something suitable to use. I would refer them to the 10:45:58  
 18 department chair. 10:46:01  
 19 There are other resources in the district. 10:46:01  
 20 We can borrow books. I know that happened once with 10:46:04  
 21 a social studies book. 10:46:07  
 22 As far as science, I don't know. I would 10:46:09  
 23 work with the department chair, if I were that 10:46:11  
 24 administrator, and figure out something. 10:46:13  
 25 Q. Are there additional versions of the 10:46:15



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1 textbook available in the textbook inventory? 10:46:18  
 2 A. Yes, there are. 10:46:23  
 3 Q. You've given me a list of things that the 10:46:36  
 4 school is currently doing to improve the educational 10:46:39  
 5 experience of its students. 10:46:47  
 6 If you think of any other things that the 10:46:50  
 7 school is currently doing, can you let me know -- 10:47:03  
 8 A. Yes. 10:47:03  
 9 Q. -- at any time during your deposition? That 10:47:03  
 10 would be great. 10:47:03  
 11 MS. LHAMON: If you are at a stopping point, 10:47:03  
 12 I could use a break. 10:47:03  
 13 MR. ROZWOOD: Okay. Let's take a short 10:47:04  
 14 break. 10:47:05  
 15 (Off the record.) 11:06:44  
 16 BY MR. ROZWOOD: 11:06:44  
 17 Q. Ms. Hines, before we broke, we had discussed 11:06:45  
 18 some of the things the school is doing to improve the 11:06:49  
 19 educational experience of its students, and I want to 11:06:53  
 20 ask you the same questions regarding what the 11:06:56  
 21 district, the Los Angeles Unified School District 11:07:01  
 22 and/or the local applicable district -- 11:07:05  
 23 Is it Local District I? 11:07:08  
 24 A. Yes. 11:07:08  
 25 Q. -- what the Los Angeles Unified School 11:07:11

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1 District and what Local District I is doing to 11:07:13  
 2 improve the educational experience of the students at 11:07:17  
 3 Fremont. 11:07:20  
 4 If you can give me a list of those things, I 11:07:21  
 5 would appreciate it. 11:07:23  
 6 MS. LHAMON: Objection. Calls for 11:07:24  
 7 speculation. 11:07:25  
 8 THE WITNESS: Part of my answer was actually 11:07:27  
 9 something that the district was doing, and I believe 11:07:29  
 10 that came from the large district, which is 11:07:31  
 11 increasing the staff development time this year. 11:07:34  
 12 So -- 11:07:40  
 13 BY MR. ROZWOOD: 11:07:40  
 14 Q. Is that -- sorry to interrupt. Go ahead. 11:07:41  
 15 A. So there are more days of staff development 11:07:43  
 16 for the teachers, and it's my understanding, 11:07:46  
 17 according to the bulletin, that the local districts 11:07:48  
 18 designate how they want half of that time spent and 11:07:51  
 19 the other half the school decides. 11:07:54  
 20 Now, we were thinking about our time, and 11:07:57  
 21 that's when we wanted to do the study groups as far 11:07:58  
 22 as talking about instructional methods and looking at 11:08:01  
 23 student work and charting progress with doing certain 11:08:04  
 24 techniques. 11:08:07  
 25 As you may or may not know, we had some 11:08:08

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1 change in leadership in Local District I. The woman 11:08:11  
 2 coming in, Dr. Rosseau, R-o-s-s-e-a-u, may have a 11:08:14  
 3 different slant on things than Dr. McKenna, but she's 11:08:21  
 4 truly an instructional leader who did wonders at 11:08:24  
 5 Santa Monica High School with the minority students. 11:08:28  
 6 So we are absolutely looking forward to working with 11:08:31  
 7 her. 11:08:34  
 8 Q. Was she the principal at Santa Monica High 11:08:35  
 9 School? 11:08:37  
 10 A. She was principal there, and then she worked 11:08:37  
 11 with Center X at UCLA and then given a job -- not 11:08:39  
 12 given -- she was appointed to a job downtown at the 11:08:45  
 13 big district as an instructional leader and associate 11:08:50  
 14 superintendent, and now she is the District I 11:08:53  
 15 superintendent as of this week. 11:08:57  
 16 Q. Do you know where Dr. McKenna is now? 11:09:03  
 17 A. No. 11:09:05  
 18 Listening to Governor Romer on the 11:09:18  
 19 television, he said District I now has the best. So 11:09:21  
 20 he obviously thinks very highly of the woman, and her 11:09:26  
 21 capabilities. So I think that L.A. Unified is 11:09:29  
 22 recognizing that our district does need instructional 11:09:33  
 23 support so that our students can achieve commensurate 11:09:37  
 24 with the district students as a whole. 11:09:44  
 25 Also, District I -- I think I may have 11:09:48

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1 mentioned this before. District I and G do get 11:09:51  
 2 priority as far as hiring credentialed teachers, 11:09:54  
 3 which sometimes is helpful. 11:09:57  
 4 It's certainly helpful being able to 11:09:59  
 5 interview the teacher before anyone else does, but in 11:10:02  
 6 my experience, I found that some of the teachers we 11:10:05  
 7 hire without credentials become stronger or are 11:10:09  
 8 stronger teachers going in than some of the teachers 11:10:11  
 9 with credentials. 11:10:15  
 10 So at any rate, they are giving us a chance 11:10:16  
 11 to see the people and offer them the job if we feel 11:10:18  
 12 they would do a good job for our students. 11:10:21  
 13 That has made a tremendous difference in the 11:10:25  
 14 amount of vacancies I was able to fill this year. So 11:10:27  
 15 when we started out, we were missing four teachers 11:10:31  
 16 hired in, but we have teachers in those positions 11:10:34  
 17 that are regular credentialed teachers, but we do 11:10:37  
 18 have four vacancies on B and C track as opposed to 11:10:41  
 19 approximately 12, 15, upwards of 20 vacancies at this 11:10:44  
 20 same time last year for B and C tracks. 11:10:49  
 21 Q. When you say "vacancies," you mean 11:10:53  
 22 vacancies -- 11:10:54  
 23 A. Yeah. 11:10:54  
 24 Q. -- for permanent teachers? 11:10:56  
 25 A. It means we haven't filled those four 11:10:57

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1 positions. There are four positions that we can hire 11:11:03  
 2 for right now on tracks B and C that we have not 11:11:06  
 3 hired anyone. 11:11:09  
 4 Q. And what you have done to fill those four 11:11:11  
 5 spots temporarily is you brought in fully 11:11:17  
 6 credentialed teachers from another track; correct? 11:11:19  
 7 A. Yes. 11:11:19  
 8 Q. Okay. When you said earlier that Governor 11:11:22  
 9 Romer said District I has the best, do you know what 11:11:29  
 10 he said you have the best of? What is it the best 11:11:32  
 11 of? 11:11:36  
 12 A. I think when he said that, that was probably 11:11:36  
 13 elliptical, meaning the best local superintendent. 11:11:40  
 14 Q. Referring to Dr. Rosseau? 11:11:43  
 15 A. Yes. 11:11:43  
 16 Q. Other than enabling the school to provide 11:11:49  
 17 more days for staff development and giving the local 11:11:54  
 18 district priority over other local districts in 11:11:59  
 19 hiring of teachers, what else is the big district 11:12:04  
 20 doing to help Fremont improve the educational 11:12:07  
 21 experience for its students? 11:12:23  
 22 A. I think that through the local district -- 11:12:23  
 23 I'm not sure if this originated with the big district 11:12:23  
 24 or local district -- we were obligated to supply 11:12:23  
 25 enough textbooks for every student to take a book 11:12:25

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1 home, and they actually took funds from funds that 11:12:28  
 2 were allocated to the school to determine how they 11:12:33  
 3 were going to be spent and took those funds and 11:12:36  
 4 bought the books. 11:12:39  
 5 We were the ones that told them what books 11:12:40  
 6 we needed and how many, but I think that was a strong 11:12:42  
 7 step on their part, that making sure then that each 11:12:44  
 8 student in those four academic areas did have a book 11:12:48  
 9 to take home or will have, because some of them still 11:12:51  
 10 have not arrived. 11:12:55  
 11 Q. Is that a new program or new policy -- 11:12:56  
 12 A. That's -- 11:12:59  
 13 Q. -- at the big district? 11:13:00  
 14 A. -- not been done in the past, to my 11:13:02  
 15 knowledge. 11:13:03  
 16 They have taken 4111 funds, which is our 11:13:05  
 17 general textbook fund, but they've never gone into 11:13:09  
 18 funds that weren't specifically textbooks and just 11:13:12  
 19 wrote it off and said this is how the books are 11:13:15  
 20 ordered. In fact, they placed the orders for us. 11:13:17  
 21 Q. For the local districts -- I mean -- 11:13:22  
 22 A. For District I. I'm not too sure what they 11:13:25  
 23 did with the other districts. I don't know. 11:13:28  
 24 Q. And who was it from Fremont that 11:13:31  
 25 communicated the particular textbook purchase 11:13:35

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1 preferences for the school to -- 11:13:38  
 2 A. It was -- 11:13:44  
 3 Q. I'm sorry. 11:13:44  
 4 A. It was me. It was I. 11:13:44  
 5 Q. Who did you work with at Fremont to 11:13:49  
 6 determine what the textbook needs and preferences 11:13:52  
 7 were? 11:13:55  
 8 A. The department chairpeople. 11:13:56  
 9 Q. How many department chairs are there at 11:14:00  
 10 Fremont? 11:14:03  
 11 A. Probably 11 or 12, but we were required to 11:14:04  
 12 deal with the academic chairs. So we are talking 11:14:09  
 13 English, social studies, science, and math. We also 11:14:12  
 14 included E.S.L., and we included the special 11:14:17  
 15 education chairperson. 11:14:19  
 16 So really I worked with six department 11:14:22  
 17 chairs. 11:14:24  
 18 Q. I'm not sure how to state this properly. 11:14:36  
 19 To whom did you indicate your textbook 11:14:40  
 20 preferences once they were determined? 11:14:42  
 21 A. There were two people at the district that 11:14:44  
 22 we worked with. Carla Nuramatsu. And I don't have a 11:14:46  
 23 good spelling on that. It begins with an N, though. 11:14:51  
 24 There was a woman Maureen, M-a-u-r-e-e-n, 11:14:57  
 25 Carter. They both worked with that program. 11:15:02

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1 Q. Are those employees of the Los Angeles 11:15:07  
 2 Unified School District? 11:15:12  
 3 A. Yes. They work for Local District I. 11:15:14  
 4 Q. Do you have any knowledge of how Local 11:15:22  
 5 District I or Mrs. Nuramatsu or Mrs. Carter indicated 11:15:24  
 6 the Local District I preferences to the big district? 11:15:30  
 7 A. It's kind of a mystery, but what we think 11:15:34  
 8 happened is someone in District I actually inputted 11:15:38  
 9 those orders, and the finance person expended the 11:15:41  
 10 money at the local district. 11:15:46  
 11 We don't think it actually went to the big 11:15:48  
 12 district. Everything was handled in the local 11:15:50  
 13 district. 11:15:53  
 14 Q. Do you know who the people were at the big 11:15:57  
 15 district level that handled the ordering aggregation 11:15:59  
 16 process? 11:16:11  
 17 A. Could you explain what you mean by the word 11:16:12  
 18 aggregation process. 11:16:14  
 19 Q. I don't know what I mean. 11:16:16  
 20 What I'm trying to understand is who were 11:16:17  
 21 the people at the big district who were involved with 11:16:19  
 22 respect to the textbook acquisition process, if you 11:16:32  
 23 know. 11:16:29  
 24 A. I don't think I know. 11:16:29  
 25 Q. This districtwide textbook purchase program, 11:16:36

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1 that was done for this current school year; correct? 11:16:39  
 2 A. Yes, so that we would have enough books for 11:16:43  
 3 when school started in July. 11:16:45  
 4 Q. And do you at Fremont have enough textbooks 11:16:47  
 5 for the current school year? 11:16:56  
 6 A. They haven't all arrived yet. So no. I 11:16:59  
 7 mean we have books, but we don't have the new books. 11:17:03  
 8 You are supposed to have books no older than 11:17:06  
 9 five years, and theoretically you are supposed to 11:17:08  
 10 have the same book for everyone that's teaching that 11:17:11  
 11 same class so that there will be consistency in 11:17:15  
 12 instruction. 11:17:19  
 13 Because some of the books have not come, I 11:17:20  
 14 would question whether everyone has the same book to 11:17:22  
 15 use, but there are enough books. 11:17:25  
 16 Q. Today is the second day of instruction? 11:17:28  
 17 A. Third. 11:17:33  
 18 Q. Was there instruction yesterday? 11:17:33  
 19 A. No, Monday and Tuesday. Today is Thursday. 11:17:35  
 20 Q. When do you expect the rest of the textbooks 11:17:39  
 21 to arrive? 11:17:44  
 22 A. I would hope they would be here this month. 11:17:46  
 23 The math ones are here already. With the Holt 11:17:49  
 24 people, H-o-l-t -- that's another textbook 11:17:57  
 25 publisher -- we ordered math and social studies and 11:18:01

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1 health from Holt, and they did not -- they were not 11:18:05  
 2 able to locate that order. 11:18:08  
 3 So I faxed them the order again, and was 11:18:10  
 4 enlightened because they said, "Did you really mean 11:18:17  
 5 this?" So I know someone is working on this. What 11:18:22  
 6 that means is they are working on the order in 11:18:25  
 7 Orlando, and I would assume it would be here this 11:18:27  
 8 month. 11:18:30  
 9 Q. Those were the math and social studies 11:18:31  
 10 textbooks? 11:18:42  
 11 A. Yeah, some of them. They are the 11:18:42  
 12 trigonometry for the math. For the social studies, I 11:18:42  
 13 believe it's world history. 11:18:42  
 14 Q. Other than -- 11:18:43  
 15 A. I don't remember the rest. 11:18:44  
 16 Q. Okay. Other than the problem with the Holt 11:18:45  
 17 publisher, are there any other textbooks that you are 11:18:49  
 18 waiting to receive at Fremont? 11:18:52  
 19 A. I think the only ones that actually have 11:18:55  
 20 arrived on campus are the math ones, and the other 11:18:57  
 21 ones are still in the process with the vendors, but 11:19:01  
 22 this particular situation was serious because the 11:19:04  
 23 vendor didn't even know about the order. 11:19:07  
 24 So I know the district was trying to do this 11:19:10  
 25 and move it along and help us out, but you know, when 11:19:13

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1 you get lots of people involved in it and they are 11:19:18  
 2 away from the site, then the tracking of who did what 11:19:20  
 3 and when they did it and what they got is sometimes 11:19:23  
 4 not as efficient as our normal procedure, which is we 11:19:27  
 5 place the order and deal with the vendors. So... 11:19:30  
 6 Q. Do you think it would be better if the 11:19:35  
 7 textbooks were ordered on a statewide basis by the 11:19:36  
 8 governor's office? 11:19:40  
 9 A. I never thought of that. Not necessarily. 11:19:43  
 10 Q. Do you think it would increase the number of 11:19:47  
 11 inefficiencies like the one that has arisen with Holt 11:19:52  
 12 publisher? 11:19:57  
 13 MS. LHAMON: Calls for speculation. 11:19:57  
 14 THE WITNESS: Then again you are just 11:19:59  
 15 getting it further away. 11:20:00  
 16 I think the problem we had this time was 11:20:01  
 17 because it was further away from the site. I am the 11:20:03  
 18 administrator in charge and responsible. I didn't 11:20:06  
 19 know what the district was doing, who they were doing 11:20:09  
 20 it with, and when they were doing it. 11:20:12  
 21 It was embarrassing because teachers would 11:20:13  
 22 ask me, "What happened to my book order?" 11:20:15  
 23 "I don't know." 11:20:17  
 24 So I called the district and asked them 11:20:17  
 25 questions, and no one seems to know. It's difficult; 11:20:19

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1 whereas, if I were in charge and it was done at my 11:20:22  
 2 site, I can have the answers and know who to complain 11:20:25  
 3 to. 11:20:25  
 4 So that probably would just be putting more 11:20:28  
 5 layers if you had the government doing it. 11:20:31  
 6 MR. FRIEDMAN: I think he has other things 11:20:35  
 7 to do. 11:20:37  
 8 BY MR. ROZWOOD: 11:20:53  
 9 Q. It may be a little early to tell, but do you 11:20:53  
 10 think the district's efforts to coordinate the 11:20:57  
 11 textbook purchasing on a districtwide basis is a 11:21:02  
 12 better way of handling the order, fulfilling the 11:21:08  
 13 textbook needs of its schools? 11:21:13  
 14 A. Okay. In your question, you are asking 11:21:19  
 15 about the big district; is that correct? 11:21:20  
 16 Q. Yeah. I guess I'm asking about the big 11:21:23  
 17 district, yes. 11:21:26  
 18 A. To my knowledge, there is not an attempt to 11:21:27  
 19 standardize it districtwide. It's mini districtwide. 11:21:31  
 20 It's little or local districtwide. Because we don't 11:21:36  
 21 have to have the same vendor or the same publisher 11:21:41  
 22 for the math as does the clusters, say, in San Pedro. 11:21:44  
 23 I believe the -- I think I'm speculating 11:21:49  
 24 here, but I believe the directive came from the big 11:21:52  
 25 district that little district was supposed to be 11:21:55

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1 standardized. They may have said that, but then the 11:21:58  
 2 little districts looked at publishers and looked at 11:22:02  
 3 the books and said, "Yes, this is what we want," and 11:22:05  
 4 if one school said, "We don't want that," that was 11:22:08  
 5 tough. The majority wants this book. That's how it 11:22:13  
 6 was done. 11:22:15  
 7 In response to that, yes, I do think it's a 11:22:16  
 8 good idea because the students do move around to 11:22:19  
 9 different schools. 11:22:21  
 10 Because that transition from eighth grade to 11:22:22  
 11 ninth grade, if you start out with a certain 11:22:26  
 12 methodology or text support carry-over as a 11:22:29  
 13 ninth-grader, yeah, I think that's fine. It's just 11:22:33  
 14 everyone needs to be involved in the decision-making 11:22:37  
 15 process as much as possible. 11:22:40  
 16 Q. Okay. Other than coordinating the textbook 11:22:54  
 17 purchasing program and the teacher hiring priority 11:22:58  
 18 and the extra staff development days, can you think 11:23:03  
 19 of anything else that the local district or the big 11:23:06  
 20 district is doing to improve the educational 11:23:10  
 21 experience of the students at Fremont? 11:23:18  
 22 MS. LHAMON: Calls for speculation to the 11:23:20  
 23 extent she doesn't know everything the district is 11:23:22  
 24 doing. 11:23:25  
 25 THE WITNESS: It's true. I don't know 11:23:26

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1 everything the district is doing. 11:23:27  
 2 One of the things I did not mention earlier, 11:23:29  
 3 our library, thanks to BB and thanks to library 11:23:31  
 4 funding, is a much improved place in the last five 11:23:36  
 5 years. We have current textbooks, and we have 11:23:40  
 6 computer stations that will be in operation. 11:23:43  
 7 Some of that was BB funding, some of it was 11:23:47  
 8 library funds, and I'm not real knowledgeable on 11:23:50  
 9 library funding, but I think if you look at Fremont's 11:23:53  
 10 library five years ago and you looked at it now, 11:23:55  
 11 thanks to money that came in from whatever source, I 11:23:59  
 12 think that's an improved situation for the kids. 11:24:02  
 13 The kids go in there more, they find books 11:24:05  
 14 that they want to read, and read more often and 11:24:07  
 15 become a better reader. I think that's pretty common 11:24:20  
 16 standard knowledge. 11:24:20  
 17 BY MR. ROZWOOD: 11:24:20  
 18 Q. Can you think of anything else the big 11:24:20  
 19 district or the local district is doing to improve 11:24:23  
 20 the educational experience of the Fremont students? 11:24:26  
 21 A. Well, a lot of the things they do are just 11:24:31  
 22 continuations of what they are doing. 11:24:33  
 23 The things they are not doing, they are not 11:24:35  
 24 taking away custodians, for example, that they are 11:24:37  
 25 continuing to support campus beautification, clean 11:24:42

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1 schools, the environment needs to look good, and 11:24:48  
 2 actually when we interviewed new teachers, pleasingly 11:24:52  
 3  
 4 they are happy about the way the campus looks. 11:24:57  
 5 If you have been to Fremont, you go in the 11:24:59  
 6 front door -- it's kind of like a prison with the 11:25:02  
 7 bars, but you go inside and there's the fountain, 11:25:06  
 8 flowers, green grass. We didn't have that three 11:25:10  
 9 years ago. We had no grass because we didn't have 11:25:12  
 10 sprinklers that worked. Now that we have sprinklers 11:25:15  
 11 that work, it looks green and nice. So kind of that 11:25:19  
 12 inner quad looks like a college campus. 11:25:24  
 13 Actually it's really quite nice. So I think 11:25:26  
 14 that's a positive step. 11:25:29  
 15 I'm sure there are a plethora of things they 11:25:37  
 16 are doing that I'm not aware of. Those are just some 11:25:40  
 17 of the things. 11:25:42  
 18 Q. Do you think Fremont High School has 11:25:50  
 19 adequate custodial and maintenance staff available? 11:25:52  
 20 MS. LHAMON: Objection. Vague as to 11:25:59  
 21 "adequate." 11:26:00  
 22 THE WITNESS: It is a vague question, but I 11:26:02  
 23 really think we can always use more facilities 11:26:05  
 24 workers. It's a big plant. We are used year-round. 11:26:10  
 25 We are used in the evenings. We are used on 11:26:13

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1 Saturdays. People rent out our facilities, and it's 11:26:16  
 2 difficult to keep it clean. 11:26:22  
 3 I think the guys that are working and the 11:26:24  
 4 women are doing an excellent job. I really do. 11:26:26  
 5 BY MR. ROZWOOD: 11:26:26  
 6 Q. What is preventing Fremont from getting 11:26:35  
 7 additional maintenance and custodial staff? 11:26:38  
 8 A. That is really outside my realm of 11:26:41  
 9 knowledge. I don't know. 11:26:44  
 10 Q. That's fair. 11:26:44  
 11 A. Okay. 11:26:45  
 12 Q. Can you think of anything else other than 11:26:48  
 13 what you have already testified to that either the 11:26:50  
 14 big district or the local district is doing to 11:26:52  
 15 improve the quality of the Fremont students' 11:26:54  
 16 educational experience? 11:26:59  
 17 A. I can't think of anything right now. 11:27:03  
 18 Q. Can you think of anything that the big 11:27:05  
 19 district is not doing that it could be doing to 11:27:09  
 20 improve the quality of the students' educational 11:27:11  
 21 experience at Fremont? 11:27:17  
 22 A. No, not right now. 11:27:25  
 23 Q. Can you think of anything the local district 11:27:26  
 24 is not doing that it could be doing to improve the 11:27:28  
 25 Fremont students' educational experience? 11:27:31

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1 A. Well, I think probably Dr. Rosseau is just 11:27:35  
 2 coming in, but I think we probably need more dialogue 11:27:38  
 3 with the middle schools so that transition will be 11:27:42  
 4 smooth, both instructionally and socially. 11:27:45  
 5 I think the district itself, big or little, 11:27:50  
 6 is probably still in a confusion about that promotion 11:27:53  
 7 because a couple of years ago they decided they 11:27:57  
 8 wouldn't have any more social promotion, and there 11:28:01  
 9 was supposed to be some required component over the 11:28:04  
 10 summer, and I think that really never exactly went 11:28:06  
 11 into effect. It did paperwise, but we are still -- 11:28:09  
 12 the students that are coming to us still need 11:28:13  
 13 assistance with their skills. 11:28:19  
 14 I don't think it's working like it was 11:28:21  
 15 originally designed, and I don't really know 11:28:23  
 16 philosophically where their beliefs are on that. 11:28:28  
 17 I tend to think, if you don't let a student 11:28:30  
 18 go further, they kind of drop out and you never see 11:28:33  
 19 them again or you see them in prison or whatever, and 11:28:36  
 20 I don't know how successful that was. 11:28:39  
 21 I think that needs to be reexamined because 11:28:42  
 22 the teachers say, "I thought we wouldn't have social 11:28:44  
 23 promotion," and here are these kids coming, and they 11:28:47  
 24 don't have the skill level of ninth-grade students. 11:28:52  
 25 It should be examined further. 11:28:56

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1 Q. Is that the responsibility of the local 11:28:57  
 2 districts? 11:28:59  
 3 A. And the big district, yeah. 11:29:01  
 4 Q. Is that -- 11:29:03  
 5 A. I think that came from the big district. I 11:29:04  
 6 don't know as far as how much responsibility the 11:29:07  
 7 local district has in that. 11:29:08  
 8 Q. Is that something that the big district is 11:29:10  
 9 not doing an adequate job of reviewing -- 11:29:13  
 10 A. I think it's unclear how they are doing. I 11:29:16  
 11 really do, but as far as the articulation between the 11:29:19  
 12 eighth and ninth grade, the local district could 11:29:23  
 13 facilitate that, and that has happened in the past 11:29:26  
 14 with the clusters. 11:29:30  
 15 Q. Can you think of anything else the local 11:29:47  
 16 district is not doing that it could be doing to 11:29:50  
 17 improve the educational experience of its Fremont 11:29:52  
 18 students? 11:29:56  
 19 A. Well, like I said, I'm really looking 11:29:58  
 20 forward to Dr. Rosseau coming in and seeing what 11:30:01  
 21 direction that is going to take. 11:30:04  
 22 A lot of people that were there this last 11:30:05  
 23 year are no longer there, and the ones that are there 11:30:08  
 24 are probably going to be going in a different 11:30:20  
 25 direction. So I'm just waiting to see right now. 11:30:20

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1 Q. Can you think of anything you would like the 11:30:20  
 2 local district to do in order to help improve the 11:30:20  
 3 educational experience of Fremont students? 11:30:25  
 4 A. Yeah we talked about the articulation, then 11:30:28  
 5 the staff development. I hope they will continue to 11:30:32  
 6 focus on literacy and helping kids achieve the 11:30:34  
 7 standards so that they will support our efforts for 11:30:39  
 8 those dialogues and concentration. I hope they will 11:30:42  
 9 continue to give me teachers to interview. So that 11:30:46  
 10 was very promising. 11:30:50  
 11 I don't know. That's all for now. 11:30:53  
 12 Q. I would like to ask you the same questions 11:30:56  
 13 with respect to the Department of Education. 11:30:59  
 14 Do you have any -- like, in your mind, do 11:31:03  
 15 you distinguish between the Department of Education 11:31:05  
 16 and the State Board of Education, the State 11:31:07  
 17 Superintendent of Public Instruction, those three 11:31:12  
 18 distinct individuals or entities? 11:31:14  
 19 A. No. 11:31:14  
 20 Q. What I want to ask you to do is group all 11:31:18  
 21 three into a single category as the state educational 11:31:21  
 22 agencies. I'll refer to them as "the State 11:31:25  
 23 educational agencies": State Board of Education, the 11:31:30  
 24 Department of Education, and the State Superintendent 11:31:32  
 25 of Public Instruction. 11:31:32

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1 Is that acceptable for our use here today? 11:31:35  
 2 A. Yes. 11:31:35  
 3 Q. Can you think of anything that the state 11:31:39  
 4 agency -- 11:31:41  
 5 What did I call them? 11:31:42  
 6 MS. LHAMON: "State educational agencies." 11:31:44  
 7 MR. ROZWOD: Thank you. 11:31:45  
 8 Q. -- the State educational agencies are doing 11:31:46  
 9 to improve the quality of the educational experience 11:31:51  
 10 at Fremont High School? 11:31:58  
 11 MS. LHAMON: Objection. Calls for 11:32:00  
 12 speculation. 11:32:01  
 13 THE WITNESS: Well, actually I do know one 11:32:02  
 14 thing. There is an individual named Beth 11:32:04  
 15 Brennemann -- I believe that's her name -- and she is 11:32:06  
 16 working in some way with one of the departments of 11:32:09  
 17 the State to improve literacy and some of our 11:32:12  
 18 conference attendance, and some of our focus on 11:32:17  
 19 literacy is coming from opportunities that she makes 11:32:20  
 20 available to us. 11:32:23  
 21 For example, in her work she is highlighting 11:32:25  
 22 schools that are doing well with literacy programs, 11:32:29  
 23 and the last one was Anaheim High School, and she 11:32:32  
 24 invited a team of us to go to Anaheim High School. 11:32:35  
 25 About a month ago we went down there, dialogued with 11:32:38

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1 the teacher, talked about their reading programs, and 11:32:42  
 2 talked about the use of their library. So I think 11:32:45  
 3 that's an excellent program. 11:32:47  
 4 I'm not really sure what it's called. You 11:32:49  
 5 may be aware of that, but it has something to do with 11:32:51  
 6 literacy council or achievement. Those words could 11:32:55  
 7 be in it. 11:33:01  
 8 And the conference that originally was -- 11:33:02  
 9 the department that was part sponsor -- that was the 11:33:06  
 10 California Literacy Summit, and I think that was the 11:33:10  
 11 Department of Education, plus the California League 11:33:15  
 12 of High Schools, and plus ACSA. 11:33:17  
 13 I think as a group they were partnering to 11:33:20  
 14 sponsor that, and I think that's a good thing. I 11:33:23  
 15 really do. 11:33:25  
 16 Enrollment in that was very limited. So we 11:33:26  
 17 were fortunate to be able to attend that and met some 11:33:30  
 18 of the leaders in literacy throughout the state. 11:33:34  
 19 BY MR. ROZWOOD: 11:33:34  
 20 Q. What does the acronym stand for? 11:33:37  
 21 A. Association of California School 11:33:47  
 22 Administrators. 11:33:49  
 23 Q. Thanks. 11:33:52  
 24 You were saying you got to meet some of the 11:34:02  
 25 administrators involved in this area at this 11:34:05

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1 conference at the summit, literary summit. 11:34:07  
 2 A. The literacy summit in San Diego. 11:34:12  
 3 Q. I didn't know which conference you were 11:34:15  
 4 referring to when you were mentioning you were able 11:34:17  
 5 to meet other administrators involved in this area. 11:34:19  
 6 A. The last thing we went to was the Anaheim 11:34:22  
 7 High School showcase. That's part of the program 11:34:25  
 8 where you showcase certain schools doing well in 11:34:27  
 9 literacy programs and literacy development. 11:34:30  
 10 There we actually talked more to the 11:34:34  
 11 teachers, which I found enlightening, in the 11:34:36  
 12 programs. 11:34:39  
 13 At the literacy summit, Dr. Kinsella was one 11:34:41  
 14 of the presenters, a guy out of Cal State Fresno, a 11:34:46  
 15 couple of women that made a program in San Francisco. 11:34:50  
 16 So all the state leaders are there. So you 11:34:54  
 17 get to listen and see what is going on. So I thought 11:35:01  
 18 that was good. 11:35:04  
 19 Q. Do you think the state educational agencies 11:35:05  
 20 are fulfilling their responsibility to provide a 11:35:14  
 21 forum for dialogue for teachers and administrators on 11:35:21  
 22 key educational issues? 11:35:36  
 23 MS. LHAMON: Objection. Calls for a legal 11:35:39  
 24 conclusion, to the extent it asked about their 11:35:41  
 25 fulfilling of their responsibilities, and calls for 11:35:43

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1 speculation. 11:35:45  
 2 THE WITNESS: I'm not really sure what all 11:35:48  
 3 of their responsibilities are, but a couple of other 11:35:50  
 4 things that they have done I can tell you is that the 11:35:54  
 5 book that they just put out in the literacy and the 11:35:57  
 6 contents areas was given -- actually we purchased 11:36:00  
 7 them. 11:36:04  
 8 So we purchased those and gave them to all 11:36:05  
 9 the teachers, which have to do with implementing 11:36:09  
 10 different strategies, which will help the students 11:36:12  
 11 make sense of text and negotiate meaning. 11:36:26  
 12 They also -- and I believe this came from 11:36:26  
 13 Delaine Easton's office -- sent a package of the math 11:36:26  
 14 and the language art framework book, enough for each 11:36:26  
 15 teacher, to each school. 11:36:30  
 16 That was kind of like a surprise. To me, if 11:36:32  
 17 you are going to do that or the State is going do 11:36:35  
 18 that, maybe there should be something coming ahead of 11:36:38  
 19 it like, "Okay. This is what we plan to do. This is 11:36:41  
 20 how you can possibly use it." 11:36:44  
 21 It kind of appeared on our doorstep with a 11:36:46  
 22 letter, which was nice, but you know, right before 11:36:49  
 23 that, we ordered all those and paid for them. 11:36:51  
 24 Maybe just communication, you know, "We are 11:36:56  
 25 going to provide these free to you. Don't order them 11:36:59

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1 this year," because they cost about \$10 each. 11:37:02  
 2 BY MR. ROZWOOD: 11:37:02  
 3 Q. What are -- 11:37:06  
 4 A. That was a little strange. 11:37:07  
 5 Q. Can you describe the contents of the 11:37:08  
 6 package? 11:37:10  
 7 A. There were two frameworks -- language arts 11:37:10  
 8 framework and the math framework -- packaged 11:37:13  
 9 together -- what do you call that? -- shrink wrapped 11:37:18  
 10 so that each teacher was supposed to have a copy of 11:37:20  
 11 those. 11:37:24  
 12 With something like that, if you pass it out 11:37:29  
 13 like that, if you give it in each teacher's mailbox, 11:37:31  
 14 they may not open it. It will be put aside. So when 11:37:34  
 15 you give it out, you want to have a staff development 11:37:39  
 16 prepared; therefore, it will take a little time to 11:37:43  
 17 get that going. That's what we are going to do. 11:37:46  
 18 But it was kind of a surprise. I don't know 11:37:48  
 19 if you had a surplus of them or some Senator said 11:37:50  
 20 that was a great idea to do. It was different, I 11:37:55  
 21 thought. 11:37:59  
 22 I would imagine, if a school had just 11:38:00  
 23 purchased them for everyone in each of those 11:38:02  
 24 departments, they probably would not be thrilled to 11:38:05  
 25 find them suddenly free on their doorstep. 11:38:07

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1 Q. Do you find the frameworks to be useful 11:38:11  
 2 tools to improve the quality or effectiveness of 11:38:16  
 3 classroom teachers? 11:38:19  
 4 A. I really think they are. I think the 11:38:21  
 5 challenge is to make sure all the teachers get a good 11:38:23  
 6 staff development with the frameworks. 11:38:26  
 7 Q. And what steps is Fremont taking to ensure 11:38:30  
 8 that those steps are taken? 11:38:35  
 9 A. Well, the frameworks are always part of our 11:38:38  
 10 staff developments at least once a year when we talk 11:38:40  
 11 about standards. 11:38:43  
 12 One of our challenges, of course, is we have 11:38:45  
 13 so much changing personnel that you really have to 11:38:48  
 14 individualize the staff developments because some of 11:38:52  
 15 the more mature teachers of length have had the staff 11:38:54  
 16 development. So many times you have to figure out 11:39:00  
 17 how to individualize it. 11:39:02  
 18 Yes, I think there's valuable information. 11:39:04  
 19 There's also a book coming out that -- I 11:39:07  
 20 don't think it's on the web site -- about the 11:39:10  
 21 recommended reading list. 11:39:12  
 22 That hadn't been revised for like ten years. 11:39:13  
 23 So someone got together and did that and got some 11:39:16  
 24 talented teachers to put that together. So that will 11:39:21  
 25 be available this month, and I think with, again, the 11:39:26

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1 appropriate staff development, that's very useful to 11:39:28  
 2 the teachers, but sometimes people just don't know 11:39:31  
 3 about it. 11:39:34  
 4 I mean you have to kind of teach yourself. 11:39:35  
 5 You have to find the catalog and see what is going to 11:39:38  
 6 be used for what. So maybe more communication, 11:39:41  
 7 again, to the administrators about what is happening 11:39:45  
 8 with those publications. 11:39:48  
 9 Q. You mentioned a book on literacy and -- 11:40:02  
 10 A. Yeah. 11:40:06  
 11 Q. -- content. 11:40:04  
 12 Can you describe that book. 11:40:07  
 13 A. Yes. That book has several strategies, 11:40:10  
 14 probably like 20 or so literacy strategies, and it 11:40:15  
 15 gives specific examples about how to use them in the 11:40:19  
 16 classroom. So that you really could use that book 11:40:22  
 17 over and over again for staff development. 11:40:25  
 18 It talks about how to read a textbook. It 11:40:28  
 19 talks about different strategies, like mind mapping, 11:40:30  
 20 SXR3, whatever that one is; different types of 11:40:41  
 21 strategies that a teacher could use. 11:40:46  
 22 When we have a staff development, we may 11:40:48  
 23 highlight one or two of those and constantly have the 11:40:50  
 24 book available because, again, sometimes those books 11:40:53  
 25 just go on a shelf and sit there unless you use them. 11:40:56

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1 Then what we did is asked for feedback about 11:41:01  
 2 it. We asked the different tracks, "How did you use 11:41:04  
 3 these strategies and what worked and what didn't?" 11:41:06  
 4 It gave them a chance to share. 11:41:10  
 5 Q. Can you think of anything else the State 11:41:12  
 6 educational agencies are doing to improve the 11:41:15  
 7 educational experience of the students at Fremont 11:41:17  
 8 High School? 11:41:25  
 9 A. No. Those are like the more recent examples 11:41:25  
 10 that I have seen, some direct things coming from the 11:41:29  
 11 State, and really I hadn't seen much before that. 11:41:32  
 12 Maybe I just wasn't aware of what the State was 11:41:34  
 13 doing. So I guess that would come back to 11:41:38  
 14 communication. 11:41:44  
 15 On credentialing, I don't know if they 11:41:44  
 16 looked at their credentialing program lately, but 11:41:46  
 17 they might want to reexamine that in some ways as far 11:42:00  
 18 as recruitment of teachers, say, for example, from 11:42:00  
 19 different states as far as what the requirements are. 11:42:00  
 20 And I really think it's important that the 11:42:02  
 21 State attract qualified teachers. I know that L.A. 11:42:03  
 22 Unified is recruiting in different states and 11:42:08  
 23 countries. 11:42:11  
 24 I don't know if that's even one of the 11:42:12  
 25 responsibilities. Like I said, I'm not real clear, 11:42:14

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1 but I know they are in charge of credentialing, but I 11:42:16  
 2 don't know if they are doing anything in recruitment, 11:42:19  
 3 but that might be an area. 11:42:22  
 4 Q. Do you think the state educational agencies 11:42:33  
 5 should be communicating with site administrators or 11:42:35  
 6 with district administrators? 11:42:39  
 7 A. Both, and with the general public so the 11:42:42  
 8 parents in the community really know what should be 11:42:47  
 9 happening in the school, what is available through 11:42:50  
 10 the State department, but the administrators that are 11:42:53  
 11 responsible for implementing really do need to know 11:42:58  
 12 what is available and what assistance there is. 11:43:01  
 13 Q. Do you know if there is anyone at the big 11:43:35  
 14 district that has that knowledge? 11:43:38  
 15 MS. LHAMON: Objection. Calls for 11:43:42  
 16 speculation. 11:43:42  
 17 THE WITNESS: I would certainly hope so, but 11:43:45  
 18 again, I don't know. We don't do a lot of dialogue 11:43:47  
 19 anymore with the big district. 11:43:50  
 20 BY MR. ROZWOOD: 11:43:56  
 21 Q. I mean, in your experience, have you gotten 11:43:57  
 22 a flier from -- you know, over the 14 years at 11:43:58  
 23 Fremont High School, have you gotten a flier from 11:44:00  
 24 L.A. Unified School District saying the Department of 11:44:03  
 25 Education is the sponsor of this conference and 11:44:06

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1 teachers at your school who would like to attend are 11:44:08  
 2 free to attend? 11:44:11  
 3 A. No. You know, who gives that mostly is 11:44:12  
 4 LACOE, Los Angeles County Office of Education. They 11:44:15  
 5 are very good at supplying us all that information, 11:44:18  
 6 but I can't remember anything from L.A. Unified. 11:44:21  
 7 Maybe it's just the LACOE is so good at it 11:44:26  
 8 and frequent that anything L.A. Unified does is 11:44:30  
 9 forgotten. I really don't remember anything L.A. 11:44:33  
 10 Unified has done. 11:44:38  
 11 Q. Can you describe the actions that are taken 11:44:40  
 12 by the L.A. County of Education that affect the 11:44:50  
 13 educational experience of students at Fremont? 11:44:55  
 14 MS. LHAMON: Are you asking about the L.A. 11:44:59  
 15 County Office of Education? 11:45:01  
 16 MR. ROZWOOD: Yes, the L.A. County Office of 11:45:03  
 17 Education. Thank you. 11:45:07  
 18 THE WITNESS: The L.A. County Office of 11:45:08  
 19 Education had a grant to involve 50-plus inner city 11:45:11  
 20 schools that you had to apply for, and it's continued 11:45:17  
 21 funding for this year, but we applied for it -- it 11:45:21  
 22 was a fairly simple application -- and were accepted 11:45:24  
 23 in that grant, and that's probably one of the reasons 11:45:28  
 24 that I'm getting so much information, and that's 11:45:30  
 25 probably how Ms. Brennemann became such an outreach 11:45:32

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1 person for us. 11:45:37  
 2 It was really an excellent opportunity. 11:45:39  
 3 What they do is they send our teachers to conferences 11:45:41  
 4 either for no cost or for reduced cost. They give us 11:45:44  
 5 all the information first about the conferences that 11:45:49  
 6 are upcoming. They give us a consultant, and 11:45:52  
 7 actually we have two. We have Adrienne Mack, and we 11:45:56  
 8 have another lady named Diane Innes, I-n-n-e-s. They 11:46:00  
 9 are both working -- Diane is working specifically 11:46:05  
 10 with a language program, and Adrian is working with 11:46:07  
 11 us to help organize the study groups and the literacy 11:46:13  
 12 strategies in the content area. These ladies have 11:46:16  
 13 been a terrific resource to us. 11:46:21  
 14 There's a lady named Dr. Leboueff who is in 11:46:24  
 15 charge of instruction at LACOE. I have her home 11:46:27  
 16 phone number. Any time I need anything I call her. 11:46:32  
 17 They seem so willing to help us improve as a school. 11:46:34  
 18 So it's appreciated. 11:46:38  
 19 BY MR. ROZWOOD: 11:46:38  
 20 Q. When you say the L.A. County Office of 11:46:41  
 21 Education gives you consultants such as Adrienne Mack 11:46:43  
 22 and Diane Innes, are those consultants assigned to 11:46:47  
 23 Fremont High School in particular? 11:46:50  
 24 A. I think they both have other schools as 11:46:52  
 25 well. I think they each have three or four schools. 11:46:54

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1 Q. Do you know where the resources come from 11:47:06  
 2 that the L.A. County Office of Education provides to 11:47:10  
 3 Fremont High School? 11:47:14  
 4 A. Well, I know that the -- some of the 11:47:17  
 5 publications that Adrian talks about are Departments 11:47:19  
 6 of Ed. such as the literacy content book that we 11:47:24  
 7 talked about. 11:47:29  
 8 As far as -- you are talking about funding 11:47:31  
 9 that they are getting? 11:47:32  
 10 Q. Just the resources that hit Fremont High 11:47:34  
 11 School, to your knowledge, you know, through the L.A. 11:47:36  
 12 County Office of Education, where those resources 11:47:41  
 13 come from. 11:47:43  
 14 A. No, I don't know who is underwriting their 11:47:45  
 15 grant. It sounds like that's what you are asking. I 11:47:47  
 16 don't know where they got the money. 11:47:50  
 17 Q. Well, what are the terms of the grant that 11:47:51  
 18 Fremont High School receives? 11:47:52  
 19 A. That we had to have a literacy coordinator 11:47:56  
 20 on campus that had some relief time. So we do have 11:47:59  
 21 an individual so designated that only teaches two 11:48:12  
 22 classes. That we would -- 11:48:12  
 23 I don't even know that was required. 11:48:12  
 24 That we go to the conferences because that's 11:48:12  
 25 something that the teachers really wanted to do, but 11:48:13

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1 I would assume that's part of it. 11:48:16  
 2 That we do have this literacy coach, and 11:48:19  
 3 there is some testing in the specific reading 11:48:25  
 4 classes. 11:48:28  
 5 Now, I don't know that I had to sign 11:48:29  
 6 anything that was going to happen, but they are 11:48:30  
 7 helping with those language classes. 11:48:33  
 8 Originally they were just a type of reading 11:48:35  
 9 classes, but you know, we are developing this other 11:48:37  
 10 program, and there will be some pretesting and some 11:48:39  
 11 posttesting so the consultants will have access to 11:48:43  
 12 that data to look at what is happening. 11:48:50  
 13 I think that's a really good thing. They 11:48:52  
 14 are helping us with data analysis and documentation 11:48:55  
 15 with what we have done and if it's working or not. 11:48:58  
 16 They go in and work with the teachers as 11:49:02  
 17 well. They observe, they give them feedback, help 11:49:04  
 18 with lesson planning, and I think the teachers 11:49:09  
 19 appreciate it because it's not something that's like 11:49:16  
 20 a formal evaluation as far as like it's going to be 11:49:19  
 21 turned in to me or anything, but they really want to 11:49:22  
 22 help the kids. So... 11:49:25  
 23 Q. Other than the human resources and the 11:49:28  
 24 informational resources provided under the grant, 11:49:31  
 25 does the L.A. County Office of Education provide any 11:49:36



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1 monetary resources to the school? 11:49:40  
2 A. No. 11:49:40  
3 Q. Do you know what the estimated dollar value 11:49:44  
4 of the grant is for Fremont High School, if that 11:49:50  
5 makes sense? 11:49:56  
6 A. You are probably talking salaries for the 11:49:57  
7 two ladies, I would guess, and discounts on the 11:49:59  
8 conference attendance. So I would really be 11:50:04  
9 guessing. So I don't know. But those would be 11:50:07  
10 basically what it was. 11:50:09  
11 Q. It's not really a money grant. It's more of 11:50:12  
12 an instructional assistance program run by the County 11:50:14  
13 Office of Education. 11:50:18  
14 Is that a fair characterization of the 11:50:20  
15 program? 11:50:22  
16 A. Yes. 11:50:22  
17 Q. And to your knowledge, the frameworks used 11:50:25  
18 in this program are developed by the State 11:50:31  
19 educational agencies; correct? 11:50:44  
20 A. Yes. 11:50:46  
21 MR. FRIEDMAN: Would this be an appropriate 11:50:52  
22 time to break, or do you want to finish off 11:50:53  
23 something? 11:50:56  
24 MR. ROZWOD: Yeah, sure. That's fine, 11:50:57  
25 Howard. 11:50:59

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1 Let's go off the record. 11:50:59  
2 (Whereupon, at 11:51 A.M.  
3 lunch recess taken.)  
4 LOS ANGELES, CALIFORNIA, JULY 5, 2001  
5  
6 1:21 P.M.  
7  
8 EXAMINATION (CONTINUING)  
9 BY MR. ROZWOD:  
10 Q. Before the break, we talked about some of 13:21:49  
11 the things the L.A. County Office of Education does 13:21:54  
12 that affects the quality of the education for Fremont 13:21:57  
13 High School students, and I just wanted to ask you if 13:22:02  
14 you could think of anything else that improves or 13:22:05  
15 takes away from the quality of the education of 13:22:08  
16 Fremont High School students that the L.A. County 13:22:11  
17 Office of Education does or fails to do. 13:22:15  
18 A. No, I can't think of anything else right 13:22:19  
19 now. 13:22:21  
20 Q. Outside of the various State agencies that 13:22:33  
21 we have discussed, which I'm using "State agencies" 13:22:36  
22 to refer to the State educational agencies we 13:22:39  
23 discussed -- L.A. County Office of Education, the 13:22:41  
24 L.A. Unified School District, and the local district, 13:22:44  
25 as well as the administration on the school site -- 13:22:48

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1 can you think of anything else that the State of 13:22:51  
2 California -- any other means through which the State 13:22:54  
3 of California furnishes educational services to the 13:23:00  
4 students at Fremont High School? 13:23:03  
5 A. I can't think of anything right now. 13:23:07  
6 Q. Can you think of anything else other than 13:23:08  
7 what we have discussed so far in your deposition that 13:23:10  
8 the State of California could or should do to improve 13:23:13  
9 the quality of the education that Fremont High School 13:23:18  
10 students receive? 13:23:22  
11 A. Well, for me personally, I think I would 13:23:24  
12 like to know what the responsibilities are in 13:23:25  
13 relationship to our school and the California 13:23:28  
14 Department of Education. 13:23:31  
15 I know we get wonderful publications, and 13:23:32  
16 you have a great web site, but as far as the direct 13:23:36  
17 responsibilities, I'm not -- they are not totally 13:23:39  
18 firm to me, and that would be helpful, and I could 13:23:44  
19 respond better. 13:23:47  
20 Q. I wanted to clarify something. Are you 13:23:48  
21 finished with your answer? 13:23:50  
22 A. Yes, I'm finished. 13:23:52  
23 Q. I apologize. I didn't know if you were 13:23:53  
24 finished. I wanted to clarify. 13:23:55  
25 Twice you referred to me as "you" when 13:23:57

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1 referring to the Department of Education, and I 13:24:01  
2 wanted to clarify that I'm not the counsel for the 13:24:05  
3 Department of Education. 13:24:08  
4 The Department of Education is separately 13:24:09  
5 represented in this lawsuit by the Attorney General 13:24:11  
6 of California. 13:24:13  
7 Our law firm, O'Melveny & Myers, represents 13:24:14  
8 the State of California and the governor's office in 13:24:18  
9 this case, and so I just wanted to make that 13:24:21  
10 clarification for you in case you had some different 13:24:23  
11 understanding and so that understanding was correct 13:24:27  
12 on a going-forward basis. 13:24:32  
13 Is that okay? 13:24:33  
14 A. I guess I just assumed that the Department 13:24:35  
15 of Education reported to State of California. 13:24:37  
16 Q. I think that's a correct assumption. I 13:24:39  
17 think it does, and so does the Los Angeles Unified 13:24:42  
18 School District, and it is a part of the State of 13:24:47  
19 California for educational purposes, providing 13:24:48  
20 education to the students of the State of California, 13:24:51  
21 but for purposes of this lawsuit, everyone is 13:24:55  
22 represented by different lawyers. 13:24:57  
23 That's not entirely accurate, but there's a 13:24:59  
24 lot of lawyers representing State agencies, and I'm 13:25:01  
25 just asking questions from the perspective of the 13:25:04

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1 State as a whole. 13:25:07

2 MS. LHAMON: I'm going to object to the 13:25:08

3 extent you are testifying about the legal 13:25:11

4 responsibilities of any of the agencies involved. 13:25:12

5 MR. FRIEDMAN: I'll join, and let's have 13:25:16

6 everybody ask questions and move on. 13:25:18

7 BY MR. ROZWOOD: 13:25:20

8 Q. Did you have a different understanding about 13:25:20

9 who I represented before I said what I just said? 13:25:22

10 Did you think I represented the Department of 13:25:28

11 Education? 13:25:31

12 A. I guess I had. I thought representing the 13:25:31

13 State, that you would be representing the Department, 13:25:33

14 but yeah. 13:25:36

15 Q. But now you no longer think that; correct? 13:25:37

16 A. Correct. 13:25:39

17 MR. FRIEDMAN: Believing what he tells you. 13:25:41

18 THE WITNESS: Yes, I believe him. 13:25:43

19 BY MR. ROZWOOD: 13:25:45

20 Q. So with that distinction in mind, is there 13:25:53

21 anything else, other than what you have already 13:25:55

22 testified to, that you think the State should be 13:25:58

23 doing that it's not already doing to improve the 13:26:00

24 quality of the educational experience of students at 13:26:03

25 Fremont High School? 13:26:06

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1 A. No, not at this time. 13:26:11

2 Q. Do you believe whatever the State should be 13:26:12

3 doing it should be doing through the State Department 13:26:15

4 of Education? 13:26:21

5 MS. LHAMON: Objection. Calls for a legal 13:26:21

6 conclusion. 13:26:22

7 THE WITNESS: I don't know an answer to 13:26:23

8 that. 13:26:24

9 BY MR. ROZWOOD: 13:26:26

10 Q. Do you think the governor should create a 13:26:39

11 special task force above and beyond and outside the 13:26:42

12 Department of Education and the Board of Education 13:26:47

13 and the State Superintendent of Public Instruction 13:26:49

14 office that should go around to every school and 13:26:52

15 conduct school site inspections at random on the 13:26:55

16 local school officials? 13:26:59

17 A. It really is never anything I thought about, 13:27:03

18 but it doesn't seem like that would be necessary. 13:27:06

19 Q. Do you think the governor's office has any 13:27:09

20 special expertise in curriculum or facilities 13:27:13

21 management that is not covered by existing State 13:27:18

22 government agencies? 13:27:21

23 MS. LHAMON: Calls for a legal conclusion 13:27:23

24 and speculation. 13:27:24

25 THE WITNESS: I think my knowledge base in 13:27:25

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1 this whole area is not very big. So I really would 13:27:27

2 like to know more. I would like to read more and 13:27:30

3 understand more before I gave a good answer to that 13:27:33

4 question. 13:27:35

5 BY MR. ROZWOOD: 13:27:35

6 Q. That's fair. 13:27:47

7 Can you just look at the last paragraph -- 13:27:47

8 actually it's the last paragraph on page 2 of Cindy 13:27:47

9 Diego's declaration where she describes the bathrooms 13:27:47

10 at Fremont High School. Can you take a minute to 13:27:47

11 read that, please. 13:27:50

12 A. Yes. 13:27:53

13 Q. Let us know when you are finished. 13:27:53

14 A. Okay. I'm finished. 13:28:09

15 Q. Is that statement an accurate description of 13:28:10

16 the bathrooms at Fremont High School? 13:28:15

17 MS. LHAMON: Objection. When you refer to 13:28:17

18 "statement," are you referring to everything in 13:28:18

19 paragraph 11 -- 13:28:21

20 MR. ROZWOOD: Yes. 13:28:22

21 MS. LHAMON: -- of Cindy Diego's 13:28:25

22 declaration? 13:28:28

23 MR. ROZWOOD: Yes. 13:28:29

24 THE WITNESS: I think we talked about this 13:28:30

25 last time, and I still stand by what I said. 13:28:31

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1 I never have really seen a line for the 13:28:35

2 bathrooms. I talked to the plant manager, and we 13:28:38

3 were never missing a toilet. We were missing a door 13:28:41

4

5 for a while. I have not observed recently any 13:28:45

6 graffiti. I have heard reports that sometimes 13:28:48

7 there's missing toilet paper. 13:28:53

8 What you do then is let the plant manager 13:28:55

9 know, and the toilet paper is replaced. I don't 13:28:58

10 know. I have not observed that bathroom being 13:29:06

11 locked. 13:29:10

12 The ones on the floors are locked, on the 13:29:11

13 second and third floor, but they are opened for 13:29:13

14 passing. 13:29:16

15 BY MR. ROZWOOD: 13:29:17

16 Q. Okay. That's all the questions I have about 13:29:18

17 Exhibit 7, the declaration of Cindy Diego. 13:29:25

18 I'm going to mark as Exhibit 8 the 13:29:35

19 declaration of Sendy Ramirez Bates, stamped PLTF 13:29:37

20 00138 through 00140. 13:29:48

21 (Document referred to above was 13:29:48

22 marked as Defendants' Exhibit 8 13:29:48

23 for identification by the reporter 13:30:14

24 and is attached hereto.) 13:30:14

25 BY MR. ROZWOOD: 13:30:14

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1 Q. Do you know who Sindy Ramirez is? 13:30:14  
 2 A. Actually I may know who this student is. 13:30:17  
 3 I'm not really sure, but she may be an individual 13:30:20  
 4 that graduated and that's going to Berkeley. It's 13:30:24  
 5 possible. 13:30:26  
 6 Q. On what do you base your statement that it's 13:30:27  
 7 possible that she is -- 13:30:30  
 8 A. Because there was a girl named Sindy -- but 13:30:32  
 9 I didn't know she spelled it that way -- that sat 13:30:36  
 10 behind me at the awards ceremony, but other than 13:30:41  
 11 that, that would be my only knowledge of her. 13:30:45  
 12 Q. Do you have any personal knowledge of the 13:30:49  
 13 school's newspaper and how it's published? 13:30:52  
 14 A. Yes. 13:30:52  
 15 Q. Can you describe your involvement in the 13:31:00  
 16 publication of the school newspaper or your knowledge 13:31:02  
 17 of the process. 13:31:07  
 18 A. Last year -- you want to talk about last 13:31:09  
 19 year? 13:31:13  
 20 Q. Sure. 13:31:14  
 21 A. Okay. Last year we had a gentleman assigned 13:31:14  
 22 to do the newspaper, and it was published through 13:31:18  
 23 "Gardena Valley News." He became extremely ill and 13:31:22  
 24 unable to work, and so he left, I believe, in 13:31:26  
 25 December because he was seriously ill, and there was 13:31:34

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1 a chance he would return. But then, when it appeared 13:31:37  
 2 like he was not going to return, the classes were 13:31:41  
 3 given to another teacher to finish the year, and she 13:31:44  
 4 is taking them probably for last mester, I believe. 13:31:50  
 5 So she has been with the kids consistently, but there 13:31:55  
 6 was no paper published this last semester. 13:31:59  
 7 We have -- since then, we have hired a 13:32:02  
 8 teacher through the interview process, one of our 13:32:04  
 9 regular staff teachers, and he will be taking the 13:32:07  
 10 paper full time, starting -- well, starting Monday, 13:32:10  
 11 and he is going to a national journalism conference 13:32:13  
 12 free for two weeks to teach him how to do that. So 13:32:18  
 13 it should be a strong beginning. 13:32:21  
 14 It was an unavoidable situation for the last 13:32:24  
 15 spring semester because we didn't know about the 13:32:30  
 16 health of the individual involved. 13:32:33  
 17 Before that time, we had an extremely 13:32:34  
 18 experienced journalism teacher well-known in the 13:32:37  
 19 district for putting out probably the best paper in 13:32:40  
 20 the South Bay who published the paper, I believe, 13:32:43  
 21 through "Gardena Valley News" again. It came out, I 13:32:46  
 22 believe, twice a month, which is pretty good for a 13:32:50  
 23 high school. 13:32:53  
 24 Last year I really feel bad about the kids 13:32:56  
 25 because through those circumstances they did not have 13:32:59

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1 a paper in the spring, but there was a paper in the 13:33:01  
 2 fall. 13:33:04  
 3 Q. What is the name of the teacher who was 13:33:05  
 4 originally assigned to instruct the journalism class? 13:33:08  
 5 A. Mr. Chaisson, C-h-a-i-s-s-o-n. 13:33:12  
 6 Q. Mr. Chaisson was the one who got sick? 13:33:17  
 7 A. Yes. 13:33:28  
 8 Q. Other than the incident in which Fremont 13:33:28  
 9 failed to publish a school newspaper during 13:33:32  
 10 Mr. Chaisson's sickness, is there any other time that 13:33:35  
 11 you are aware of in which Fremont failed to publish a 13:33:39  
 12 school newspaper during a journalism class? 13:33:44  
 13 A. Well, many years ago we did not have as 13:33:48  
 14 talented a teacher as the person before Mr. Chaisson. 13:33:51  
 15 Q. How many years ago was that? 13:33:57  
 16 A. Twelve. 13:34:02  
 17 Q. What was the name of the teacher just before 13:34:03  
 18 Mr. Chaisson? 13:34:05  
 19 A. Rittger, R-i-t-t-g-e-r. 13:34:06  
 20 Q. How long did Mr. Rittger -- 13:34:10  
 21 A. It was "Mrs." 13:34:13  
 22 Q. How long was Mrs. Rittger with Fremont High 13:34:15  
 23 School? 13:34:25  
 24 A. Estimating about three years. 13:34:25  
 25 Q. Do you know how the substitutes were chosen 13:34:32

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1 to replace Mr. Chaisson when he became ill? 13:34:35  
 2 A. I would have to think about that. I really 13:34:42  
 3 don't remember at this point. 13:34:44  
 4 I do know how the last one was selected, but 13:34:46  
 5 that -- the two in between there, I don't know. 13:34:49  
 6 MS. LHAMON: As a point of clarification, 13:34:52  
 7 when you refer to the class last year, are you 13:34:54  
 8 referring to the 2000/2001 school year? 13:34:58  
 9 THE WITNESS: Yes. 13:35:04  
 10 MS. LHAMON: Thank you. 13:35:04  
 11 BY MR. ROZWOOD: 13:35:06  
 12 Q. It appears from the third page of Sindy 13:35:12  
 13 Ramirez's declaration that she signed this sometime 13:35:15  
 14 in July of 2000; therefore, it appears she may be 13:35:19  
 15 referring to sometime prior to that during which the 13:35:29  
 16 journalism class had four different substitutes. I'm 13:35:34  
 17 referring to paragraph 4 of her declaration. 13:35:39  
 18 Are you aware of any problems in any 13:35:43  
 19 journalism class -- 13:35:45  
 20 How many journalism classes are there at 13:35:47  
 21 Fremont per semester? 13:35:51  
 22 A. I think there were four. Right now there 13:35:55  
 23 are two, but it's a rainbowed position. So there are 13:35:59  
 24 like two on each track, but they are the same time 13:36:04  
 25 period. So there are really six, but they are at the 13:36:08

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1 same -- 13:36:14

2 Are you following? 13:36:16

3 Q. Not at all. I can never follow the tracks. 13:36:16

4 A. Let's break it down by track. 13:36:22

5 A track, two classes; B track, two classes; 13:36:28

6 and C track, two classes. So there are six classes 13:36:33

7 of kids, but they meet together when they are on 13:36:38

8 track. 13:36:42

9 Q. Four at a time? 13:36:44

10 A. Yeah, yeah. Yeah, two tracks four at a 13:36:45

11 time. 13:36:48

12 Q. I'm getting better. 13:36:48

13 A. But that's how it is some semesters. Last 13:36:51

14 semester there may have been more. I really would 13:36:54

15 need to look at some documentation to remember 13:36:57

16 exactly. 13:36:59

17 Q. Do you know the problem that Ms. Ramirez is 13:37:00

18 referring to in paragraph 1 of her declaration? Do 13:37:02

19 you know the specific class she is referring to that 13:37:06

20 had four different substitutes? 13:37:09

21 A. Since she mentions -- you are talking about 13:37:12

22 journalism. Since she mentioned a "she," she is 13:37:15

23 probably talking about Ms. Rittger, but I didn't 13:37:18

24 remember that she left a month and a half before the 13:37:21

25 semester ended. I don't remember that. It's 13:37:24

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1 certainly possible, but no, I don't remember that. 13:37:27

2 Ms. Rittger retired. 13:37:32

3 Q. Did she teach all of the journalism classes 13:37:42

4 when she was a teacher at Fremont? 13:37:45

5 A. Yes. 13:37:45

6 Q. Is it possible she retired before the end of 13:37:48

7 the school year, to your knowledge? 13:37:50

8 A. It's possible, but I don't remember that 13:37:52

9 happening. 13:37:55

10 Q. Do you see where she says: 13:38:01

11 "We did not get to fulfill the 13:38:04

12 goal of the class, which was to 13:38:06

13 publish two newspaper issues, 13:38:08

14 because the substitutes did not 13:38:10

15 know how to prepare a budget or how 13:38:12

16 to complete other responsibilities 13:38:14

17 necessary to publishing a 13:38:15

18 newspaper"? 13:38:17

19 A. Yes, I see that. 13:38:17

20 Q. Do you have any knowledge whether or not 13:38:20

21 that statement is true? 13:38:20

22 A. Like I said, I don't remember the situation. 13:38:22

23 I really thought Ms. Rittger stayed until the end of 13:38:24

24 the year, but it was a similar thing this year for 13:38:28

25 all practical purposes. I do know that happened this 13:38:31

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1 year. 13:38:35

2 Q. We are referring to the allegation she is 13:38:36

3 making in her declaration she signed in or about July 13:38:37

4 of 2000. 13:38:41

5 A. I don't remember. 13:38:42

6 Q. So as to the 1999/2000 school year, are you 13:38:43

7 aware of any problems such as those described in 13:38:48

8 paragraph 4 of Ms. Ramirez's declaration? 13:38:51

9 A. No, I don't remember that part. 13:38:54

10 Q. When you say you don't remember, are you 13:38:56

11 saying it actually occurred but you don't remember 13:38:58

12 it or you don't know one way or the other? 13:39:01

13 A. Okay. I don't know one way or the other. 13:39:05

14 Q. When you say you don't remember, it's a 13:39:07

15 different kind of statement than if you say you don't 13:39:09

16 know one way or the other. 13:39:12

17 MS. LHAMON: I think the record will speak 13:39:14

18 for itself, and I think the witness has been very 13:39:15

19 clear with her answers. 13:39:17

20 BY MR. ROZWOOD: 13:39:19

21 Q. I just want to make sure you understand the 13:39:20

22 difference and you are careful when making your 13:39:23

23 responses. 13:39:25

24 MS. LHAMON: I think now you are insulting 13:39:28

25 the witness. She is a former English teacher. She 13:39:30

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1 has been very clear with her answers and very 13:39:33

2 precise. 13:39:36

3 BY MR. ROZWOOD: 13:39:36

4 Q. Well, Ms. Hines, I hope you know by the tone 13:39:43

5 of my voice that I certainly wasn't insulting you and 13:39:45

6 had no intention of insulting you. I think that's a 13:39:50

7 gross mischaracterization of what is happening here. 13:39:54

8 I want to make sure we are on the same page with our 13:39:57

9 terminology and nothing more. 13:40:01

10 Can you look at paragraph 6 of Ms. Ramirez's 13:40:15

11 declaration where she is referring to the supplies 13:40:19

12 and facilities available in some of the science 13:40:22

13 classes at Fremont High School. 13:40:27

14 A. Yes. 13:40:34

15 Q. Can you review that paragraph. 13:40:34

16 A. Yes, I just reread it. 13:40:37

17 Q. Okay. Do you see anything inaccurate about 13:40:39

18 the statements made by Ms. Ramirez in paragraph 6? 13:40:42

19 A. No, I think that's fairly accurate if you 13:40:56

20 are saying some science classes. 13:40:58

21 This was one class that met in a regular 13:41:00

22 classroom because we needed more science classes, and 13:41:04

23 so that particular teacher would have had five 13:41:16

24 classes of science. So that's accurate. Some 13:41:16

25 science classes, five out of however many there are 13:41:16

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1 in the total department, which is a room situation. 13:41:19  
 2 Q. Does Fremont fulfill all the educational -- 13:41:32  
 3 excuse me -- instructional objectives in its science 13:41:36  
 4 classes, all the instructional objectives defined by 13:41:39  
 5 the State or the district? 13:41:42  
 6 MS. LHAMON: Objection. Assumes facts not 13:41:46  
 7 in evidence, calls for speculation. 13:41:47  
 8 THE WITNESS: I think that would be 13:41:52  
 9 difficult to answer. I don't really supervise the 13:41:52  
 10 science teachers, but I think any time you put the 13:41:56  
 11 word "all" in a statement like that, it's fairly -- 13:42:01  
 12 you could assume there's something that needs help 13:42:03  
 13 somewhere. So "all" might be too much. 13:42:07  
 14 BY MR. ROZWOOD: 13:42:10  
 15 Q. Okay. That's fair. 13:42:11  
 16 Can you turn to paragraph 7 where 13:42:14  
 17 Ms. Ramirez says: 13:42:16  
 18 "Some students in English classes 13:42:18  
 19 are using outdated textbooks." 13:42:20  
 20 Again, keeping in mind the time this 13:42:28  
 21 declaration was prepared and signed, was that an 13:42:32  
 22 accurate statement? 13:42:38  
 23 A. I can speak with more knowledge in this 13:42:40  
 24 area. 13:42:42  
 25 Actually the English -- there's only one 13:42:43

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1 teacher that I know that is using an old textbook, 13:42:46  
 2 but the literature in the textbook obviously doesn't 13:42:49  
 3 change. The selections change, but the literature is 13:42:52  
 4 the same. 13:42:55  
 5 If that were occurring, if she is speaking 13:42:57  
 6 of this one teacher, he does like to use an older 13:42:59  
 7 textbook because he likes the literature that's in 13:43:02  
 8 the book. 13:43:05  
 9 I'm not aware that the pages are yellow. An 13:43:08  
 10 English textbook, you know, is -- like it has 13:43:16  
 11 literature in it. So something that was written in 13:43:19  
 12 the '60s is going to be the same regardless of what 13:43:22  
 13 textbook it's published in. 13:43:26  
 14 Q. Makes sense to me. 13:43:28  
 15 Do you see where it says: 13:43:30  
 16 "Novels don't change over time, but 13:43:32  
 17 reference books and textbooks do, 13:43:35  
 18 and we need up-to-date 13:43:36  
 19 information"? 13:43:36  
 20 Does that statement have any applicability 13:43:37  
 21 in the context of English classes at Fremont High 13:43:40  
 22 School? 13:43:40  
 23 A. Probably only in the context that the canon, 13:43:44  
 24 as you know, is evolving, and we are including more 13:43:48  
 25 current writers and more writers of color and 13:43:53

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1 different ethnicities, and if you were to use a 13:43:56  
 2 textbook -- you might find more of those authors were 13:43:59  
 3 included in a newer textbook; however, by and large, 13:44:03  
 4 in English, we teach from the novels, and we have a 13:44:07  
 5 very wide and wonderful selection of literature that 13:44:10  
 6 the teachers can choose from. 13:44:13  
 7 Q. Do you see where she says "we need 13:44:15  
 8 up-to-date information" in the last line of 13:44:17  
 9 paragraph 7? 13:44:20  
 10 A. Yes. 13:44:20  
 11 Q. Other than increasing the variety of 13:44:21  
 12 literary selections and the mix from different 13:44:28  
 13 cultural perspectives of those literary selections, 13:44:32  
 14 can you think of anything else she could possibly be 13:44:35  
 15 referring to when she says she needs up-to-date 13:44:38  
 16 information? 13:44:43  
 17 A. I'm straining to figure that out from the 13:44:45  
 18 literature textbook how the information could be 13:44:47  
 19 updated other than the bios of a newer writer would 13:44:50  
 20 be included, and they wouldn't be included if that 13:44:54  
 21 author is not in there, but I'm not really sure what 13:44:57  
 22 she is talking about. 13:45:03  
 23 Q. Okay. Can you look at paragraph 9 where she 13:45:14  
 24 says: 13:45:17  
 25 "The multi-track system at 13:45:19

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1 Fremont makes it difficult to 13:45:21  
 2 fulfill elective requirements for 13:45:24  
 3 college." 13:45:25  
 4 Do you think that is true? 13:45:31  
 5 A. I really don't think elective requirements 13:45:33  
 6 have anything to do with the track system. The only 13:45:36  
 7 way you can relate those two is, if you have Fremont 13:45:38  
 8 and it's all on one track, you obviously have more 13:45:41  
 9 kids and teachers and there might be more room for 13:45:45  
 10 more classes in that way, and when you go down to 13:45:49  
 11 three smaller schools, which is what we essentially 13:45:52  
 12 have, you don't have as much flexibility, and maybe 13:45:55  
 13 you could offer one class, for example, psychology, 13:45:58  
 14 and it could only then, therefore, be one period and 13:46:00  
 15 there might be a conflict with a student's schedule, 13:46:04  
 16 and yeah, that's possible. 13:46:08  
 17 We can offer them, but probably -- there 13:46:10  
 18 might be class conflicts. It might be more likely to 13:46:13  
 19 happen. 13:46:17  
 20 Q. Can you think of any other ways the 13:46:21  
 21 multitrack system might make it difficult for Fremont 13:46:23  
 22 students to fulfill their elective requirements for 13:46:26  
 23 college? 13:46:30  
 24 A. No, just that one. 13:46:33  
 25 Q. Do you see where she says in paragraph 10 13:46:35

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1 that: 13:46:37

2 "The multi-track, year-round system 13:46:37

3 makes it hard to participate in 13:46:39

4 extracurricular activities"? 13:46:43

5 A. Yes. 13:46:43

6 Q. Is that statement true? 13:46:46

7 A. Well, if you look at sports, it doesn't 13:46:47

8 really affect sports. The kids come anyway. They 13:46:50

9 come when they are off track. We have successful -- 13:46:54

10 many successful sport teams -- soccer, football, 13:46:58

11 basketball. All those teachers have been 13:47:02

12 successful. The kids just come when they are off 13:47:23

13 track. 13:47:07

14 You could speculate that maybe a family 13:47:07

15 would be gone, but for some reason, it doesn't seem 13:47:09

16 to affect the kids. They get there. It's important 13:47:23

17 to them. 13:47:23

18 Q. Do you have any knowledge as to whether or 13:47:23

19 not Ms. Ramirez participated in any particular 13:47:24

20 extracurricular activities at Fremont? 13:47:27

21 A. No. 13:47:31

22 MS. LHAMON: Objection. Calls for 13:47:31

23 speculation. 13:47:32

24 She testified she is not sure she knows 13:47:32

25 Ms. Ramirez. 13:47:36

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1 BY MR. ROZWOOD: 13:47:42

2 Q. Can you look at paragraph 11 and read 13:47:58

3 through to the end and let us know when you are 13:48:02

4 finished. 13:48:05

5 A. (Complies.) 13:48:17

6 Yes, I'm finished. 13:48:18

7 Q. Have you ever been made aware of a situation 13:48:20

8 at Fremont where a student was unable to complete an 13:48:24

9 AP assignment because of the lack of research 13:48:27

10 material available in your school library? 13:48:30

11 A. No, I have not been made personally aware of 13:48:33

12 that. 13:48:38

13 Q. Have you been aware of it directly or 13:48:40

14 indirectly in your role as assistant principal at 13:48:41

15 Fremont? 13:48:46

16 A. I think earlier I mentioned the library and 13:48:47

17 the collection that we have in the library. We do 13:48:50

18 have a new librarian. In the last couple of years, 13:48:53

19 the collection has evolved, and I think it's much 13:48:56

20 better. 13:49:00

21 Obviously an AP student that's in an AP 13:49:01

22 class, they should have access to college material. 13:49:06

23 There would not be as much as in a college library 13:49:09

24 for the students to access. 13:49:12

25 In fact, the high school AP students are 13:49:14

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1 given college library cards. That's part of the 13:49:16

2 advanced placement program at all high schools in 13:49:20

3 L.A. Unified. 13:49:23

4 When I taught AP at Westchester, we issued 13:49:24

5 library cards for UCLA for the students to use with 13:49:27

6 the knowledge, yes, we do not have a college-level 13:49:31

7 library at Westchester High School. 13:49:33

8 I think that certainly that would be in 13:49:36

9 general an accurate statement of any high school 13:49:37

10 library in L.A. Unified, that it can't compete with a 13:49:40

11 college library. 13:49:44

12 Q. And is it the practice of teachers at 13:49:46

13 Fremont High School, teachers of advanced placement 13:49:48

14 courses, to provide college library cards to their 13:49:52

15 students? 13:49:56

16 A. As far as I know, that program is still in 13:49:57

17 place. I haven't personally observed it, but it was 13:50:00

18 something that L.A. Unified sponsored along with the 13:50:03

19 UC system. 13:50:06

20 Q. Can you look at paragraph 12 of 13:50:12

21 Ms. Ramirez's declaration, where she says: 13:50:14

22 "Fremont has more than 4,000 13:50:23

23 students, but only two of our 13:50:26

24 bathrooms are open for use--one 13:50:28

25 near the auditorium with about five 13:50:30

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1 or six stalls, and one in the 13:50:32

2 building, with four stalls." 13:50:34

3 A. Yes. 13:50:34

4 Q. How many students are on campus at Fremont 13:50:38

5 at any one time? 13:50:40

6 A. There would be closer to 3,000, about 1,500 13:50:41

7 per track. 13:50:45

8 Q. Is it true about the availability -- what 13:50:47

9 she says about the availability of bathrooms that are 13:50:50

10 open for use in that first sentence of paragraph 12? 13:50:53

11 A. To my knowledge, those are the ones that are 13:50:59

12 open during nutrition and lunch for the students to 13:51:02

13 use, but those are those same bathrooms that I said 13:51:06

14 I've never really seen lines for. 13:51:10

15 Q. Do you see in paragraph 13 where Ms. Ramirez 13:51:21

16 says: 13:51:23

17 "Sometimes when we have assemblies 13:51:24

18 in the auditorium, the school has 13:51:26

19 to have three different assemblies 13:51:28

20 because there are too many students 13:51:28

21 to meet all at once"? 13:51:30

22 A. Yes. 13:51:30

23 Q. Is that an accurate statement? 13:51:34

24 A. I've never seen three assemblies, and we do 13:51:36

25 two, and it's extremely crowded. You have to put 13:51:39

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1 them in with a shoehorn, but they can fit, but I've 13:51:43  
 2 never seen the school do three. I'm not sure what 13:51:47  
 3 she is referring to. 13:51:50  
 4 Q. Do you see where she continues in that 13:51:58  
 5 paragraph to say: 13:52:00  
 6 "We are split up into groups and 13:52:01  
 7 miss time we are supposed to spend 13:52:04  
 8 in our classes"? 13:52:06  
 9 A. Yes. 13:52:06  
 10 Q. To your knowledge, does the scheduling of 13:52:09  
 11 assemblies interfere with the instructional minutes 13:52:12  
 12 required for each subject at Fremont High School? 13:52:19  
 13 A. No. The assembly should be instructional 13:52:26  
 14 basically. That's what we design them to be, 13:52:32  
 15 instructional. 13:52:36  
 16 Q. So is it an accurate statement when she says 13:52:37  
 17 she is missing time she is supposed to be spending in 13:52:43  
 18 her classes when she attends assemblies? 13:52:46  
 19 A. I'm trying to think how it was two years ago 13:52:53  
 20 because it changes a little bit each year, but as I 13:52:55  
 21 recall, it would have a double period three, and the 13:52:58  
 22 one track would go one period three and the other 13:53:02  
 23 track would go the other period three, and then 13:53:07  
 24 period four would be eliminated. So it would be 13:53:09  
 25 period three or four would be eliminated, and then we 13:53:12

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1 would rotate it to first and second. 13:53:17  
 2 In general, the leadership council chose 13:53:20  
 3 three and four because it was a better time of the 13:53:23  
 4 day for assemblies. So she would be missing -- when 13:53:25  
 5 we had an assembly under that plan, she would be 13:53:28  
 6 missing one of her classes during the assemblies. 13:53:31  
 7 Fremont does not have very many assemblies. 13:53:36  
 8 So this would be extremely rare actually. 13:53:40  
 9 Q. Approximately how many assemblies does 13:53:55  
 10 Fremont have each semester? 13:53:55  
 11 A. Two, if that. We had hardly any last year. 13:53:55  
 12 So... 13:53:55  
 13 Q. Are the teachers of the periods that are 13:53:55  
 14 going to be eliminated for scheduling purposes in 13:53:55  
 15 connection with these assemblies, are they notified 13:53:58  
 16 in advance? 13:54:01  
 17 A. Oh, yes. 13:54:01  
 18 Q. How far in advance are they notified? 13:54:03  
 19 A. It should be about two weeks. It probably 13:54:05  
 20 works out to one week, but any plan for an assembly 13:54:07  
 21 needs to go through leadership council. 13:54:11  
 22 Leadership council at that time met every 13:54:13  
 23 other week. So the notification was at least a week. 13:54:16  
 24 Q. Would you say, based upon your experience, 13:54:26  
 25 that that amount of notice is sufficient to adjust 13:54:29

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1 your semester's lesson plans to accommodate the loss 13:54:34  
 2 of classroom instructional time? 13:54:39  
 3 A. Well, personally I think you should know all 13:54:42  
 4 those things before the semester starts. I think you 13:54:44  
 5 should put your assemblies in so the teachers should 13:54:47  
 6 know right from the get-go. 13:54:50  
 7 In practice, it doesn't always happen that 13:54:51  
 8 way. For whatever reason, the person organizing the 13:54:54  
 9 assembly maybe doesn't have it organized yet or 13:54:57  
 10 whatever, but yeah, I agree that you should know at 13:55:01  
 11 the beginning of the school year. 13:55:04  
 12 Q. When they are only given one to two weeks' 13:55:06  
 13 notice, is that sufficient time for them to adjust 13:55:11  
 14 their lesson plan for the semester to cover the same 13:55:14  
 15 amount of instructional materials? 13:55:17  
 16 A. I think a good teacher can do that, yes. 13:55:19  
 17 Q. Are you aware of any instances in which 13:55:28  
 18 teachers were unable to adjust to the missing period 13:55:31  
 19 due to the scheduling of an assembly? 13:55:34  
 20 A. No, that's not been reported to me. 13:55:38  
 21 Q. Do you consider the bungalows at Fremont 13:56:04  
 22 High School to present a safety hazard? 13:56:07  
 23 A. Can you be a little more specific? 13:56:14  
 24 Q. You can read paragraph 15 of Ms. Ramirez's 13:56:17  
 25 declaration -- 13:56:19

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1 A. Okay. 13:56:24  
 2 Q. -- for some idea of what she is referring to 13:56:25  
 3 when she says she worries about her safety and the 13:56:27  
 4 possibility of fire hazards. 13:56:30  
 5 MS. LHAMON: Mischaracterizes the 13:56:33  
 6 declaration. It says, "I worry about our safety." 13:56:34  
 7 THE WITNESS: In response to paragraph 15, I 13:56:47  
 8 do believe that it is a congested area. Those 13:56:49  
 9 particular bungalows that she may be talking about -- 13:56:52  
 10 we have several sets of bungalows, but I can 13:56:55  
 11 visualize the bungalows. That's a narrow corridor. 13:56:59  
 12 If everyone was to evacuate at once, it is crowded. 13:57:04  
 13 So there would need to be supervision to make sure 13:57:08  
 14 the students evacuated in a safe manner. 13:57:12  
 15 It really wouldn't have occurred to me as a 13:57:16  
 16 problem that was, like, we need to fix it right now. 13:57:22  
 17 I don't know how you would fix it other than moving 13:57:28  
 18 the bungalows. 13:57:30  
 19 MR. ROZWOOD: Okay. I would like to mark as 13:57:32  
 20 Exhibit 9 a declaration of Glauz Diego bearing Bates 13:57:38  
 21 Nos. PLTF 00135 through 00137. 13:57:44  
 22 (Document referred to above was 13:57:44  
 23 marked as Defendants' Exhibit 9 13:57:44  
 24 for identification by the reporter 13:58:31  
 25 and is attached hereto.) 13:58:31

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1 BY MR. ROZWOOD: 13:58:31

2 Q. Can you look at paragraph 5 where -- 13:58:32

3 First of all, let me ask you: Do you know 13:58:34

4 Glauz Diego? 13:58:37

5 A. No. 13:58:38

6 Q. Can you look at paragraph 5 where Mr. Diego 13:58:39

7 states that he has to take his school books, the ones 13:58:44

8 that he has, back and forth to school every day. 13:58:50

9 A. Yes. 13:58:50

10 Q. Do you have any knowledge of -- let me ask 13:58:56

11 you this. 13:59:00

12 Does Fremont have any policy regarding 13:59:00

13 students' use of lockers on the school site? 13:59:04

14 A. You know, I really don't know what the 13:59:12

15 current locker policy is. It's changed and evolving, 13:59:15

16 and right now, I can't tell you what it is. I'd have 13:59:18

17 to find out. 13:59:21

18 Q. Do you know if there was a policy during the 13:59:22

19 1999/2000 school year? 13:59:23

20 A. I -- I know that -- probably that year 13:59:28

21 everyone had a locker, I would think. 13:59:32

22 Q. And what do you base -- 13:59:34

23 A. I'm guessing. 13:59:35

24 Q. I don't want you to guess. 13:59:36

25 What do you base your belief that everyone 13:59:38

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1 had a locker during that school year? 13:59:40

2 A. We have lockers in the school. There's an 13:59:43

3 administrator in charge of issuing lockers. So I 13:59:46

4 believe the students do have lockers. 13:59:50

5 More recently than that, there was concern 13:59:52

6 about whether or not they would be issuing lockers. 13:59:55

7 Some schools have chosen not to do that. Right now I 13:59:59

8 really don't know. 14:00:02

9 Q. What about for the 2000/2001 school year? 14:00:03

10 Do you know -- 14:00:03

11 A. That's what I don't know. I think during 14:00:08

12 this year they probably did have lockers. 14:00:10

13 Q. Do you know why certain schools chose not to 14:00:16

14 issue students lockers? 14:00:19

15 A. I think it's a safety issue. 14:00:22

16 Q. What are the safety -- 14:00:24

17 A. Things were being concealed and left in 14:00:25

18 lockers. Some schools felt it was safer not to issue 14:00:29

19 lockers. 14:00:33

20 Q. What types of things were being concealed in 14:00:34

21 lockers, to your knowledge? 14:00:36

22 A. Well, this is just reasons -- these are 14:00:38

23 reasons why different schools have chosen not to 14:00:53

24 issue lockers. Whether that's happened, that's not 14:00:53

25 our policy. 14:00:53

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1 They are saying like narcotics, drugs, 14:00:53

2 weapons, undesirable things to be at school are in 14:00:53

3 lockers. So instead of having that, they just did 14:00:56

4 away with them. 14:00:59

5 Q. To your knowledge, has that subject ever 14:01:00

6 come up for discussion by the leadership council or 14:01:02

7 other administrative bodies at Fremont High School? 14:01:05

8 A. No. 14:01:08

9 MS. LHAMON: Objection. Vague as to "that 14:01:09

10 subject." I don't know what you are talking about. 14:01:10

11 BY MR. ROZWOOD: 14:01:13

12 Q. Do you know what I mean by "that subject"? 14:01:13

13 A. I'm assuming that you are meaning guns and 14:01:16

14 narcotics in lockers, and we have not talked about 14:01:19

15 that at Fremont. At least I have not been in that 14:01:22

16 discussion, but I have never been in charge of 14:01:25

17 lockers or school safety. So the discussion could 14:01:27

18 have gone on without my being present. 14:01:30

19 Q. Okay. Can you turn to paragraph 8 of 14:01:46

20 Mr. Diego's declaration where he says: 14:01:48

21 "I don't think the multi-track 14:01:57

22 system is good because the teachers 14:01:59

23 have to rush through everything to 14:02:00

24 give us the information because we 14:02:02

25 only have a little time to learn 14:02:04

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1 everything." 14:02:06

2 Do you think that is an accurate statement? 14:02:07

3 A. Well, the amount of time by law has to be 14:02:10

4 the same. As we talked about earlier, the school 14:02:12

5 days are longer, but there are just not as many days, 14:02:15

6 but the instructional minutes have to be the same. 14:02:19

7 It's mandated. 14:02:22

8 Q. Do you know what Mr. Diego is referring to 14:02:23

9 when he says: 14:02:26

10 "We only have a little time to 14:02:27

11 learn everything"? 14:02:29

12 A. There's never enough time to learn 14:02:30

13 everything. 14:02:32

14 I don't know what he is referring to, but I 14:02:34

15 certainly -- there are lots of things in this world 14:02:36

16 to learn, and none of us have enough time to learn 14:02:40

17 them all. 14:02:44

18 Q. But do you think that's a function of the 14:02:44

19 multitrack system? 14:02:46

20 A. No, not really. 14:02:48

21 Q. Do you see where Mr. Diego states: 14:02:54

22 "We finally staged a walk-out last 14:02:58

23 year because we wanted to get a 14:03:00

24 principal so that we could have 14:03:02

25 some order and improvements at our 14:03:04



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1 school"? 14:03:07

2 MR. FRIEDMAN: Is that paragraph 9? 14:03:07

3 MR. ROZWOOD: Yes. 14:03:09

4 Q. Do you see that? 14:03:09

5

6 A. Yes. 14:03:09

7 Q. Do you know what Mr. Diego is referring to? 14:03:11

8 A. Let me read this paragraph. 14:03:17

9 Okay. When the walk-out occurred, there was 14:03:25

10 a principal. I'm not really sure how long we were 14:03:30

11 without a principal, but we certainly had an acting 14:03:33

12 assistant principal, and it was maybe two weeks' time 14:03:37

13 when we had a principal. I'm not sure what he is 14:03:43

14 referring to. 14:03:45

15 Q. Do you know approximately when the walk-out 14:03:47

16 occurred? 14:03:47

17 A. No, but the principal was certainly there 14:03:57

18 when it occurred. 14:03:59

19 Q. Which principal was that? 14:04:00

20 A. I'm thinking of Ms. Simpson. There have 14:04:02

21 been modified walk-outs at different times. So I'm 14:04:07

22 not really sure which one he is talking about. The 14:04:11

23 largest one, though, the students were asking for a 14:04:15

24 librarian and not a principal. So he may have meant 14:04:20

25 librarian. I'm speculating. 14:04:26

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1 Q. Can you read Mr. Diego's statements in 14:04:50

2 paragraph 12 of his declaration that we have marked 14:04:54

3 as Exhibit 9. 14:04:59

4 A. Okay. 14:05:12

5 Okay. 14:05:12

6 Q. Are those statements accurate about the 14:05:13

7 bathrooms at Fremont High School? 14:05:16

8 A. Well, I certainly hope not. Again, this has 14:05:19

9 not been my observation that it's crowded. I never 14:05:22

10 observed those lines. 14:05:25

11 I do know that the bathrooms are serviced 14:05:27

12 during the day. So I would say that no, it does not 14:05:29

13 appear to be an accurate paragraph. 14:05:35

14 Q. Are you aware of any instance in which 14:05:38

15 Fremont closed a new clean bathroom because school 14:05:44

16 officials were scared it would get, quote, "tagged," 14:05:49

17 as Mr. Diego testifies in paragraph 13 of Exhibit 9? 14:05:53

18 A. No, I'm not aware of it. 14:05:59

19 I do remember the custodian saying that, "If 14:06:00

20 they don't take care of it, we are just going to 14:06:03

21 close it," but to my knowledge, it was not closed. 14:06:06

22 Q. Do you see in paragraph 14 of Exhibit 9 14:06:18

23 where Mr. Diego testifies that: 14:06:23

24 "Someone stole a teacher's edition 14:06:28

25 book and so the teachers said 14:06:31

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1 nobody could have a locker"? 14:06:33

2 Are you aware of that alleged incident? 14:06:35

3 A. No. 14:06:35

4 Q. Is that something you would have heard about 14:06:38

5 if it actually occurred? 14:06:39

6 MS. LHAMON: Objection. Calls for 14:06:42

7 speculation. 14:06:43

8 THE WITNESS: It's possible I could have 14:06:46

9 heard about it, but -- 14:06:48

10 BY MR. ROZWOOD: 14:06:51

11 Q. I'm referring to the stealing of a teacher's 14:06:51

12 edition book. 14:06:54

13 A. No, I wouldn't necessarily know about that. 14:06:57

14 MR. ROZWOOD: Okay. This is another 14:07:02

15 declaration. We will mark that as Exhibit 10. It's 14:07:11

16 a declaration of Glauz Diego as well, but it's 14:07:15

17 separately Bates stamped numbered PLTF 00132 through 14:07:20

18 00134, and this one was signed on January 30th, 2001. 14:07:25

19 We will mark this as Exhibit 10. 14:07:31

20 (Document referred to above was 14:07:31

21 marked as Defendants' Exhibit 10 14:07:31

22 for identification by the reporter 14:07:56

23 and is attached hereto.) 14:07:56

24 BY MR. ROZWOOD: 14:07:56

25 Q. Do you see in paragraph 5 of Exhibit 10 14:07:57

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1 where Mr. Diego states, quote: 14:07:59

2 "Last semester we had to borrow 14:08:02

3 bungalows from a school in the 14:08:03

4 valley just so we will have enough 14:08:05

5 space for all the students"? 14:08:08

6 A. Yes. 14:08:08

7 Q. Is that an accurate statement? 14:08:11

8 A. I don't know. I know some new bungalows 14:08:13

9 came last year, but I don't know where they came 14:08:16

10 from, and to my knowledge, they weren't borrowed. 14:08:18

11 Q. To your knowledge, are those bungalows 14:08:21

12 permanently -- permanent bungalows? 14:08:24

13 A. I'm not really sure what the district 14:08:27

14 terminology is because seldom does a bungalow ever 14:08:29

15 leave once it's there. I suppose it's possible for 14:08:35

16 them to move. I really don't have knowledge of the 14:08:37

17 terminology. 14:08:42

18 Q. Do you see in paragraph 7 where Mr. Diego 14:08:54

19 testifies about stolen computers? 14:09:00

20 A. Yes. 14:09:00

21 Q. Are you aware of any stolen computers at 14:09:04

22 Fremont High School? 14:09:06

23 A. Yes. 14:09:06

24 Q. Can you describe incidences that you are 14:09:09

25 aware of? 14:09:14

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1 MS. LHAMON: Asked and answered. 14:09:15  
 2 THE WITNESS: I don't remember any computer 14:09:19  
 3 stolen in a computer lab. I do remember some 14:09:21  
 4 computers stolen in the journalism class, and that's 14:09:24  
 5 about the basic knowledge I have. 14:09:30  
 6 They were -- the room was broken into, and 14:09:32  
 7 the lock was forced, big time. It was like a 14:09:35  
 8 security door, and fairly new computers were taken, 14:09:41  
 9 but I don't think the kids were taught computers in 14:09:46  
 10 those classes. I believe it was a room used for 14:09:49  
 11 journalism and also by adult school, and it's 14:09:52  
 12 possible it could have been an adult school student 14:09:57  
 13 taking those, but in the computer labs, I don't think 14:10:00  
 14 any computers have been stolen. 14:10:03  
 15 We have had parts taken like the mice. The 14:10:05  
 16 kids take the mice, but I don't think the computers. 14:10:08  
 17 BY MR. ROZWOOD: 14:10:13  
 18 Q. The incident you are referring to in the 14:10:13  
 19 journalism class, was that before or after Fremont 14:10:15  
 20 erected the wrought iron fence around its perimeter? 14:10:18  
 21 A. I don't know. 14:10:27  
 22 Q. Okay. Can you give me your best estimate, 14:10:28  
 23 you know, as to when the computers were stolen out of 14:10:31  
 24 the journalism class? 14:10:35  
 25 You can try by school year or semester if 14:10:38

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1 that works. 14:10:41  
 2 A. I think it was last year. Maybe like last 14:10:44  
 3 fall. 14:10:52  
 4 Q. And do you know approximately when the fence 14:10:55  
 5 was erected? 14:10:57  
 6 A. That was when Mr. Herrera was here. So it 14:11:01  
 7 would have been in the spring of the year before 14:11:10  
 8 that. Not last year, but the spring of the previous 14:11:12  
 9 year. 14:11:23  
 10 Q. Can you turn to paragraph 10 of Exhibit 10 14:11:30  
 11 where Mr. Diego testifies that, quote: 14:11:35  
 12 "The classrooms in my school 14:11:39  
 13 are in very poor condition." 14:11:40  
 14 Do you think that's an accurate statement or 14:11:43  
 15 an accurate description of the condition of the 14:11:45  
 16 classrooms at Fremont High School? 14:11:47  
 17 A. No, I wouldn't describe the classrooms that 14:11:50  
 18 way. 14:11:52  
 19 Q. How would you describe them? 14:11:55  
 20 A. I would say average condition. I would say 14:11:59  
 21 they need paint. We have not been painted in a 14:12:02  
 22 while. Some of the ceiling tiles may be loose, but 14:12:06  
 23 that's something that is repaired on an ongoing 14:12:09  
 24 basis. 14:12:13  
 25 Q. Do you see where Mr. Diego states: 14:12:15

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1 "I heard that someone got hit in 14:12:18  
 2 the head with a falling tile last 14:12:20  
 3 year"? 14:12:23  
 4 A. Yes. 14:12:23  
 5 Q. Are you aware of anyone getting hit in the 14:12:24  
 6 head with a falling tile at Fremont High School? 14:12:26  
 7 A. No. 14:12:26  
 8 Q. Do you see where he says: 14:12:30  
 9 "In some classrooms, the paint on 14:12:31  
 10 the walls is crusted and falling 14:12:33  
 11 off"? 14:12:35  
 12 A. Yes. 14:12:35  
 13 Q. Is that an accurate description of Fremont? 14:12:36  
 14 A. I would say there are rooms that definitely 14:12:38  
 15 need paint. Now, whether it's crusting and falling 14:12:42  
 16 off, I think the whole school needs paint on the 14:12:45  
 17 inside basically. 14:12:48  
 18 I have been there 14 years, and the 14:12:49  
 19 classrooms have not been painted the whole time I've 14:12:51  
 20 been there on the inside. 14:12:54  
 21 Q. Do you see where Mr. Diego says: 14:13:02  
 22 "The school doesn't have enough 14:13:05  
 23 lockers because of the 14:13:06  
 24 overcrowding"? 14:13:07  
 25 In paragraph 12 of Exhibit 10. 14:13:08

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1 A. Yes. 14:13:08  
 2 Q. Is that an accurate statement? 14:13:11  
 3 A. Again, my knowledge base with lockers is 14:13:13  
 4 very poor. So I really don't know. 14:13:15  
 5 Q. That's fair. 14:13:19  
 6 Can we take a short break. 14:13:20  
 7 (Off the record.) 14:13:20  
 8 BY MR. ROZWOOD: 14:30:03  
 9 Q. I'm going to show you a document produced by 14:30:03  
 10 the Los Angeles Unified School District in this case 14:30:03  
 11 marked Bates No. DT-LA 03779 and ask you if you 14:30:03  
 12 recognize the handwriting. 14:30:03  
 13 I'm not going to mark it as an exhibit, but 14:30:07  
 14 I want to ask you if you recognize the handwriting. 14:30:10  
 15 MS. LHAMON: Can you tell me the Bates 14:30:13  
 16 number again. 14:30:35  
 17 MR. ROZWOOD: DT-LA 03779. 14:30:35  
 18 MR. FRIEDMAN: Are you marking this as an 14:30:42  
 19 exhibit? 14:30:43  
 20 BY MR. ROZWOOD: 14:30:43  
 21 Q. I just wanted to know if you recognize the 14:30:44  
 22 handwriting. 14:30:46  
 23 A. Actually I don't. I don't recognize it. 14:30:47  
 24 (Off the record.) 14:33:25  
 25 MR. ROZWOOD: Back on the record. 14:33:25

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1 Q. Ms. Hines, do you believe the students at 14:33:47  
 2 Fremont High School are deprived of any of the basic 14:33:50  
 3 educational necessities? 14:33:53  
 4 A. Well, that's a really broad question, but if 14:33:58  
 5 by that do you mean that we offer all the required 14:34:01  
 6 classes, yes, we do offer all the required classes. 14:34:04  
 7 We have qualified teachers in the classrooms, and we 14:34:08  
 8 have textbooks. So those are three educational 14:34:13  
 9 necessities. 14:34:16  
 10 There are lots of other things that would 14:34:17  
 11 contribute to educational opportunity, but those are 14:34:18  
 12 the basics that we offer and have. 14:34:22  
 13 Q. Does Fremont High School offer its students 14:34:27  
 14 sufficient instructional materials, including without 14:34:31  
 15 limitation those textbooks you refer to? 14:34:33  
 16 A. Sufficient -- 14:34:36  
 17 Q. Instructional materials. 14:34:37  
 18 A. Yes. 14:34:37  
 19 Q. Is your answer "yes"? 14:34:39  
 20 A. Yes. 14:34:39  
 21 Q. Does each student at Fremont High School 14:34:42  
 22 have his or her own reasonably current textbook in 14:34:45  
 23 each core subject? 14:34:49  
 24 A. That is the policy of the school, and if a 14:34:54  
 25 student doesn't have that, we would make sure that 14:34:58

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1 the student gets it. 14:35:01  
 2 Q. Do the students have the use of such 14:35:04  
 3 textbooks for use in class without sharing at Fremont 14:35:08  
 4 High School? 14:35:12  
 5 A. Okay. If a student were issued a textbook 14:35:15  
 6 and did not bring the textbook to school, then 14:35:17  
 7 perhaps he would have to share with a student. 14:35:19  
 8 To my knowledge, there may be classrooms 14:35:22  
 9 where there is not a class set in addition to a 14:35:25  
 10 student taking home a book. 14:35:27  
 11 That's a fairly recent policy by our last 14:35:29  
 12 District I leader. In the past, policy has been each 14:35:32  
 13 student has a book to take home that belongs to him 14:35:37  
 14 that he carries back and forth. 14:35:41  
 15 Q. So at Fremont, each student is issued a book 14:35:45  
 16 in class without sharing. Whether or not they bring 14:35:48  
 17 it is a different question; is that correct? 14:35:51  
 18 A. That's the goal, yes. 14:35:53  
 19 Q. Is it fair to say that a lack of a full 14:36:02  
 20 nonemergency teaching credential is a sign of an 14:36:15  
 21 unqualified teacher? 14:36:19  
 22 A. You said the lack of a nonemergency 14:36:21  
 23 credential? 14:36:24  
 24 Q. Let me rephrase. There's lots of triple 14:36:26  
 25 negatives, I guess. I'm just reading from something 14:36:28

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1 down here. 14:36:31  
 2 What I mean is, if a teacher doesn't have a 14:36:32  
 3 full emergency teaching credential, is that an 14:36:35  
 4 indication that the teacher is not qualified to teach 14:36:39  
 5 the students at Fremont High School? 14:36:41  
 6 A. See, I still think -- what I hear you saying 14:36:44  
 7 is if a teacher does not have a credential, they are 14:36:46  
 8 qualified -- can you restate it again? 14:36:49  
 9 Q. Sure. 14:36:51  
 10 A. Okay. 14:36:52  
 11 Q. It's my fault. 14:36:52  
 12 A. Okay. 14:36:54  
 13 Q. It's getting late in the day for me. I'm 14:36:55  
 14 just pushing through. 14:36:57  
 15 You testified earlier about the things that 14:37:02  
 16 bear on the quality or effectiveness of classroom 14:37:08  
 17 teachers. 14:37:11  
 18 A. Uh-huh. 14:37:12  
 19 Q. I guess my question is: What relationship 14:37:12  
 20 does the possession of a full nonemergency credential 14:37:14  
 21 have on the qualification or the effectiveness of 14:37:18  
 22 your classroom teachers at Fremont? 14:37:22  
 23 A. Good question, and that could have lots of 14:37:24  
 24 different responses as well. 14:37:26  
 25 We assume someone with a credential has had 14:37:27

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1 student teaching and had some college training and 14:37:30  
 2 education. Now, whether that takes and whether that 14:37:34  
 3 helps for that particular individual, sometimes it 14:37:37  
 4 does and sometimes it doesn't, but the chances are 14:37:41  
 5 that you would have broader base and more knowledge 14:37:44  
 6 to deal with, and theoretically that teacher should 14:37:47  
 7 have more resources to draw upon. 14:37:52  
 8 As you know, that isn't always the case. We 14:37:55  
 9 have many experienced teachers with full credentials 14:37:58  
 10 that, for whatever reason, have lost their ability to 14:38:00  
 11 communicate well or to be up on their subject matter 14:38:03  
 12 or to get along with people and, therefore, are not 14:38:06  
 13 as effective as someone without a full credential. 14:38:09  
 14 So always there has to be someone making a 14:38:13  
 15 decision is this the right teacher for our students, 14:38:16  
 16 and that's one of the things I do. 14:38:19  
 17 Q. Who is the most knowledgeable person at 14:39:01  
 18 Fremont regarding the frequency that the facilities 14:39:03  
 19 are cleaned and maintained? 14:39:08  
 20 A. The plant manager. 14:39:11  
 21 Q. Who supervises the plant manager? 14:39:13  
 22 A. Mr. Hemmans is the administrator at Fremont, 14:39:15  
 23 and he also has a district supervisor. 14:39:19  
 24 Q. Local district supervisor or big district? 14:39:23  
 25 A. I don't know, but I think it's by 14:39:26

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1 maintenance areas. We are in maintenance area 1, and 14:39:28  
2 I think you asked me before what the name of that 14:39:32  
3 individual is, and I don't know at this particular 14:39:41  
4 time. 14:39:41  
5 Q. Okay. Do any of the academic courses or 14:39:41  
6 extracurricular courses at Fremont require the 14:39:43  
7 student to pay a fee or obtain a fee waiver in order 14:39:47  
8 to participate? 14:39:51  
9 A. No, not as far as I know. 14:39:52  
10 Q. Have you ever been aware of any such fee or 14:39:53  
11 fee waiver requirements for course participation at 14:39:57  
12 Fremont -- 14:40:02  
13 A. No -- 14:40:02  
14 Q. -- or extracurricular offerings at Fremont? 14:40:03  
15 A. -- the only thing I can think about is maybe 14:40:06  
16 a cheerleader would have to buy an outfit. That's 14:40:09  
17 the kind of thing you work with. If they can't 14:40:12  
18 afford it, then you work with them to get the funds 14:40:15  
19 to do that, and I really don't even know for sure how 14:40:18  
20 that is working out. 14:40:22  
21 Q. Do you have any knowledge regarding whether 14:40:43  
22 any of the students at Fremont are bused in to 14:40:45  
23 Fremont? 14:40:49  
24 A. The special education students, some of them 14:40:51  
25 ride buses. 14:40:55

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1 Q. Other than the special education students, 14:40:57  
2 are any of the other Fremont students bused into 14:41:00  
3 Fremont? 14:41:04  
4 A. I don't know. There's a possibility a 14:41:04  
5 magnet kid or two maybe, but I don't know currently 14:41:06  
6 any magnet kids are bused. In general, our magnet 14:41:10  
7 population lives in the area. 14:41:14  
8 Q. Are students -- well, strike that. 14:41:16  
9 Are children who might otherwise be students 14:41:21  
10 at Fremont due to the location of their residence, to 14:41:23  
11 your knowledge, bused out to nearby public schools? 14:41:27  
12 A. Yes, they are -- excuse me. Not to nearby 14:41:29  
13 public schools. 14:41:32  
14 Q. Okay. Can you describe the busing situation 14:41:34  
15 at Fremont. 14:41:36  
16 A. Okay. The buses -- I know this because the 14:41:38  
17 buses come and pick up the kids right when you get to 14:41:40  
18 school. So they come around 6:00, 6:15 in the 14:41:43  
19 morning, and the students get on the buses -- that 14:41:49  
20 live in our neighborhood -- and go to schools in the 14:41:52  
21 Valley. 14:41:54  
22 Now, the administrator that is responsible 14:41:55  
23 for assigning those is a different administrator, but 14:41:57  
24 there are arrangements made with certain Valley 14:42:00  
25 schools that have places and they are taken out to 14:42:02

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1 the Valley. 14:42:05  
2 Q. Do you know approximately how many students 14:42:07  
3 are bused? 14:42:08  
4 A. No, I don't know. 14:42:09  
5 Q. What is the name of the administrator in 14:42:10  
6 charge of that program? 14:42:11  
7 A. Right now there is not one, but we are 14:42:13  
8 having a new one Monday. So -- and I don't remember 14:42:15  
9 what her name is. It's a difficult name. 14:42:20  
10 There are several programs. You can go out 14:42:23  
11 on PWT, integration purposes, and there's the CAP 14:42:26  
12 program which means, when we are overcrowded, we put 14:42:31  
13 students on a bus to go somewhere. Whichever schools 14:42:34  
14 have room, they are CAP receiver schools. 14:42:39  
15 The kids that have permits to go to school 14:42:42  
16 in the Valley, they often start as earlier as 14:42:45  
17 elementary school. So we never see or know those 14:42:49  
18 students. 14:42:52  
19 Q. Do you know how it's decided which students 14:42:57  
20 are bused due to overcrowding? Is it a lottery or 14:43:02  
21 some other -- 14:43:06  
22 A. Actually it has to do with when they enroll. 14:43:08  
23 Everyone who comes the first day pretty much gets to 14:43:11  
24 stay or the second day, but then it's just, when we 14:43:14  
25 are full, whoever is left on that list goes somewhere 14:43:18

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1 else. 14:43:21  
2 Q. What is the name of the administrator that 14:43:25  
3 was in charge of the busing program in the recent 14:43:27  
4 prior years? 14:43:29  
5 A. It was a person -- acting administrator. 14:43:30  
6 Her name was Peggy Rose. So she was kind of doing it 14:43:33  
7 for the last several months. 14:43:37  
8 The last one before that is Lue Ellen 14:43:39  
9 Guidry, L-u-e E-l-l-e-n and then G-u-i-d-r-y, and she 14:43:45  
10 would be extremely knowledgeable about that. 14:43:54  
11 Q. Thank you. 14:43:56  
12 Mr. Friedman, I'll just reserve my rights to 14:44:18  
13 ask questions about any issues that are newly raised 14:44:20  
14 or raised in a new manner by the documents that have 14:44:23  
15 yet to be produced by the district. 14:44:26  
16 And, Ms. Lhamon, you are welcome to commence 14:44:29  
17 your deposition at this time. 14:44:34  
18 MS. LHAMON: Can we go off the record for a 14:44:36  
19 second. 14:44:38  
20 MR. ROZWOOD: Sure. 14:44:38  
21 (Off the record.) 14:44:38  
22 14:44:38  
23 EXAMINATION 14:48:32  
24 BY MS. LHAMON: 14:48:32  
25 Q. Good afternoon, Ms. Hines. I'm Catherine 14:48:32

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1 Lhamon, which I think you already know, I'm counsel 14:48:35  
2 for plaintiffs in this action. 14:48:37  
3 I know we have been through a long day and a 14:48:39  
4 half in this deposition. I want to clarify a few 14:48:42  
5 things before we get started with my questions. 14:48:44  
6 The plaintiff school children whom I 14:48:47  
7 represent sued the State of California, the State 14:48:49  
8 Board of Education, the State Department of 14:48:52  
9 Education, and the State Superintendent of Public 14:48:54  
10 Instruction concerning State oversight of delivery of 14:48:56  
11 education in California. 14:48:59  
12 The plaintiffs have not sued any schools or 14:49:01  
13 school districts or principals or vice principals, 14:49:04  
14 including you, which I'm sure you appreciate, and I 14:49:08  
15 just want to make sure that you know this lawsuit 14:49:11  
16 concerns only the question whether the State and 14:49:13  
17 State agencies appropriately support schools in the 14:49:16  
18 difficult task of delivering education in California. 14:49:20  
19 MR. ROZWOD: Objection. Mischaracterizes 14:49:23  
20 the nature of this lawsuit entirely and vague and 14:49:24  
21 ambiguous as to the State's level of support of 14:49:27  
22 the -- appropriate support or whatever you said, but 14:49:29  
23 I think that misstates the litigation. 14:49:42  
24 BY MS. LHAMON: 14:49:42  
25 Q. I'll ask you questions that will give me 14:49:42

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1 information relative to the State and the State 14:49:43  
2 agencies. 14:49:46  
3 First, how many total students attend 14:49:47  
4 Fremont? 14:49:50  
5 A. Close to 5,000 currently. I don't have an 14:49:51  
6 exact number, but it's between 4,500 and 5,000. 14:49:53  
7 Q. And how is it that you know it's between 14:49:57  
8 4,500 and 5,000? 14:49:59  
9 A. I'm an administrator at the school, and so I 14:50:01  
10 just know. 14:50:04  
11 Q. Are you or someone at Fremont required to 14:50:09  
12 count the number of students at Fremont? 14:50:11  
13 A. Absolutely, absolutely. It's not me. It's 14:50:14  
14 the person in the attendance office, the 14:50:16  
15 administrator coming Monday, but her -- the acting 14:50:19  
16 administrator Ms. Rose is required to do that. 14:50:22  
17 Q. Has that count occurred yet for the 14:50:25  
18 2001/2002 school year? 14:50:27  
19 A. It may be occurring today because we may be 14:50:31  
20 capping -- I mean the administrator was discussing 14:50:34  
21 Tuesday whether we could CAP, and they are going to 14:50:37  
22 look at that today. That means have we reached 14:50:40  
23 capacity. 14:50:43  
24 You always go a little bit over the 14:50:44  
25 capacity. If we've reached that number, we start 14:50:46

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1 busing. 14:50:49  
2 Q. So when you say "whether we could CAP," that 14:50:49  
3 means they are determining whether Fremont has 14:50:52  
4 reached its capacity? 14:50:56  
5 A. Yes. 14:50:56  
6 Q. Is "CAP" an acronym, C-A-P, or is "cap" 14:50:57  
7 lower case, c-a-p? 14:51:05  
8 A. I've never seen it written out. "Capacity," 14:51:08  
9 I imagine. 14:51:10  
10 MR. FRIEDMAN: I think I can represent it's 14:51:12  
11 "CAP," all caps, for Capacity Adjustment Program. 14:51:15  
12 BY MS. LHAMON: 14:51:21  
13 Q. Good thing your counsel is here. 14:51:21  
14 A. Yes. 14:51:25  
15 Q. Do you know how many students are on each 14:51:28  
16 track at Fremont High School? 14:51:29  
17 A. Approximately 1,500. 14:51:31  
18 Q. And is each track approximately the same 14:51:32  
19 size, or is any one track larger than another? 14:51:35  
20 A. I believe one track is larger. I don't have 14:51:38  
21 those figures. It's supposed to be about the same, 14:51:40  
22 but as you know, people come and go. So they are 14:51:43  
23 never going to be exactly equal. 14:51:46  
24 Q. Which is the track that you believe is a 14:51:49  
25 little bit larger? 14:51:50

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1 A. I don't know. 14:51:52  
2 Q. Okay. And when you say that it's supposed 14:51:54  
3 to be roughly equal, who decides that it's supposed 14:51:55  
4 to be roughly equal among the tracks? 14:51:58  
5 A. I suppose the L.A. Unified. Actually 14:52:01  
6 logically it would have to be because you only have 14:52:08  
7 certain numbers of buildings. If one track was a lot 14:52:11  
8 larger, than there wouldn't be enough room for the 14:52:14  
9 students. So... 14:52:17  
10 Q. That makes sense to me. 14:52:19  
11 A. Yeah. 14:52:19  
12 Q. Do you know the racial breakdown of the 14:52:21  
13 student population at Fremont? 14:52:23  
14 A. No. I can give you an approximation, 14:52:26  
15 though. 14:52:28  
16 Q. That would be great. 14:52:28  
17 A. 90 percent Hispanic -- Latino and 10 percent 14:52:29  
18 African-American. 14:52:34  
19 Q. Are there any other racial groups 14:52:35  
20 represented on Fremont's campus? 14:52:38  
21 A. No. 14:52:38  
22 Q. How is it that you know it's approximately 14:52:41  
23 90 percent Latino and 10 percent African-American? 14:52:43  
24 A. I do see those figures every so often, and I 14:52:47  
25 just round them off. 14:52:51

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1 Q. And you see those figures for what purposes? 14:52:52  
 2 A. There are a number of reports we need to 14:52:57  
 3 submit. I'm not responsible for completing those 14:52:59  
 4 reports, but I do see them, and I do hear them 14:53:01  
 5 discussed. 14:53:04  
 6 Q. And to whom does Fremont submit those 14:53:05  
 7 reports that have those figures? 14:53:08  
 8 A. To the district, the large district. 14:53:10  
 9 Q. That's on an annual basis? 14:53:14  
 10 A. Uh-huh, yes. 14:53:16  
 11 Q. In your 14 years at Fremont, have those 14:53:17  
 12 numbers remained roughly the same? 14:53:19  
 13 A. No, the African-American population has 14:53:23  
 14 decreased, and the Latino population has increased. 14:53:26  
 15 Q. Okay. Has the African-American population 14:53:32  
 16 decreased significantly in the 14 years you have been 14:53:34  
 17 at Fremont? 14:53:37  
 18 A. I'm just guessing, but I would guess, when I 14:53:38  
 19 came to the school, it was about 70 percent or 14:53:41  
 20 60 percent Latino and the remainder African-American, 14:53:45  
 21 but that's a really rough approximation. 14:53:48  
 22 Q. It's helpful. Thank you. 14:53:51  
 23 A. Yes. 14:53:51  
 24 Q. Do you know how many students at Fremont are 14:53:54  
 25 eligible for free and reduced-priced meals? 14:53:57

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1 A. Again, I would be guessing, but I would 14:54:00  
 2 guess it's about 85 percent. 14:54:02  
 3 Q. And just so you know, it's helpful to me if 14:54:05  
 4 you give me your estimate if you have an estimate. 14:54:09  
 5 It's not so helpful if you guess, and the reason is I 14:54:11  
 6 would like the information that you have a reason to 14:54:15  
 7 believe. If you don't have a reason to believe 14:54:18  
 8 something, you should let me know. That's fine. 14:54:20  
 9 A. All these figures are passed around 14:54:22  
 10 constantly, and it's just I don't have a photographic 14:54:24  
 11 memory for numbers. 14:54:27  
 12 Q. I don't either. 14:54:29  
 13 A. Any time you ask me a number question, I'm 14:54:30  
 14 like, well, okay. This is close, but that is 14:54:32  
 15 certainly ballpark. 14:54:35  
 16 Q. So the numbers that you gave me for the free 14:54:37  
 17 and reduced-price meals, was that an estimate, then? 14:54:40  
 18 A. Yes, I guess it would be an estimate because 14:54:44  
 19 there's a fair amount of certainty with an estimate. 14:54:45  
 20 Q. I forget I'm talking to an English teacher. 14:54:49  
 21 Okay. 14:55:00  
 22 And am I correct that the tracks that are 14:55:00  
 23 currently in session at Fremont are the B and the C 14:55:00  
 24 tracks? 14:55:00  
 25 A. That's correct. 14:55:00

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1 Q. They just started -- 14:55:00  
 2 A. Yes. 14:55:00  
 3 Q. -- on Monday of this week? 14:55:00  
 4 A. Yes. 14:55:00  
 5 Q. So on July 2nd? 14:55:02  
 6 A. Yes. 14:55:02  
 7 Q. Do you know what classes are required for 14:55:06  
 8 graduation at Fremont High School? 14:55:08  
 9 A. I can tell you with a fair degree of 14:55:11  
 10 certainty. I understand the requirements will be 14:55:13  
 11 changing soon, but I can tell you some of them. 14:55:16  
 12 There are four years of English, two years 14:55:19  
 13 of math, two years of science, and a year of a 14:55:23  
 14 technical art and a fine art, and as I understand 14:55:29  
 15 that, they are going to add one year of computers 14:55:33  
 16 required onto that requirement, and social studies. 14:55:36  
 17 There's world history, U.S. history. So three years 14:55:42  
 18 of social studies. 14:55:49  
 19 I forget -- English, math, science, social 14:55:53  
 20 studies, fine art, practical art, two years of PE, 14:55:56  
 21 and I think that's it unless I'm forgetting 14:56:03  
 22 something. 14:56:06  
 23 Q. Is health required? 14:56:07  
 24 A. Yes, thank you. Health. And a new class 14:56:09  
 25 called Life Skills, which is the old educational 14:56:12

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1 career planning that used to be required, and now 14:56:16  
 2 it's called Life Skills, and so a student takes a 14:56:18  
 3 semester of health and a semester of Life Skills. 14:56:22  
 4 Q. Can you think of anything else that's 14:56:31  
 5 required for graduation? 14:56:32  
 6 A. Not at this minute. 14:56:33  
 7 Q. If you think of it, you can come back and 14:56:34  
 8 tell me. 14:56:36  
 9 A. Okay. 14:56:37  
 10 Q. You mentioned a year of technical art and 14:56:38  
 11 fine art. Is that a year each or together of 14:56:40  
 12 technical art and fine art? 14:56:46  
 13 A. Actually, I don't know how it is right now. 14:56:47  
 14 I can tell you how it used to be. You would have a 14:56:49  
 15 year of a fine art and a year of a technical art, and 14:56:52  
 16 then you could count your foreign language with a 14:56:55  
 17 fine art as well. So it's a year of each, but since 14:56:58  
 18 Spanish, for example, could be a fine art if you took 14:57:02  
 19 that, you could take that along with your technical 14:57:05  
 20 art. 14:57:08  
 21 I really think that it's changed now with 14:57:09  
 22 the computer requirement. So I would have to 14:57:11  
 23 investigate that and see what the requirements are. 14:57:14  
 24 It's very easy to check. 14:57:17  
 25 Q. That would be great. 14:57:18

1 A. I would be very happy to bring the 14:57:19  
 2 graduation requirements. 14:57:22  
 3 Q. Thanks. I'm not trying to give you 14:57:24  
 4 homework. 14:57:26  
 5 A. No. You know, I should be able to rattle 14:57:27  
 6 them off. 14:57:30  
 7 Q. You just actually mentioned foreign 14:57:32  
 8 language, and we didn't list foreign language as a 14:57:33  
 9 requirement for graduation. 14:57:36  
 10 Is it a requirement -- 14:57:37  
 11 A. No -- 14:57:37  
 12 Q. -- for graduation? 14:57:39  
 13 A. -- foreign language is not a requirement for 14:57:41  
 14 graduation, but in the past it has met the fine art 14:57:42  
 15 requirement, and I need to look at the new 14:57:46  
 16 requirements and see if that's the case. 14:57:49  
 17 I think we are in a transition phase about 14:57:51  
 18 that. 14:57:53  
 19 Q. And when you say that the requirements are 14:57:54  
 20 changing, these requirements are changing at Fremont 14:57:57  
 21 High School or districtwide? 14:58:01  
 22 A. Districtwide. 14:58:02  
 23 Q. That's the big district? 14:58:03  
 24 A. Yes. 14:58:03  
 25 Q. And the computer requirement, the one-year 14:58:08

1 computer requirement, is that in place for the 14:58:12  
 2 2001/2002 school year? 14:58:14  
 3 A. I don't know. 14:58:19  
 4 Q. How do you know that the requirements are 14:58:19  
 5 changing for graduation? 14:58:21  
 6  
 7 A. The reason I know that is because I'm 14:58:22  
 8 interviewing computer teachers, and the assistant 14:58:24  
 9 principal counseling said, "I don't think everyone 14:58:27  
 10 knows that computers are now required for 14:58:29  
 11 graduation." 14:58:32  
 12 She is right, not everyone knows that, but 14:58:33  
 13 now I know that. 14:58:35  
 14 Q. Okay. And then you listed three years of 14:58:38  
 15 social studies, and I think you mentioned world 14:58:41  
 16 history, U.S. history, and government. 14:58:44  
 17 Is each of those courses a year-long course? 14:58:47  
 18 A. The government pairs up with Econ. So a 14:58:51  
 19 semester of government and a semester of Econ. The 14:58:53  
 20 other two are year classes, annual classes. 14:58:56  
 21 Q. Okay. And then if a student -- strike that. 14:59:02  
 22 Advanced placement government is also a 14:59:07  
 23 semester class; is that right? 14:59:09  
 24 A. At Fremont, yeah, I believe it was a 14:59:13  
 25 semester class. It can also be taught as a year 14:59:17

1 class. 14:59:22  
 2 Q. Is it ever taught as a year class at 14:59:22  
 3 Fremont? 14:59:26  
 4 A. I don't think it has been in the past. In 14:59:26  
 5 fact, I don't think we have had that class very often 14:59:29  
 6 in the past. 14:59:31  
 7 Q. Okay. Is there an advanced placement 14:59:33  
 8 economics course offered at Fremont? 14:59:34  
 9 A. I don't think so. I would have to check, 14:59:37  
 10 but I don't think so. 14:59:39  
 11 Q. I take it that there is an advanced 14:59:43  
 12 placement U.S. history -- 14:59:45  
 13 A. Yes. 14:59:45  
 14 Q. -- course offered at Fremont, and that's a 14:59:48  
 15 year-long course? 14:59:51  
 16 A. Yes. 14:59:51  
 17 Q. There's an advanced placement world history 14:59:52  
 18 course offered at Fremont? 14:59:55  
 19 A. Not to my knowledge. 14:59:57  
 20 Q. Okay. Thanks. 14:59:59  
 21 You've mentioned there's a new administrator 15:00:03  
 22 who is going to start at the school on Monday. When 15:00:06  
 23 that new administrator starts, would all the 15:00:09  
 24 administrative positions at Fremont be filled? 15:00:12  
 25 A. Yes. 15:00:12

1 Q. How long has that position been unfilled, 15:00:16  
 2 the position -- 15:00:19  
 3 A. Too -- 15:00:20  
 4 Q. -- that's coming on Monday? 15:00:20  
 5 A. Too long. All of last spring and I believe 15:00:31  
 6 part of fall. 15:00:31  
 7 The administrator, Ms. Guidry that I 15:00:31  
 8 referred to earlier, she got a promotion and went to 15:00:31  
 9 a middle school, and it's not been filled since she 15:00:32  
 10 left. 15:00:36  
 11 Q. And what are the duties of that 15:00:37  
 12 administrative position? 15:00:39  
 13 A. That person is in charge of the attendance 15:00:41  
 14 office and activities and health office, and those 15:00:44  
 15 are the major responsibilities. 15:00:51  
 16 Q. In the interim while the position has been 15:00:56  
 17 unfilled, how have those responsibilities been filled 15:00:58  
 18 at Fremont? 15:01:01  
 19 A. The attendance office was done by someone as 15:01:02  
 20 an acting administrator, and this was Ms. Rose that I 15:01:05  
 21 referred to earlier. She was the attendance 15:01:08  
 22 coordinator. So she jumped in and filled any of the 15:01:11  
 23 attendance concerns. 15:01:14  
 24 The activities Mr. Hemmans and I kind of 15:01:16  
 25 shared. He did much more of them than I did. I did 15:01:19

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1 just a tiny bit of activities and the other things. 15:01:22  
2 It was just whoever was there to handle the problem. 15:01:26  
3 Q. And that's the health office? 15:01:29  
4 A. Yeah, yeah. 15:01:31  
5 Q. Okay. And what is included in activities? 15:01:34  
6 A. Activities -- clubs, any kind of 15:01:37  
7 fund-raisers or drives that you are going to do to 15:01:43  
8 raise money, prom, dances, student government. 15:01:46  
9 For the purpose of that job, that's what is 15:02:00  
10 included. Generically you could say sports, but she 15:02:02  
11 didn't have sports. 15:02:06  
12 Q. There's another administrator -- 15:02:08  
13 A. Right. 15:02:10  
14 Q. -- that covered sports? 15:02:11  
15 Who is that administrator? 15:02:12  
16 A. Mr. Hemmans. 15:02:14  
17 Q. Was it a problem to have that position 15:02:15  
18 unfilled for that period of time? 15:02:17  
19 A. Yes. 15:02:17  
20 Q. How is it a problem? 15:02:19  
21 A. Well, because we all have a lot of 15:02:20  
22 responsibilities, and if suddenly a person is gone 15:02:23  
23 that had important responsibilities, then someone has 15:02:26  
24 to do them that's a qualified administrator. 15:02:29  
25 So we ended up doing more different kinds of 15:02:31

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1 things, and something has to go when you are doing 15:02:35  
2 different kinds of things. 15:02:42  
3 Q. Within your job description, what were the 15:02:43  
4 things that had to go while you were filling in for 15:02:45  
5 the unfilled -- 15:02:49  
6 A. It's hard to say. If there's an 15:02:50  
7 attendance -- I'm next door to the attendance office. 15:02:53  
8 I end up dealing with the parents. So maybe what has 15:02:55  
9 to go is my free time after school or my time at the 15:02:58  
10 mall or whatever because the parents and the major 15:03:01  
11 responsibilities still do get taken care of, but it's 15:03:03  
12 just more difficult to take care of them all. 15:03:06  
13 Q. Sure. 15:03:10  
14 And why is it that the position has remained 15:03:10  
15 unfilled for that period of time? 15:03:13  
16 A. I believe that the principal and District I 15:03:16  
17 superintendent were unable to find the right person 15:03:20  
18 for that job at our school and found someone finally. 15:03:23  
19 So actually we did offer the job to a couple 15:03:29  
20 of people, but they chose to go somewhere else. 15:03:32  
21 Q. Did you participate in the interviewing 15:03:35  
22 process for that position? 15:03:37  
23 A. Yes. 15:03:37  
24 Q. Do you know why the people who elected not 15:03:39  
25 to take the position chose not to take it? 15:03:42

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1 A. Actually I think there really was only one, 15:03:44  
2 and this particular girl was offered the job, and at 15:03:47  
3 that time I believe she went back to her district and 15:03:52  
4 talked to them, and they offered her a principalship. 15:03:54  
5 So that was why that particular individual ostensibly 15:03:57  
6 did not take the job. 15:04:01  
7 The other gentleman I believe we did not 15:04:03  
8 offer the job to, to my knowledge, and he 15:04:05  
9 subsequently said he didn't want it. Why he didn't 15:04:07  
10 want it, I don't know, because he wasn't really 15:04:11  
11 offered. 15:04:13  
12 Those are the only two candidates we 15:04:14  
13 interviewed at the site. 15:04:17  
14 Ms. Roland said to Dr. McKenna, "You find me 15:04:18  
15 someone because I have exhausted my resources." 15:04:22  
16 He was unable to find someone. The 15:04:25  
17 individual we hired was recommended by Ms. Pruitt. 15:04:29  
18 Her title was chief of staff. I don't know what it 15:04:33  
19 is now. That was her newly-appointed title before 15:04:37  
20 Dr. McKenna left. 15:04:40  
21 So anyway, he left, and this woman we found, 15:04:41  
22 and she is from L.A. High, and I think she will work 15:04:44  
23 out very well. 15:04:48  
24 BY MS. LHAMON: 15:04:48  
25 Q. When you are referring to "she," she is the 15:04:50

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1 former superintendent of Subdistrict -- 15:04:52  
2 A. Yes. 15:04:52  
3 Q. -- I; is that right? 15:04:55  
4 A. Yes. 15:04:56  
5 Q. It's hard to remember to both let -- have 15:04:57  
6 each of us let the other finish, but you are doing 15:05:01  
7 great so far. 15:05:04  
8 You told me that you had interviewed two 15:05:08  
9 candidates for that position at the school site, and 15:05:13  
10 Mrs. Roland believed she had exhausted her resources. 15:05:15  
11 Had you received more than two applications 15:05:18  
12 at the school site for that position? 15:05:22  
13 A. Not to my knowledge. 15:05:24  
14 Q. And do you know how it is that Fremont 15:05:26  
15 advertised that position, the opening? 15:05:30  
16 A. The only advertisement I saw was in the 15:05:32  
17 AALA, Association of -- 15:05:39  
18 Help me. 15:05:40  
19 MR. FRIEDMAN: AALA, acronym is Associated 15:05:43  
20 Administrators Los Angeles. 15:05:46  
21 THE WITNESS: Thank you. 15:05:49  
22 BY MS. LHAMON: 15:05:54  
23 Q. When the position became vacant, do you know 15:05:55  
24 if anyone at Fremont notified the Los Angeles Unified 15:05:57  
25 School District of the vacancy? 15:06:09



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1 A. Oh, yeah, they would have to know because 15:06:09  
2 they -- yes, I'm sure. 15:06:09  
3 Q. And did Fremont receive any assistance from 15:06:09  
4 the big district in filling that vacancy? 15:06:10  
5 A. Not to my knowledge. I believe that 15:06:13  
6 responsibility now is designated to the local 15:06:14  
7 districts. At least we received no assistance, to my 15:06:18  
8 knowledge, from the big district. 15:06:22  
9 Q. Okay. And before Mrs. Roland told 15:06:23  
10 Dr. McKenna that she had exhausted her resources at 15:06:26  
11 the school site, do you know if Subdistrict I had 15:06:29  
12 offered any assistance to Fremont High School in 15:06:33  
13 filling that administrative -- 15:06:35  
14 A. They may -- 15:06:38  
15 Q. -- position? 15:06:38  
16 A. -- have tried to do something. I don't have 15:06:38  
17 any knowledge of what they tried to do, though, but 15:06:41  
18 it's possible. 15:06:44  
19 Q. Okay. And do you know if anyone at the 15:06:45  
20 State level gave Fremont High School any assistance 15:06:47  
21 in filling that administrative position? 15:06:50  
22 A. No, I don't have any knowledge of that. 15:06:53  
23 Q. Okay. Earlier you mentioned Leu Ellen 15:07:00  
24 Guidry. Is she still at the school? 15:07:02  
25 A. No. 15:07:02

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1 Q. Do you know where she is now? 15:07:05  
2 A. Yes, if I can remember. She is at a middle 15:07:07  
3 school, Gage Middle School, G-a-g-e. 15:07:10  
4 Q. What is her position there? 15:07:13  
5 A. She is assistant principal. 15:07:14  
6 Q. What are the primary needs of Fremont High 15:07:34  
7 School now? 15:07:36  
8 MR. ROZWOD: Objection. Vague as to 15:07:38  
9 "primary needs." 15:07:39  
10 THE WITNESS: The primary needs of Fremont 15:07:40  
11 High School? Could you be more specific? 15:07:43  
12 BY MS. LHAMON: 15:07:44  
13 Q. I sure can. 15:07:44  
14 I'm looking to find out what it is that you 15:07:45  
15 think are the greatest needs at the school. They 15:07:49  
16 could be academic needs. They could be for teachers. 15:07:52  
17 They could be for facilities repair. 15:07:54  
18 In your assessment of the school after your 15:07:57  
19 14 years there, I'm wondering what are the things 15:07:59  
20 that most need changes now. 15:08:02  
21 A. Well, you know, my main responsibility is 15:08:05  
22 instruction. So I'm always looking for support for 15:08:07  
23 our teachers as far as instructional strategies and 15:08:10  
24 encouragement to do well to work with our kids so 15:08:13  
25 they can achieve. Not to give them easy work but to 15:08:17

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1 have the kids believe they can do the work and help 15:08:22  
2 them do it and give them all the strategies they need 15:08:24  
3 to do to be successful students. 15:08:28  
4 When we talked earlier about the coach, 15:08:30  
5 that's what I found as a valuable resource. Someone 15:08:33  
6 to go into classrooms and help teachers. 15:08:37  
7 The district was talking about peer 15:08:41  
8 assistance. That never came to fruition, as far as I 15:08:43  
9 know, at our school. I think that would be something 15:08:47  
10 that would be helpful. 15:08:48  
11 There are teachers not only at Fremont but 15:08:50  
12 I'm sure at other schools that are really just 15:08:52  
13 spending their time, and they really need to move on 15:08:55  
14 to something else or need to sharpen up their 15:08:58  
15 educational strategies. So there needs to be time 15:09:05  
16 devoted to that as well. 15:09:10  
17 I really think we probably have enough 15:09:11  
18 funding as far as special programs, those kinds of 15:09:14  
19 things. 15:09:20  
20 If there's any way to give the students more 15:09:20  
21 responsibility for the materials and for the schools 15:09:23  
22 to teach them how to be good citizens as far as 15:09:26  
23 taking care of the room and the facility, the books, 15:09:29  
24 that would be helpful. 15:09:32  
25 Again, it's just a minority of them that do 15:09:34

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1 the graffiti, that do the book damage. If there's 15:09:37  
2 anything that could help them become better citizens. 15:09:40  
3 I talked earlier a little bit about class 15:09:46  
4 size and about counselors. That would be a need, but 15:09:48  
5 actually if we reduced the class size, there would 15:09:52  
6 not be anyplace on the plant to put those extra 15:09:56  
7 classes. We would then have to become larger or bus 15:10:00  
8 more students. So that doesn't seem real feasible. 15:10:03  
9 I continually appreciate support with 15:10:08  
10 staffing, people that call up and say, "I'm sending 15:10:10  
11 someone to you right away." That's great and 15:10:15  
12 wonderful, and that's happened for the last two 15:10:16  
13 weeks. So that's a need. 15:10:20  
14 That's all I'm thinking about right now. 15:10:27  
15 Q. It's a good list. I'm going to ask you 15:10:30  
16 about a couple of them. 15:10:32  
17 First, the support for teachers and 15:10:34  
18 instructional strategies, you mentioned a teaching 15:10:36  
19 coach. Is there any teaching coach at Fremont now? 15:10:39  
20 A. Well, there's the one from the County, and 15:10:42  
21 she comes maybe every other week or so. We are 15:10:44  
22 looking at partnering with UCLA. We partnered with 15:10:47  
23 them before, and I think they provide that assistance 15:10:51  
24 as well, but it needs to be something ongoing, and it 15:10:53  
25 almost really needs to be someone on the staff there. 15:10:57

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1 We do have mentor teachers, but the district 15:11:00  
 2 mentor teacher program, although they compensate the 15:11:03  
 3 teachers generously, they don't really give them 15:11:06  
 4 time. So any good mentor teacher is going to want to 15:11:11  
 5 be in the classroom with their students rather than 15:11:15  
 6 take the time to go and visit and help the other 15:11:17  
 7 teachers teach, and when they are on vacation, they 15:11:20  
 8 like to be on vacation like all normal people. So it 15:11:31  
 9 would be nice to have that extra time compensated for 15:11:31  
 10 so that they could be out of the classroom and, say, 15:11:31  
 11 maybe only have two or three classes and spend the 15:11:33  
 12 rest of the time visiting and helping and assisting. 15:11:36  
 13 There's a need for that, especially with new 15:11:40  
 14 teachers. 15:11:42  
 15 I have a teacher who is only in the second 15:11:43  
 16 year volunteering and helped organize all the new 15:11:45  
 17 teachers and visits and so forth, and she is not 15:11:48  
 18 compensated for that. She is doing that because she 15:11:50  
 19 sees the need, but the new teachers also need to have 15:11:54  
 20 the release time to go visit other teachers so they 15:12:03  
 21 can observe. 15:12:06  
 22 That's pretty well in place, but I guess it 15:12:07  
 23 just needs to be continued. 15:12:11  
 24 Okay. I'm winding down. 15:12:16  
 25 Q. You are doing great. 15:12:17

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1 You said you need a teaching coach on staff. 15:12:19  
 2 Do you know of any schools that do have teaching 15:12:22  
 3 coaches on staff? 15:12:25  
 4 A. I really can't think of any. I've read 15:12:26  
 5 literature which that has occurred. I don't know. I 15:12:29  
 6 imagine there are schools, but specifically I don't 15:12:34  
 7 know of any. 15:12:37  
 8 Q. Okay. You said that you've read literature 15:12:38  
 9 where it's occurred -- 15:12:40  
 10 A. Uh-huh. 15:12:41  
 11 Q. -- where there's a teaching -- 15:12:42  
 12 A. Uh-huh. 15:12:43  
 13 Q. -- coach on staff. 15:12:43  
 14 Have you learned something from that 15:12:45  
 15 literature that makes you think that it would be a 15:12:47  
 16 good idea at Fremont High School -- 15:12:49  
 17 A. Uh-huh. 15:12:51  
 18 Q. -- to have a teaching coach on staff? 15:12:52  
 19 A. Yes. 15:12:52  
 20 Q. What is that? 15:12:54  
 21 A. I think it's always nice to have someone 15:12:55  
 22 that you can talk to about what you are doing in your 15:12:57  
 23 classroom that's supportive rather than there to 15:12:59  
 24 evaluate you. 15:13:02  
 25 When I go into the classroom, even if I'm 15:13:04

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1 low key, the teachers become frightened or nervous or 15:13:07  
 2 stressed out and probably don't do their best and 15:13:10  
 3 want to come talk to me about what they are worried 15:13:13  
 4 about necessarily. They do that, but I think it 15:13:17  
 5 would be better if it was a peer. They probably 15:13:19  
 6 would be able to share more. 15:13:22  
 7 And some of the materials I've read, you do 15:13:24  
 8 have partners and groups, and they do visit each 15:13:26  
 9 other, and then you have time to share about what you 15:13:28  
 10 see and look at the work. I think that would be a -- 15:13:31  
 11 it is a really powerful model. 15:13:35  
 12 Teachers tend to go in their classrooms and 15:13:38  
 13 close the door, and they don't share what they do 15:13:41  
 14 unless you kind of put a program in or talk about it, 15:13:44  
 15 and then they can see how exciting or powerful that 15:13:48  
 16 could be. 15:13:53  
 17 Q. If you had a teaching coach on staff, do you 15:13:54  
 18 think that would help with one of the other goals, 15:13:58  
 19 which was to move ineffective teachers away from the 15:14:01  
 20 Fremont campus? 15:14:11  
 21 A. It could. It possibly could. 15:14:13  
 22 You know, it's not really my goal to move 15:14:16  
 23 people out. It's really my goal to help them realize 15:14:18  
 24 what they can do and stay there and love and care for 15:14:23  
 25 and teach our kids. 15:14:25

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1 If it's time for someone to go, maybe that's 15:14:26  
 2 what we need to tell them. That's not how I start 15:14:29  
 3 out at all. 15:14:32  
 4 Q. Well, that's a great clarification. 15:14:33  
 5 Do you think that a teaching coach could 15:14:36  
 6 help teachers who have fallen into a rut get out of 15:14:39  
 7 the rut and stay at the campus and love and care for 15:14:43  
 8 the students in the way you think they should? 15:14:46  
 9 A. I think probably at least half of them could 15:14:49  
 10 be helped. Some I don't really know if the right 15:14:52  
 11 person could help them look at what they are doing 15:14:55  
 12 with the kids and their lives. 15:14:59  
 13 I'm pretty optimistic. So I hardly give up 15:15:01  
 14 on anyone most of the time. 15:15:04  
 15 Q. Then you talked about class size as one of 15:15:11  
 16 the needs for the school. You said that, if class 15:15:13  
 17 size were reduced, there would be no place to put the 15:15:16  
 18 classes on the existing plant. 15:15:20  
 19 Assuming there were a place to put the extra 15:15:22  
 20 classes, why do you think a reduction in class size 15:15:25  
 21 would be helpful? 15:15:29  
 22 A. I think, especially with English, if you are 15:15:30  
 23 asking the students to write, it's extremely valuable 15:15:32  
 24 if you are able to read what they write and comment 15:15:36  
 25 on it and give feedback. Even if you have a writer's 15:15:38

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1 workshop going, it's important that you can 15:15:42  
2 conference with each student in class and talk to 15:15:45  
3 each one. 15:15:48  
4 If your class size -- for example, in senior 15:15:48  
5 English, it is 37 as opposed to 20 in the eleventh 15:15:52  
6 grade. It's extremely difficult to do anything with 15:15:56  
7 composition in a meaningful way with that large of a 15:15:59  
8 class, and that is the district contractual size for 15:16:02  
9 twelfth-grade English. 15:16:07  
10 The State, I believe, recognized that when 15:16:09  
11 they moved ninth grade down to 20, and I believe that 15:16:11  
12 has helped with the ninth grade. 15:16:17  
13 Tenth grade is up to 28 and eleventh grade 15:16:20  
14 is back to 20 and senior is 38. That's just language 15:16:24  
15 arts. If you are talking the other subjects, they 15:16:28  
16 are normed around 30. The classes have a different 15:16:32  
17 norm based on the contract. 15:16:37  
18 I think it's very helpful to have the 15:16:39  
19 smaller classes so you can give each student the 15:16:41  
20 attention they deserve both on the homework, the 15:16:51  
21 written work, the verbal exchanges in the classroom, 15:16:51  
22 and contact with the teacher. 15:16:51  
23 Q. And now Fremont High School doesn't have the 15:16:53  
24 option to implement that reduction in class size 15:16:57  
25 because all of the classroom spaces are utilized on 15:17:00

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1 Fremont campus; is that correct? 15:17:05  
2 A. We are using all the rooms, but we fully 15:17:06  
3 implemented the district class size reduction 15:17:09  
4 program, and they have given us bungalows to do that. 15:17:12  
5 Q. I'm talking about the additional reduction 15:17:16  
6 in class size that you had mentioned. 15:17:18  
7 A. Oh, no. If there were another mandate to 15:17:20  
8 reduce class size or something we have to purchase, 15:17:23  
9 no, there would not be enough space on the campus. 15:17:26  
10 Q. How many classrooms are there at Fremont 15:17:30  
11 High? 15:17:32  
12 A. I don't know the answer to that question. 15:17:33  
13 Q. Is there someone who does know, or is it 15:17:35  
14 written down someplace? 15:17:37  
15 A. Absolutely, absolutely. Yeah, in fact, 15:17:39  
16 facilities management probably has it. Mr. Ceja 15:17:41  
17 would know, the plant manager; Mr. Hemmans, who is 15:17:46  
18 the administrator in charge of plant; and I'm sure 15:17:49  
19 Mrs. Roland knows. 15:17:52  
20 Q. Okay. I can ask her. 15:17:54  
21 Tell me why you came to Fremont 14 years ago 15:17:57  
22 when you came. 15:18:00  
23 A. Actually I received a promotion. I was a 15:18:01  
24 counselor at Gardena High School, and I had taken the 15:18:03  
25 district exam to be assistant principal counseling, 15:18:06

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1 and I passed that and was told to go to Fremont, and 15:18:09  
2 I went to Fremont. So that's how I got there. 15:18:14  
3 Q. And why do you stay? 15:18:17  
4 A. Why do I stay? I'm happy there. I'm 15:18:19  
5 comfortable. I know the school. I know the 15:18:21  
6 students. It's a good commute for me. 15:18:23  
7 I really never thought about leaving. 15:18:28  
8 Q. Who was the principal at Fremont before 15:18:35  
9 Mrs. Roland was there? 15:18:37  
10 A. Mr. Herrera. 15:18:38  
11 Q. And do you know why Mr. Herrera left 15:18:40  
12 Fremont? 15:18:43  
13 A. Yes, he retired. 15:18:44  
14 Q. How long was he principal at Fremont? 15:18:46  
15 A. It was probably a matter of months. It 15:18:50  
16 might be as many as five months, six months. 15:18:53  
17 Q. Was he there immediately preceding 15:19:01  
18 Ms. Roland? 15:19:04  
19 A. Yes. 15:19:04  
20 Q. Do you know if, when he came to the school, 15:19:06  
21 it was common knowledge that he was going to retire 15:19:10  
22 in about five months? 15:19:13  
23 A. I would assume that most people thought he 15:19:16  
24 was going to. He did not say, and supposedly he had 15:19:19  
25 not decided, but he was an individual that had been 15:19:22

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1 chosen to lead the new Belmont Learning Center, and 15:19:26  
2 that was his assignment, and he was there, and then 15:19:29  
3 they closed it, of course. So he was sent to various 15:19:32  
4 locations and came to Fremont and really did an 15:19:37  
5 excellent job, but then he chose to retire. 15:19:40  
6 Q. Who was the principal before Mr. Herrera was 15:19:43  
7 at Fremont? 15:19:46  
8 A. Lupe Simpson. 15:19:49  
9 Q. How long was she at Fremont? 15:19:51  
10 A. I think about a year and -- a year and four 15:19:53  
11 months, a year and three months. 15:19:56  
12 Q. Do you know why Mrs. Simpson left Fremont? 15:20:04  
13 A. I don't really have a good answer to that. 15:20:11  
14 I know that she left, but as far as legally why she 15:20:13  
15 left, I don't know. 15:20:18  
16 Q. She never told you why she was leaving? 15:20:19  
17 A. No. In fact, I came in, and she was gone. 15:20:23  
18 Everything was cleaned out. So... 15:20:26  
19 Q. Okay. 15:20:26  
20 A. Monday morning. 15:20:29  
21 Q. And did you ever hear from anyone why she 15:20:31  
22 left? 15:20:33  
23 A. No. 15:20:33  
24 Q. Okay. Do you know why Fremont has had three 15:20:43  
25 different principals in such a short time span? 15:20:46

1 A. Well, after Mr. Haydel, who was there quite 15:20:52  
 2 a length of time -- he was the gentleman who was 15:20:55  
 3 principal when I came to Fremont -- we had Rosa 15:21:00  
 4 Morley. She received a promotion and became a 15:21:04  
 5 cluster leader. 15:21:07  
 6 When Rosa left, [REDACTED] came in. That 15:21:09  
 7 was during the time there were a lot of things going 15:21:13  
 8 on. The teachers were unhappy, the students were 15:21:16  
 9 unhappy, things weren't working well, and they didn't 15:21:18  
 10 get better. So she was moved to a different place or 15:21:25  
 11 chose to go or whatever. She was no longer there. 15:21:28  
 12 So then we needed a principal, and we had 15:21:31  
 13 Mr. Herrera, who was fresh out of his Belmont job. 15:21:35  
 14 So he came over, but you know, after -- after Rosa 15:21:40  
 15 left, who was promoted, then just kind of dicey for a 15:21:45  
 16 while, but now hopefully Mrs. Roland will stay. 15:21:50  
 17 Q. You said things weren't working well around 15:21:54  
 18 the time [REDACTED] was there. 15:21:57  
 19 What do you mean by that? 15:21:59  
 20 A. What I'm responding to, when he said we had 15:22:00  
 21 no principal, we really did have a principal. In one 15:22:02  
 22 of the student's depositions that the students were 15:22:06  
 23 going on walk-outs, for example, and some of the 15:22:10  
 24 teachers were upset. Some of the teachers chose to 15:22:13  
 25 leave, and we had a number of district personnel in 15:22:17

1 her office -- periodically in the principal's office. 15:22:22  
 2 So I would say things were not running well. 15:22:25  
 3 Q. Do you know why the district personnel were 15:22:30  
 4 in the principal's office? 15:22:32  
 5 A. Probably help things run better, more 15:22:45  
 6 smoothly so the students wouldn't be walking out and 15:22:45  
 7 complaining. 15:22:45  
 8 Q. Was it more than one district personnel -- 15:22:45  
 9 A. Yes. 15:22:45  
 10 Q. -- who was in -- 15:22:47  
 11 How many district personnel came? 15:22:48  
 12 A. Well, the cluster people were there, and 15:22:52  
 13 there were a couple of other gentlemen. Mr. Nakano, 15:22:55  
 14 N-a-k-a-n-o, and Mrs. Jackson was there, Renee 15:23:01  
 15 Jackson, and they sent a helper from the -- another 15:23:07  
 16 reassigned Valley principal to help Mrs. Simpson who 15:23:13  
 17 came, and I really don't remember his last name. His 15:23:17  
 18 first name was Ron. And then Mr. Herrera came to 15:23:20  
 19 help Mrs. Simpson, and then she left and was replaced 15:23:23  
 20 by Mr. Herrera. 15:23:29  
 21 Q. And the people that you've just listed, did 15:23:30  
 22 they come for one day only, or how long did they 15:23:33  
 23 stay? 15:23:36  
 24 A. No, this was over a period of time. For 15:23:36  
 25 example, like Mr. Nakano came one day for a large 15:23:40

1 meeting in her office with different people. 15:23:44  
 2 Ms. Jackson came a couple of times, but the gentleman 15:23:46  
 3 named Ron, the principal from the Valley, he was 15:23:50  
 4 there helping her for about a month or so, and 15:23:53  
 5 Mr. Herrera helped her for a about month or so. 15:23:56  
 6 Q. What did Mr. Herrera help her do? 15:24:00  
 7 A. Manage the school. 15:24:02  
 8 Q. What did Ron help her do? 15:24:03  
 9 A. Same thing. 15:24:05  
 10 Q. When you say they helped her manage the 15:24:06  
 11 school, what responsibilities did they take? 15:24:08  
 12 A. Well, I think they just were with her. I 15:24:11  
 13 don't think they took over any of her 15:24:13  
 14 responsibilities, but you know, we don't like it when 15:24:14  
 15 all of our students are walking out, teachers are 15:24:18  
 16 complaining. This is not a good thing. So the 15:24:21  
 17 district sees a need to help someone, and they try to 15:24:23  
 18 help them. Just like I try to help the teachers that 15:24:27  
 19 need help. 15:24:30  
 20 Q. What school year was this happening? 15:24:32  
 21 A. It was the -- I believe it was the fall 15:24:36  
 22 after this fall. So it would be like a year before 15:24:39  
 23 that. 15:24:42  
 24 Q. So the '99/2000 -- 15:24:44  
 25 A. I don't know dates. 15:24:47

1 Q. So the '99/2000? 15:24:48  
 2 A. Yeah, because Mrs. Roland just came and 15:24:51  
 3 Mr. Herrera. Mrs. Simpson left around Halloween. 15:24:55  
 4 Q. Of 1999? 15:24:59  
 5 A. Yeah. That's right. 15:25:01  
 6 Q. You said that the students walked out or 15:25:04  
 7 were walking out. 15:25:06  
 8 Why did the students walk out? 15:25:07  
 9 A. Well, they did have a principal, but they 15:25:09  
 10 didn't have a librarian, and we were interviewing for 15:25:11  
 11 a librarian. That was one of their issues. 15:25:14  
 12 I'm trying to think what the other ones 15:25:18  
 13 were. One of the issues, I believe, was campus aides 15:25:21  
 14 searching the students in an unprofessional manner. 15:25:27  
 15 There might have been a third issue as well, 15:25:31  
 16 but it wasn't this about the principal because we had 15:25:35  
 17 a principal. 15:25:38  
 18 Q. And that was just that one walk-out, or was 15:25:40  
 19 there more than one? 15:25:42  
 20 A. I think there were some mini walk-outs as 15:25:44  
 21 well, but there was a fairly major media where they 15:25:46  
 22 went to Huntington Park and around. 15:25:50  
 23 Q. That was also in the fall of 1999? 15:25:53  
 24 A. I believe so. I'm really bad with dates. 15:25:58  
 25 Q. Okay. And you said that teachers were 15:26:01

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1 unhappy at that time period as well when Ms. Simpson 15:26:03  
 2 was there. What were the teachers expressing 15:26:07  
 3 unhappiness about? 15:26:09  
 4 A. I think they felt a lack of support and 15:26:10  
 5 concern. 15:26:13  
 6 Q. And do you think that's because some of the 15:26:13  
 7 teachers said that to you? 15:26:16  
 8 A. Yes. 15:26:16  
 9 Q. And what did the teachers say to you? 15:26:20  
 10 A. Well, they said that they felt unsupported. 15:26:22  
 11 Q. And they felt unsupported by the principal? 15:26:26  
 12 A. Yes. 15:26:26  
 13 Q. Did they say in what circumstances they felt 15:26:29  
 14 a lack of support? 15:26:31  
 15 A. No, I really can't remember a lot of 15:26:33  
 16 details, but things weren't working smoothly. So it 15:26:35  
 17 was expressed in a number of ways, and I don't 15:26:41  
 18 remember specific examples, but yeah. 15:26:44  
 19 Q. What did you do when the teachers told you 15:26:47  
 20 that they felt a lack of support? 15:26:49  
 21 A. Well, you know, I work for the principal. 15:26:51  
 22 Q. Right. 15:26:53  
 23 A. So I just listened, and I tried to find ways 15:26:53  
 24 to help the teachers that would not be doing anything 15:26:57  
 25 that would be contrary to what the principal's 15:26:59

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1 leadership was because I take direction from her. 15:27:04  
 2 So -- or him. So I just did the best I could to 15:27:07  
 3 assist the teachers. 15:27:12  
 4 Q. Are teachers still expressing to you a 15:27:15  
 5 feeling that they lack support? 15:27:18  
 6 A. No. 15:27:18  
 7 Q. What are the things you think any student 15:27:31  
 8 needs to have a chance to learn? 15:27:34  
 9 A. Probably needs to learn how to study and how 15:27:37  
 10 to read and how to -- he needs to feel safe, he needs 15:27:40  
 11 to have a classroom, he needs to have a teacher that 15:27:46  
 12 knows the subject matter and is able to express it in 15:27:48  
 13 a way that the student can absorb and catch on, and 15:27:51  
 14 he needs to know how to look at a piece of text and 15:27:58  
 15 make sense of it. 15:28:01  
 16 Other things too, I'm sure. 15:28:06  
 17 Q. Can you think of anything else that's 15:28:07  
 18 required for a student to have a chance to learn? 15:28:09  
 19 A. Chance to learn. He needs materials, 15:28:28  
 20 instruction, to feel safe. Those would be the major 15:28:28  
 21 things. That he needs to have qualified people 15:28:28  
 22 around him that know how to assist him. That 15:28:28  
 23 probably is the major thing. 15:28:30  
 24 Q. When you list materials as one of the things 15:28:34  
 25 the student needs, what is included in "materials"? 15:28:36

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1 A. I'm thinking basically materials that the 15:28:40  
 2 school supplies, but we also go out of our way to 15:28:43  
 3 make sure the student has a notebook and paper and so 15:28:45  
 4 forth, and we try to do that in a sensitive manner 15:28:49  
 5 because we know there is sometimes a problem getting 15:28:52  
 6 those. 15:28:54  
 7  
 8 We have a lot of donations at our school. 15:28:55  
 9 People drop off carloads of notebooks and paper, and 15:28:57  
 10 that kind of thing we are able to give those students 15:29:01  
 11 if we feel there really is a need. 15:29:04  
 12 Sometimes it's difficult to separate between 15:29:07  
 13 the student has a need because of poverty and the 15:29:09  
 14 student is lazy and doesn't remember and wants to be 15:29:13  
 15 dependent. So that's something we talk to teachers 15:29:16  
 16 about. There's a bottom line here because it's 15:29:19  
 17 important that the students become responsible for 15:29:22  
 18 having those supplies because life doesn't give them 15:29:24  
 19 to you usually. 15:29:27  
 20 Q. So included in the materials are notebooks 15:29:31  
 21 and pencils. Are books included in "materials"? 15:29:33  
 22 A. Yes. 15:29:33  
 23 Q. For example, for science instruction, are 15:29:39  
 24 microscopes included? 15:29:42  
 25 A. Yes, yes. Science -- for example, in 15:29:44

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1 biology, we have little fetal pigs and little animals 15:29:47  
 2 that they cut up. I mean I have watched them; so I 15:29:51  
 3 know we have all those things. And it's something 15:29:55  
 4 the kid would need to do to be able to go to college 15:29:57  
 5 and present himself in a normal way in a biology 15:30:01  
 6 class. 15:30:04  
 7 I guess they are very smelly, those fetal 15:30:05  
 8 pigs. 15:30:08  
 9 MR. ROZWOOD: I think I remember that smell, 15:30:09  
 10 formaldehyde. 15:30:11  
 11 BY MS. LHAMON: 15:30:14  
 12 Q. You listed a teacher who knows the subject 15:30:14  
 13 as something that's required for a student to learn. 15:30:17  
 14 Why is a teacher who knows the subject required for a 15:30:21  
 15 student to learn? 15:30:25  
 16 A. A student can learn from someone who doesn't 15:30:26  
 17 know the subject. He will learn the wrong thing. 15:30:30  
 18 I have a case, for example, of someone I 15:30:33  
 19 hired who didn't know the subject. He's no longer 15:30:36  
 20 with us. 15:30:40  
 21 Sometimes that escapes me in an interview. 15:30:41  
 22 I assume they have a degree, da, da, da, da, but I 15:30:43  
 23 won't make that mistake again. 15:30:48  
 24 They learn. They just don't learn the right 15:30:52  
 25 thing. 15:30:54

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1 Q. Right. Okay. 15:30:55  
 2 Then you said -- you mentioned the classroom 15:30:56  
 3 is required for a student to have a chance to learn. 15:30:59  
 4 Why is a classroom required? 15:31:01  
 5 A. Well, a classroom, I suppose, could be 15:31:04  
 6 anywhere. It doesn't have to be a four-walled kind 15:31:06  
 7 of thing. They need a place to be able to attend to 15:31:10  
 8 the teacher. If they need to do writing for that 15:31:13  
 9 class, a desk or table they can write on, or an art 15:31:16  
 10 class, someplace where they can build whatever they 15:31:20  
 11 need to do. They need a place to do the work. 15:31:24  
 12 Q. So the space in a classroom matters also for 15:31:28  
 13 a student's learning; is that right? 15:31:33  
 14 A. Absolutely, absolutely. Yeah. You have to 15:31:36  
 15 have enough room in the classroom for the students 15:31:39  
 16 and chairs and desks and things. Like we were 15:31:41  
 17 talking earlier, if there were the class and there 15:31:45  
 18 were not enough of those things, that would be a 15:31:48  
 19 problem. 15:31:49  
 20 Q. And why would that be a problem? 15:31:50  
 21 A. Because if you are standing up and everyone 15:31:52  
 22 else is sitting down and writing an essay and you are 15:31:55  
 23 standing up and writing an essay, it's not going to 15:31:59  
 24 be the same thing. You are going to be worried about 15:32:02  
 25 your tired feet or something. 15:32:05

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1 Q. Does classroom temperature matter for 15:32:07  
 2 student learning? 15:32:09  
 3 A. Probably, yes. If it's something way out of 15:32:12  
 4 normal, it would not be conducive. 15:32:15  
 5 Q. What counts as normal? 15:32:19  
 6 A. Well, everyone is different, of course, and 15:32:21  
 7 the kids and the teachers still argue about when the 15:32:23  
 8 air-conditioning should come on or shouldn't come on, 15:32:26  
 9 but obviously if everyone is freezing and has to have 15:32:30  
 10 coats on because the air-conditioning won't go off, 15:32:33  
 11 that's something else, or conversely, it doesn't work 15:32:36  
 12 at all and it's over a hundred, then there's a 15:32:39  
 13 problem. 15:32:42  
 14 Actually we have very few problems with 15:32:42  
 15 air-conditioning for as old as that school is. 15:32:45  
 16 Occasionally we do. 15:32:49  
 17 Q. Okay. Thanks for giving me that list. 15:32:52  
 18 When you gave me the list that a student 15:32:55  
 19 needs to have a chance to learn, are you basing that 15:32:58  
 20 on your years as an educator? 15:33:00  
 21 A. Yes. 15:33:04  
 22 Q. Do you participate in formulating school 15:33:09  
 23 budgets at Fremont? 15:33:12  
 24 A. By "formulating," you mean -- 15:33:13  
 25 Q. Well, I mean do you have any role in 15:33:17

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1 deciding how monies assigned to the school should be 15:33:18  
 2 spent? 15:33:26  
 3 A. Yeah, I suppose I do have a role in some of 15:33:29  
 4 it. I work with the 4170 budget and the 4111. 15:33:32  
 5 4170 is the IMA budget, and 4111 is 15:33:35  
 6 textbooks. So textbooks more directly. I assist the 15:33:39  
 7 department chairs in making sure they have samples to 15:33:44  
 8 show their departments' members and they truly do 15:33:47  
 9 have a consensus of the department. 15:33:50  
 10 Our policy is we choose one Title I 15:34:03  
 11 publisher for a course so all the kids have the same 15:34:03  
 12 book. So sometimes there's a problem with that, and 15:34:03  
 13 I assist the department chairs working that out. 15:34:03  
 14 As far as the 4170 money, most of those 15:34:05  
 15 orders do go through me. Not all. Some go through 15:34:09  
 16 the principal, but if there's something on there that 15:34:12  
 17 looks strange, I question the teacher about it. 15:34:15  
 18 New teacher money, the same thing. We had a 15:34:17  
 19 new teacher budget, 2145, which is the Rodriguez 15:34:20  
 20 budget. I look at those orders as well. If 15:34:24  
 21 something seems strange, I may ask the teacher about 15:34:27  
 22 it. 15:34:27  
 23 For example, a teacher was ordering a 15:34:31  
 24 briefcase out of new teacher money. That didn't look 15:34:33  
 25 like something that would then belong to the school. 15:34:36

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1 You can order consumable supplies with it, 15:34:39  
 2 and you can even order something that might help in 15:34:42  
 3 the classroom like a CD player, if it's a music 15:34:45  
 4 class, or a laptop. We used to do laptops. But a 15:34:49  
 5 briefcase did not seem appropriate. So we had that 15:34:52  
 6 conversation. 15:34:55  
 7 So yeah, I have a little bit of a role. 15:34:57  
 8 Q. Are those the only three budgets that you 15:35:00  
 9 have a role in working with? 15:35:02  
 10 A. I have S766 too. That's a staff development 15:35:05  
 11 budget with a committee, and I'm the administrator. 15:35:24  
 12 We determine conference expenditures that can pay for 15:35:27  
 13 teachers to go to conferences. So sometimes teachers 15:35:34  
 14 apply and want to go, and obviously we can't send 15:35:36  
 15 everyone. So we make those decisions through that 15:35:41  
 16 budget. 15:35:43  
 17 We also pay the new teachers to observe 15:35:43  
 18 other teachers. So I sign-off on that or any kind of 15:35:45  
 19 staff training I sign-off on. 15:35:50  
 20 There might be more, but I think that's 15:35:53  
 21 about -- those are the major ones. 15:35:55  
 22 Q. You described the -- I'm sorry. 15:35:58  
 23 The 4170 budget, the IMA budget, is that the 15:36:00  
 24 instructional materials account? 15:36:03  
 25 A. Yes. 15:36:03

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1 Q. Does Fremont High School buy textbooks out 15:36:06  
 2 of that 4170 budget? 15:36:09

3 A. Not usually, but once in a while, yes. 15:36:11

4 Q. Why not usually? 15:36:14

5 A. Because we usually buy that out of 4111, 15:36:15  
 6 which is the State textbook, or procure them some 15:36:17  
 7 other way. 15:36:22

8 For example, this last year the district 15:36:22  
 9 took it from some of our other budgets. So there 15:36:25  
 10 wasn't any need to use 4170. 15:36:28

11 Plus a department -- for example, in 15:36:32  
 12 science, which is one of the larger departments as 15:36:33  
 13 far as allocation, is only about \$6,000. So you 15:36:37  
 14 couldn't buy very many textbooks for \$6,000. It's 15:36:44  
 15 possible if they bought all their lab equipment and 15:36:48  
 16 they need to fill in with a few books, they might 15:36:50  
 17 spend the money for that, but they usually don't. 15:36:53  
 18 They usually choose to buy more lab supplies. 15:36:56

19 Q. Why couldn't you buy very many textbooks 15:37:01  
 20 with \$6,000? 15:37:04

21 A. The books are about \$70 each, and it would 15:37:05  
 22 not go very far as far as providing one class with 15:37:09  
 23 books. 15:37:14

24 Q. And the science department instructional 15:37:14  
 25 materials account is \$6,000 approximately every year? 15:37:16

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1 A. Well, it comes up to committee every year, 15:37:21  
 2 but that's about what it is. 15:37:23

3 Q. So if the science department is not 15:37:26  
 4 purchasing textbooks, what kinds of things does a 15:37:29  
 5 science department purchase with the 4170 funds? 15:37:31

6 A. They buy a lot of things from science supply 15:37:34  
 7 houses such as Science Boreal, B-o-r-e-a-l, and other 15:37:38  
 8 supply houses. They buy those animals that you have 15:37:44  
 9 to dissect. They buy slides, different kinds of lab 15:37:47  
 10 equipment that they need. 15:37:51

11 Q. Are there any other sources of funds for the 15:37:55  
 12 science department for those kinds of supplies? 15:37:58

13 A. Yes, they received some other money this 15:38:00  
 14 year, and I was not the one that had too much to do 15:38:02  
 15 with that other than I okayed the orders in the 15:38:06  
 16 computer. I did not even see the initial reason they 15:38:08  
 17 got it, but I believe it was 4171, and it was 15:38:12  
 18 something that was given to the science department, 15:38:15  
 19 and I really don't have a lot of knowledge about it 15:38:17  
 20 other than I did okay the orders. 15:38:20

21 Q. Do you know where that money came from? 15:38:22  
 22 A. No. 15:38:22

23 Q. Do you know if it was from the State? 15:38:26  
 24 A. No, I don't know. 15:38:29  
 25 Q. And you don't -- 15:38:30

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1 A. It's a money thing. 15:38:31

2 Q. You don't know if it was private donation? 15:38:32

3 A. I doubt it was private donation because 15:38:35  
 4 usually they don't get numbers. 15:38:38

5 Q. Could you -- in a given year, if you thought 15:38:53  
 6 that the science department needed more than \$6,000 15:38:55  
 7 to purchase instructional materials, could you 15:38:58  
 8 increase the 4170 budget for the science department? 15:39:00

9 A. I am really just one voice in that committee 15:39:06  
 10 even though I'm the administrator, but there's a 15:39:08  
 11 finance arm of the leadership council, and at the 15:39:11  
 12 beginning of the year, we sit together and do a 15:39:13  
 13 distribution by percentage and the number of students 15:39:16  
 14 enrolled in the department, and it's designed so 15:39:19  
 15 that, if you have more needs for supplies in a 15:39:25  
 16 certain department, you get a bigger share of the pot 15:39:28  
 17 per student, and it's on a little chart so that the 15:39:42  
 18 departments are weighted. I guess that's the word I 15:39:42  
 19 want. 15:39:42

20 Science is weighted a great deal because 15:39:42  
 21 they have all these consumable things they do and 15:39:42  
 22 projects. So that department has more weight than, 15:39:45  
 23 say, for example, English or social studies because 15:39:48  
 24 basically they need paper and pencils and those types 15:39:51  
 25 of things. 15:39:55

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1 Q. If you thought that all the departments at 15:39:56  
 2 Fremont needed more money for the instructional 15:40:00  
 3 materials, could Fremont increase the total 4170 15:40:04  
 4 budget for the school? 15:40:08

5 A. Not to my knowledge, no. That comes from 15:40:11  
 6 the big district. 15:40:12

7 Q. So the total dollar figure for the school 15:40:14  
 8 for the instructional materials account comes from 15:40:17  
 9 the district? 15:40:19

10 A. Yes. 15:40:19

11 Q. Then at the school site, you and a committee 15:40:21  
 12 decide how to allocate -- 15:40:24

13 A. Right. 15:40:25

14 Q. -- that funding across the departments? 15:40:26

15 A. Right. 15:40:28

16 Q. And who is on that committee for the 4170 15:40:29  
 17 funds with you? 15:40:33

18 A. That's the leadership committee and then 15:40:35  
 19 whoever wants to come to the finance meeting. The 15:40:36  
 20 chairperson of that committee for a number of years 15:40:40  
 21 has been Mr. Giddens, G-i-d-d-e-n-s, and depending on 15:40:42  
 22 the year, different members of the leadership council 15:40:48  
 23 come to work on the budget committee. 15:40:50

24 We have not had our initial allocation this 15:40:53  
 25 year. So I don't know who is going to be working 15:40:56

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1 with him this year, but he pretty much helps 15:40:58  
 2 facilitate that. 15:41:00  
 3 Q. And is the leadership committee different 15:41:02  
 4 from the leadership council? 15:41:04  
 5 A. No, I think it's the same thing. School 15:41:07  
 6 leadership council. 15:41:09  
 7 Q. So Mr. Giddens has been the chair of the 15:41:10  
 8 leadership council? 15:41:13  
 9 A. No, that particular committee is chaired by 15:41:14  
 10 the union chair and the principal. He has just 15:41:17  
 11 always been on the committee and has been the chair 15:41:19  
 12 of the finance arm of that committee, budget 15:41:23  
 13 committee. 15:41:26  
 14 Q. I think I may be now confused, but is it 15:41:31  
 15 correct that the leadership council is the body at 15:41:34  
 16 Fremont High School that makes the decision for how 15:41:37  
 17 to allocate 4170 funds across departments? 15:41:40  
 18 A. Yes, pretty much. Although, in essence, the 15:41:44  
 19 finance arm of that committee makes a recommendation, 15:41:47  
 20 and they present it, and sometimes they discuss it, 15:41:49  
 21 but I don't think they have ever really turned it 15:41:52  
 22 down, but they are the body with that power. They 15:41:54  
 23 kind of delegate it to their finance committee. 15:41:57  
 24 Q. Is the leadership council and its finance 15:42:00  
 25 committee the body that makes the decision for 15:42:04

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1 Fremont High School for how to allocate all of the 15:42:07  
 2 funds that come to the school, including the 4111 15:42:11  
 3 funds, the 2845 funds, and the S766 funds? 15:42:14  
 4 A. No, they just do the 4170 and the 4111. 15:42:19  
 5 Q. What is the body that decides how to spend 15:42:23  
 6 the 2845 funds at the school? 15:42:26  
 7 A. That's the principal's prerogative. 15:42:29  
 8 Q. Do you have input into that prerogative? 15:42:36  
 9 A. Yes. 15:42:36  
 10 Q. Does anyone else? 15:42:39  
 11 A. Well, I suppose anyone could, but -- 15:42:41  
 12 I mainly take care of the new teachers, and 15:42:44  
 13 in the past, we have allocated a certain amount of 15:42:46  
 14 money to each new teacher. So those orders have come 15:42:49  
 15 through me, and the principal doesn't usually look at 15:42:52  
 16 those particular orders, but even with that money, 15:42:55  
 17 there's still money left over, and she is the one 15:42:57  
 18 that works with that money, if she wants to spend it 15:43:00  
 19 on staff development for the new teachers, if she 15:43:03  
 20 wants to spend it on supplies. 15:43:07  
 21 This December we spent some on desks and 15:43:09  
 22 file cabinets and furniture because there's a great 15:43:12  
 23 need for that. So she is the one that makes that 15:43:18  
 24 decision. 15:43:21  
 25 Q. What is the body that makes the decision 15:43:22

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1 about the 766 expenditure? 15:43:25  
 2 A. S776 is a staff development committee, and 15:43:27  
 3 we do have a chairperson. His name is Mr. Aldrich. 15:43:29  
 4 And we have a committee that has included various 15:43:33  
 5 teachers. There are about three or four regular 15:43:36  
 6 teachers. 15:43:39  
 7 I'm the administrator. The principal needs 15:43:42  
 8 to sign off on the conference attendance. Pretty 15:43:45  
 9 much she delegates that to me. 15:43:53  
 10 Q. What percentage of time do you spend making 15:44:00  
 11 budgetary decisions for Fremont High School? 15:44:04  
 12 MR. ROZWOOD: Objection. Mischaracterizes 15:44:08  
 13 that any time Ms. Hines spends is making budgetary 15:44:09  
 14 decisions. 15:44:13  
 15 THE WITNESS: How much time would I spend 15:44:19  
 16 talking about money -- 15:44:20  
 17 BY MS. LHAMON: 15:44:22  
 18 Q. Sure. 15:44:22  
 19 A. -- spending money? 15:44:23  
 20 I would say 5 percent. 15:44:25  
 21 Q. Are there times of the year when you spend 15:44:32  
 22 more time than others working on budgets at Fremont 15:44:35  
 23 High School? 15:44:37  
 24 A. Absolutely. 15:44:38  
 25 Q. Which times of the year are those? 15:44:38

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1 A. Toward the end of the year and the beginning 15:44:41  
 2 of the year. 15:44:42  
 3 MR. FRIEDMAN: You are referring to the 15:44:44  
 4 school year or calendar year? 15:44:45  
 5 THE WITNESS: School year. 15:44:48  
 6 Is there any other kind? I have no life. 15:44:49  
 7 What can I say? 15:45:05  
 8 Off the record. Off the record. She is 15:45:05  
 9 typing that I have no life. It's okay. It's all 15:45:05  
 10 right. 15:45:07  
 11 BY MS. LHAMON: 15:45:07  
 12 Q. When you say "the end of the year and 15:45:07  
 13 beginning of the year," that's this time of year; is 15:45:09  
 14 that right? 15:45:12  
 15 A. Right. 15:45:13  
 16 Q. So the end of the year is the month of June, 15:45:14  
 17 and the beginning of the year is July for the school 15:45:16  
 18 year at Fremont High? 15:45:20  
 19 A. That's correct. 15:45:22  
 20 Q. It's the months of June and July when you 15:45:23  
 21 spend the most time working on budgets at Fremont? 15:45:26  
 22 A. Usually we work on budgets in May. For some 15:45:30  
 23 reason, we didn't do that this May. So we still need 15:45:32  
 24 to work on the budgets. We will be doing that this 15:45:36  
 25 month. 15:45:40



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1 Q. Do you know why last May you didn't work on 15:45:41  
 2 new budgets? 15:45:43

3 A. The principal said she did not receive all 15:45:44  
 4 the information. 15:45:46

5 Q. And that's from the district; is that right? 15:45:48  
 6 A. Yes. 15:45:50

7 Q. So now that the new school year has begun, 15:45:50  
 8 you are still working on the budget for that school 15:45:54  
 9 year; is that correct? 15:45:57

10 A. Yes. 15:45:57

11 Q. Does that impact the planning for the new 15:45:59  
 12 school year, that the budget has not been finalized? 15:46:01

13 A. As far as the budgets that I work with, the 15:46:06  
 14 IMA budgets, I do have some orders that are ready to 15:46:09  
 15 go for the new budget once that's in place; however, 15:46:12  
 16 many of the departments have just finally put their 15:46:16  
 17 orders in, say, in the spring. So they are okay for 15:46:19  
 18 starting the new year, but the reason that we 15:46:23  
 19 normally work on them in May is because July starts 15:46:25  
 20 the new school year. So we want the supplies to come 15:46:29  
 21 in. 15:46:32

22 For some reason, it did not occur this year. 15:46:33  
 23 I think it's okay. If someone has needs, I help them 15:46:36  
 24 out. If they need paper, I get them some paper. 15:46:39

25 Q. You said there are some supply orders 15:46:42

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1 through the IMA funds that are all ready to go but 15:46:45  
 2 haven't been placed. 15:46:49

3 What are those orders for? 15:46:51

4 A. I believe they are for paper and pencil 15:46:52  
 5 types of things. I'm thinking of two orders in the 15:46:54  
 6 foreign language department sitting on my desk 15:46:57  
 7 waiting until the budget is in place and ready to 15:47:00  
 8 place for the new school year. 15:47:03

9 The lady that does the orders in the main 15:47:05  
 10 office was out on bereavement and is really backed 15:47:07  
 11 up. So she is trying to finalize everything from 15:47:10  
 12 this last year and wind it up, and then we will start 15:47:12  
 13 on these new orders. 15:47:16

14 Q. So what is the foreign language department 15:47:18  
 15 doing now while it's waiting for the orders to be 15:47:20  
 16 placed? 15:47:23

17 A. They have materials. It's for basic 15:47:24  
 18 supplies, and the reason I have that one is that 15:47:25  
 19 particular teacher is the major department chair, but 15:47:28  
 20 she is an A track teacher. 15:47:33

21 Last year when she went off track, she asked 15:47:34  
 22 the B track person to take care of it, and he didn't 15:47:37  
 23 do it. So she made sure I had it to put it in so, 15:47:40  
 24 when the time is, ready I could do that. That's why 15:47:43  
 25 I have that one. Because she won't be back until the 15:47:46

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1 end of August, she wanted to make sure it got done 15:47:49  
 2 because she didn't trust her friend. 15:47:53

3 Q. Sounds like a wise decision. 15:47:56  
 4 A. Yeah. 15:47:58

5 Q. Okay. Putting aside the ordering process 15:48:01  
 6 for instructional materials, how are -- well, is 15:48:03  
 7 there a process by which teachers are allotted paper 15:48:06  
 8 at Fremont High School? 15:48:10

9 A. They can order paper for their departments, 15:48:14  
 10 but in addition, there's a certain amount of paper -- 15:48:17  
 11 certain percentage of their budget that's taken off 15:48:21  
 12 the top to give to the library for the copying 15:48:24  
 13 machine, depending on the size of the department. 15:48:27  
 14 There's a percentage. 15:48:30

15 Thereafter, we order that paper for them, 15:48:32  
 16 and when the library runs out of paper, we give that 15:48:33  
 17 paper to the library, but some of them want paper in 15:48:36  
 18 addition to that because they have printers or 15:48:39  
 19 whatever. So they can order their own out of their 15:48:41  
 20 own 4170 as well. 15:48:45

21 Q. So are teachers assigned a certain number of 15:48:47  
 22 reams of paper for a school year at Fremont High 15:48:50  
 23 School? 15:48:53

24 A. Well, that's what the order is based on, but 15:48:54  
 25 we don't check it. It's just the paper is there. 15:48:57

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1 Whoever is using the copy machine pretty much uses 15:48:59  
 2 it. It's not really been a problem. 15:49:03

3 More of a problem is the lines for the 15:49:05  
 4 people that wait until the last minute to copy. 15:49:08

5 Q. So the lines at the copier is a problem? 15:49:11  
 6 A. Yes, yes. 15:49:14

7 Q. Teachers are not given a set number of 15:49:14  
 8 copies they can make in a given school term? 15:49:18

9 A. I don't think they currently are. I believe 15:49:21  
 10 they did try to do that at one time, and I believe 15:49:23  
 11 that the reason it was dropped, it was just more work 15:49:26  
 12 than it was worth. It was keeping track of it and 15:49:28  
 13 the time, man-hours spent doing that really could be 15:49:32  
 14 better spent in a different way. 15:49:36

15 So at that point, I don't think anyone is 15:49:38  
 16 keeping track other than there are a lot of signs up 15:49:40  
 17 saying you can only make this many copies in this 15:49:43  
 18 many minutes. That's just to move the line along. 15:49:47  
 19 If you have ten people in line, you don't want 15:49:50  
 20 someone making a thousand copies. 15:49:52

21 Q. And if a teacher had a need for a thousand 15:49:54  
 22 copies on a day when there was a line at Fremont for 15:50:09  
 23 the copier, what would that teacher do? 15:50:09

24 A. Well, it probably depends on the teacher. 15:50:09  
 25 Theoretically that teacher should have gone to one of 15:50:09

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1 the other offices that does large runs because the 15:50:11  
 2 library copier is designed for short runs to help a 15:50:14  
 3 lot of people, like one class set or two. 15:50:19  
 4 If you need a thousand, you are supposed to 15:50:22  
 5 go to the Title I or bilingual office and give it to 15:50:26  
 6 them a day in advance, and then you have your copies. 15:50:29  
 7 If it's an emergency, they let an 15:50:33  
 8 administrator -- they can go to Title I and bilingual 15:50:37  
 9 and plead their case. Those are the three options. 15:50:40  
 10 I don't think with a thousand copies they go 15:50:42  
 11 to Kinko's. They figure out a way to do it at 15:50:45  
 12 school. 15:50:48  
 13 Q. Okay. We have been going for a little under 15:50:55  
 14 an hour now. 15:50:57  
 15 Do you want to take a break or keep going? 15:50:58  
 16 MR. ROZWOD: Off the record. 15:51:02  
 17 (Off the record.) 16:04:00  
 18 BY MS. LHAMON: 16:04:00  
 19 Q. This morning you described a physical 16:04:01  
 20 science class with a substitute teaching it, and you 16:04:02  
 21 talked about the books that were collected from that 16:04:06  
 22 class, and you said there was a lot of graffiti in 16:04:08  
 23 them. 16:04:12  
 24 Do you know why the substitute was teaching 16:04:13  
 25 that class? 16:04:14

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1 A. I'm trying to remember the situation. I 16:04:15  
 2 remember the teacher. 16:04:18  
 3 I believe that that particular teacher's 16:04:20  
 4 background was math, and that was the best available 16:04:22  
 5 substitute that we had at the time. 16:04:25  
 6 One of the qualities we look for is that the 16:04:28  
 7 teacher is able to stay there for a long period of 16:04:31  
 8 time so it's not one teacher one week and one 16:04:34  
 9 teacher the other week. That was something he could 16:04:36  
 10 do, and his background was math. So he had some 16:04:39  
 11 knowledge of physical science. 16:04:42  
 12 Obviously there was no physical science 16:04:45  
 13 teacher available, or there would have been one of 16:04:47  
 14 those there. That's why he was the best candidate at 16:04:49  
 15 the time, and it's unfortunate that he was there 16:04:53  
 16 based on what happened, and he's not back at Fremont 16:04:56  
 17 again. 16:05:02  
 18 Q. That teacher was there in the '99/2000 16:05:04  
 19 school year; is that right? 16:05:07  
 20 A. I don't remember which year it was. 16:05:09  
 21 Probably about a year ago. 16:05:10  
 22 Q. So it could have been '99/2000, or it could 16:05:12  
 23 have been 2000/2001, given where we are in the school 16:05:17  
 24 year at Fremont? 16:05:21  
 25 A. Yes, it's possible. 16:05:22

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1 Q. I guess what I'm trying to find out is why 16:05:27  
 2 there was a substitute teaching the class rather than 16:05:29  
 3 a teacher who had been hired to teach the class for 16:05:32  
 4 the term. 16:05:36  
 5 A. I believe that for that position there was 16:05:38  
 6 no one hired, which would mean that we had no viable 16:05:40  
 7 candidates to interview. 16:05:45  
 8 In thinking about that physical science 16:05:47  
 9 position, that's a subject that the State no longer 16:05:48  
 10 credentials. So you have to have -- you are 16:05:53  
 11 credentialed now as a physics or chemistry or biology 16:05:57  
 12 teacher, and the district will not let any of those 16:06:02  
 13 teachers teach physical science. So we were offering 16:06:05  
 14 this class called Advanced Physical Science. 16:06:08  
 15 The district said they would do a 16:06:11  
 16 dispensation or a waiver if the teacher could teach 16:06:13  
 17 two of those subjects, for example, if he was 16:06:17  
 18 credentialed in physics and chemistry. 16:06:18  
 19 Well, that's difficult to find too. So what 16:06:21  
 20 we do as a school to stop having that problem trying 16:06:24  
 21 to fill those classes was just not offer Advanced 16:06:28  
 22 Physical Science. Now all of our students are taking 16:06:32  
 23 chemistry or physics. This is a school that's chosen 16:06:34  
 24 not to do integrated science for whatever reasons. 16:06:37  
 25 That would have been another option, but it was not a 16:06:42

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1 popular one with that department. 16:06:45  
 2 You take bio life science, and then you take 16:06:51  
 3 either physics or chemistry for your physical science 16:06:56  
 4 requirement. 16:07:00  
 5 To graduate, you are required a year of life 16:07:01  
 6 science and a year of physical science. That was one 16:07:03  
 7 of the difficulties with filling the position, plus 16:07:07  
 8 we really did not have as many candidates to 16:07:10  
 9 interview last year. 16:07:13  
 10 The district has been very kind in 16:07:15  
 11 recognizing the needs. That need -- help with 16:07:18  
 12 staffing -- it was something that was overdue. 16:07:21  
 13 Also the credential is a problem. 16:07:34  
 14 Q. So to make sure that I understand, the State 16:07:34  
 15 of California no longer offers a teaching credential 16:07:34  
 16 in physical science -- 16:07:34  
 17 A. That's my understanding. 16:07:34  
 18 Q. -- at all? 16:07:36  
 19 And the Los Angeles Unified School District 16:07:36  
 20 has made a decision that teachers who do have 16:07:38  
 21 credentials in biology, physics, and chemistry cannot 16:07:42  
 22 teach physical science courses? 16:07:46  
 23 A. No, not if they just have one of these, and 16:07:49  
 24 they said, if they had both, the physics and the 16:07:51  
 25 chemistry, those people are qualified to teach 16:07:53

1 integrated; so therefore, they made a leap they could 16:07:57  
 2 teach Advanced Physical Science. 16:08:00  
 3 Now, the person I talked to was head of 16:08:02  
 4 credentialing in L.A. Unified. So I don't know that 16:08:05  
 5 that was a State-sanctioned decision or even a State 16:08:07  
 6 decision, but that was the decision of credentialing 16:08:10  
 7 in L.A. Unified, but they said definitely you can't 16:08:14  
 8 take a physics credential and teach advanced physical 16:08:17  
 9 science or chemistry and teach advanced physical 16:08:20  
 10 science. If they teach both, then they could do 16:08:23  
 11 that. 16:08:25  
 12 In advanced physical science, there are 16:08:26  
 13 units that reflect both of those disciplines and a 16:08:28  
 14 couple of others, but that's probably the rationale 16:08:31  
 15 behind that. 16:08:33  
 16 Q. And it's your memory that, for that physical 16:08:36  
 17 science class that had the substitute teacher 16:08:40  
 18 teaching it that we have been talking about, that 16:08:44  
 19 class had an unfilled teaching position for that 16:08:46  
 20 school year and that's why there was a substitute 16:08:52  
 21 teaching the class? 16:08:56  
 22 A. I don't know if it lasted the whole school 16:08:57  
 23 year, but it definitely lasted until the end of a 16:08:59  
 24 time when that position was off track or that teacher 16:09:02  
 25 went off track. 16:09:06

1 My memory of it is that -- this could be 16:09:07  
 2 faulty -- it was a B track class, and he was with us 16:09:10  
 3 in, say, January and February, and then when we saw 16:09:13  
 4 what happened, then someone else came in in 16:09:17  
 5 March/April, and we did find candidates to hire that 16:09:19  
 6 were capable of teaching that class until we totally 16:09:24  
 7 changed the positions for this year. 16:09:28  
 8 So we no longer have that problem, and we 16:09:29  
 9 are fully staffed in science right now. 16:09:32  
 10 Q. Okay. And the school offers integrated 16:09:36  
 11 science -- no. The school does not offer integrated 16:09:38  
 12 science; is that correct? 16:09:43  
 13 A. That's right. 16:09:45  
 14 Q. So the sciences offered at Fremont are 16:09:46  
 15 biology, physics, chemistry; is that correct? 16:09:47  
 16 A. Yes. There's also advanced placement, and I 16:09:50  
 17 know there's advanced placement physics, and I 16:09:55  
 18 believe there's advanced placement biology and 16:09:58  
 19 chemistry as well, but I would have to pull a current 16:09:59  
 20 master to verify that. 16:10:04  
 21 Q. Are there any other science classes offered 16:10:06  
 22 at Fremont other than -- 16:10:09  
 23 A. I don't think so this semester, but again, I 16:10:10  
 24 have to pull the master to look. 16:10:12  
 25 In the past we have offered other classes 16:10:14

1 like physiology, but I don't think those are being 16:10:17  
 2 offered now. 16:10:19  
 3 Q. And geology is not offered? 16:10:20  
 4 A. No, I don't think so. 16:10:23  
 5 Q. What is the ninth-grade science class in 16:10:24  
 6 which students are traditionally placed? 16:10:27  
 7 A. There's no ninth grade although occasionally 16:10:32  
 8 they end up in bio, unless they want to go to AP. 16:10:35  
 9 Normally a ninth-grader does not take science. 16:10:40  
 10 Q. That's because there's two years of science 16:10:45  
 11 required for graduation? 16:10:47  
 12 A. Yes. 16:10:47  
 13 Q. Okay. How many classes does a teacher at 16:10:53  
 14 Fremont High School normally teach? 16:10:55  
 15 A. Five. 16:10:58  
 16 Q. Are there any teachers that teach fewer than 16:10:59  
 17 five classes? 16:11:02  
 18 A. Yes. 16:11:02  
 19 Q. Who are those teachers, or what subject do 16:11:03  
 20 they teach? 16:11:07  
 21 A. In the current school year, we have the 16:11:07  
 22 literacy coordinator teaching two classes. I believe 16:11:09  
 23 the journalism teacher has four. The staff 16:11:13  
 24 development coordinator has four. That might be it. 16:11:18  
 25 No, that's wrong. 16:11:29

1 Some of the department chairs only have 16:11:31  
 2 four. Some of the major department chairs have an 16:11:32  
 3 extra conference period, English and math, and again 16:11:35  
 4 I would have to check the master to see. 16:11:43  
 5 Sometimes by choice the teacher does not 16:11:45  
 6 want the extra conference period and prefers to teach 16:11:48  
 7 another period instead. 16:11:51  
 8  
 9 One of the English chairs has traditionally 16:11:53  
 10 only had four classes. There are two chairs because 16:11:56  
 11 they leave and come back. So when one goes, there's 16:11:59  
 12 another one there. To my knowledge both of them 16:12:02  
 13 don't have that four schedule. There's just one that 16:12:05  
 14 has four classes, and the other one comes in and 16:12:08  
 15 manages the chairmanship and teaches five classes. 16:12:10  
 16 Q. You said there's two chairs. Are there two 16:12:16  
 17 chairs for every department? 16:12:18  
 18 A. Yes. 16:12:18  
 19 Q. And that's because when one chair is off 16:12:21  
 20 track the other chair is on track? 16:12:23  
 21 A. Yes. 16:12:23  
 22 Q. Why are there not three tracks? 16:12:27  
 23 A. Because there's always two tracks on; 16:12:30  
 24 therefore, there's only one person there any time you 16:12:33  
 25 do two separate tracks. One person is there. 16:12:46

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1       Actually one of the other departments did 16:12:46  
 2 want a chair for each track. It become so diluted. 16:12:46  
 3 It's diluted enough with two because you always have 16:12:46  
 4 to work with a communication problem that we talked 16:12:48  
 5 about earlier. So we felt that the leadership was 16:12:51  
 6 stronger if there were only two since there will 16:12:56  
 7 always be one on. 16:12:59  
 8       Q. In the English department, which tracks are 16:13:01  
 9 the two department chairs from? 16:13:04  
 10      A. C and B. 16:13:06  
 11       Q. To whom would an English teacher on track A 16:13:12  
 12 communicate a need to? The track B or C department 16:13:16  
 13 chair? 16:13:22  
 14      A. Depends on which one is on. Whichever one 16:13:22  
 15 is on at a given time because they are on with both 16:13:25  
 16 of those at the different part of the year. When A 16:13:28  
 17 comes back, the C one will be here and the B one will 16:13:32  
 18 be gone. So the second mester they you communicate 16:13:36  
 19 with the C track, and the third mester they 16:13:39  
 20 communicate with the B track. 16:13:41  
 21       Q. Have any of the teachers communicated with 16:13:43  
 22 you a concern that -- or communicated to you a 16:13:45  
 23 concern that it's difficult for them to have a 16:13:49  
 24 department chair who is not on their track? 16:13:54  
 25      A. No. I think they are more interested in the 16:13:59

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1       quality and someone that will put the time in to do 16:14:01  
 2 the orders and to make sure that they have their 16:14:04  
 3 supplies, and we actually have a number of 16:14:07  
 4 responsible people that come in, when they are off 16:14:10  
 5 track, and help as well. But no, they have never 16:14:13  
 6 asked for someone specifically on their track. They 16:14:16  
 7 are more interested in who the person is, period. 16:14:19  
 8       Q. And you just told me, I think, that the 16:14:24  
 9 journalism teacher has four classes instead of five; 16:14:26  
 10 is that correct? 16:14:26  
 11      A. Yes. 16:14:34  
 12       Q. I wanted to go back to something you said 16:14:34  
 13 earlier today. You said that the journalism teacher 16:14:35  
 14 teaches all the journalism courses at the school -- 16:14:39  
 15      A. Yes. 16:14:39  
 16       Q. -- is that correct? 16:14:39  
 17      A. Yes. 16:14:44  
 18       Q. And there are two journalism classes on each 16:14:44  
 19 of the three tracks; is that correct? 16:14:48  
 20      A. Yes, I believe so. 16:14:50  
 21       Q. So that sounds to me like there would be six 16:14:53  
 22 journalism classes and not four. 16:14:56  
 23       What am I missing? 16:14:58  
 24      A. What happens is I need to make sure what his 16:15:06  
 25 schedule is. He may have three journalism classes 16:15:08

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1       this time. If he has four classes -- if he has three 16:15:12  
 2 journalism classes and an English class or maybe -- I 16:15:15  
 3 think he has two English classes and two journalism. 16:15:18  
 4 This is what I think, but it's really, really easy to 16:15:21  
 5 verify. Therefore, he just stays teaching those two 16:15:25  
 6 journalism all year long. He is the only teacher 16:15:29  
 7 next year who rainbows, but the kids come in and out. 16:15:33  
 8       The first mester he is going to have C and 16:15:36  
 9 B. Second mester he is going to have A and C track 16:15:39  
 10 kids. They rotate throughout the year, but he only 16:15:43  
 11 has that many periods throughout the day. If this is 16:15:46  
 12 the correct schedule, that's how that works out. 16:15:51  
 13       Is that clear? 16:15:54  
 14       Q. It is. I'm going to ask you some follow-up 16:15:56  
 15 questions. 16:15:58  
 16       When you say he's a teacher who rainbowed, 16:15:58  
 17 what does that mean? 16:16:01  
 18      A. That means he works throughout the year, and 16:16:02  
 19 he doesn't go off track ever, but he's allotted some 16:16:04  
 20 vacation days, and he would schedule those with the 16:16:08  
 21 administrator. 16:16:11  
 22       Q. So the journalism teacher works twelve 16:16:12  
 23 months out of any year? 16:16:15  
 24      A. Yes. 16:16:15  
 25       Q. And then he has more vacation days than a 16:16:19

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1       teacher who works on a track at the school? 16:16:23  
 2      A. Well, actually I'm not sure how much 16:16:27  
 3 vacation they give him. He probably has less 16:16:29  
 4 vacation, but I know he is allowed some vacation. 16:16:32  
 5       He's the only one that's like that. He 16:16:36  
 6 would -- I don't think that he could ever have more 16:16:38  
 7 because the other teachers would have four months and 16:16:43  
 8 he would never have that. The most he is going to 16:16:45  
 9 have is two or four weeks. 16:16:49  
 10       MR. FRIEDMAN: Does that mean he's paid more 16:16:50  
 11 salary? 16:16:51  
 12       THE WITNESS: Absolutely. 16:16:52  
 13       BY MS. LHAMON: 16:16:53  
 14       Q. Okay. And in his classes, he will have -- 16:16:53  
 15 for example, right now on track are the B and the C 16:16:59  
 16 tracks for this mester. Of the six mesters of the 16:17:04  
 17 2001/2002 school year, he has B and C track students 16:17:08  
 18 in his four journalism classes? 16:17:15  
 19      A. Yes. 16:17:15  
 20       Q. Then the next mester, he will have C and A 16:17:19  
 21 tracks? 16:17:22  
 22      A. Right. 16:17:23  
 23       Q. And the students rotate through the year? 16:17:23  
 24      A. Yes. 16:17:23  
 25       Q. I'm getting it. 16:17:26

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1 A. Good. 16:17:28  
 2 Q. Thank you. 16:17:38  
 3 Are there any other teachers at Fremont High 16:17:29  
 4 School who rainbow on that same calendar? 16:17:32  
 5 A. Not this upcoming year. There have been in 16:17:34  
 6 the past, but he's the only one doing that this year. 16:17:37  
 7 Q. And how is the decision made that a teacher 16:17:39  
 8 should rainbow at the school? 16:17:44  
 9 A. The decision is made based on the needs of 16:17:46  
 10 the students. It's made by the assistant principal 16:17:49  
 11 counseling and the principal. 16:17:51  
 12 If they feel it's important to have a 16:17:53  
 13 particular individual on campus at all times, then 16:17:55  
 14 they would make that decision, and this is what these 16:17:58  
 15 particular administrators decided. 16:18:03  
 16 And actually if you do move him off a track, 16:18:16  
 17 then you have the problem of who comes in and does 16:18:16  
 18 the paper while he is gone. So I think it's a good 16:18:16  
 19 decision that all the students then have access to 16:18:16  
 20 the class and to the same quality of instruction. 16:18:18  
 21 Q. When there have been other teachers on 16:18:24  
 22 campus at Fremont who have rainbowed, what courses 16:18:27  
 23 were taught in the rainbow schedule? 16:18:31  
 24 A. Journalism has been rainbowed as well as 16:18:34  
 25 yearbook last year. 16:18:37

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1 In addition to those, I believe there were 16:18:40  
 2 three other teachers that rainbowed reading classes. 16:18:42  
 3 In the schedule they were called humanities, but 16:18:46  
 4 that's because there was not a reading title in L.A. 16:18:49  
 5 Unified. Essentially they were classes to help poor 16:18:53  
 6 readers read better. He was one of those teachers 16:18:56  
 7 that did that, and there were two or three additional 16:18:59  
 8 teachers, I think, towards the middle of last year. 16:19:03  
 9 One of the teacher's positions was kind of 16:19:08  
 10 dismantled because that teacher left the school, but 16:19:10  
 11 there were at least three -- a minimum of three 16:19:15  
 12 reading classes that were rainbowed; the journalism 16:19:18  
 13 teacher, who was not that person; and the yearbook 16:19:22  
 14 person. So there would have been five. 16:19:25  
 15 Q. For the current school year, the reason that 16:19:34  
 16 the journalism teacher is on the rainbow schedule is 16:19:37  
 17 that the principal and assistant principal counseling 16:19:41  
 18 have decided it's important for the journalism class 16:19:43  
 19 to be offered throughout the school year to all the 16:19:47  
 20 students; is that correct? 16:19:49  
 21 A. Yes. 16:19:49  
 22 Q. Is it also correct that the reason the 16:19:51  
 23 yearbook teacher was rainbowed during the last school 16:19:52  
 24 year was that the principal and assistant principal 16:19:56  
 25 counseling believed it was important to have a 16:19:58

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1 yearbook class throughout the school year? 16:20:00  
 2 A. Yeah. And I have to stipulate with the 16:20:04  
 3 yearbook and also with leadership, which I forgot, it 16:20:06  
 4 wasn't that teacher that was rainbowed. It was the 16:20:09  
 5 class. 16:20:12  
 6 So, for example, the yearbook became just 16:20:12  
 7 one period, and it was, you know, kind of asking a 16:20:17  
 8 lot for the teacher to come in to do just one period 16:20:21  
 9 and get paid for just one period. So that class was 16:20:24  
 10 given to another teacher while she was gone. The 16:20:27  
 11 leadership is the same thing. 16:20:30  
 12 Although for a while, we worked it out so 16:20:31  
 13 that teacher could do something else during that time 16:20:34  
 14 so she would come in and stay with leadership, but 16:20:36  
 15 what this assistant principal counseling has done is 16:20:39  
 16 given him two English classes and two journalism 16:20:42  
 17 classes so his whole teaching schedule is rainbowed 16:20:47  
 18 just like the reading, but the yearbook and the 16:20:51  
 19 leadership were just classes that were rainbowed. So 16:20:54  
 20 it may or may not have been the teacher, if that's 16:20:58  
 21 clear. I just wanted that for the record. 16:21:01  
 22 Q. I appreciate it. We want the clearest 16:21:03  
 23 record we can find. 16:21:06  
 24 So far I don't know what the difference is. 16:21:07  
 25 When you say that the class was rainbowed and not the 16:21:09

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1 teacher, what does that mean? 16:21:12  
 2 A. That means we still have the class 16:21:14  
 3 available, but we pulled in another teacher to teach 16:21:16  
 4 the class. 16:21:19  
 5 One way to facilitate that is take a teacher 16:21:19  
 6 during their conference period to pick up an 16:21:23  
 7 auxiliary, to pick up a class for extra money, to 16:21:27  
 8 teach leadership for that two months while that 16:21:30  
 9 teacher is off track. 16:21:33  
 10 What you lose then is the consistency, in 16:21:34  
 11 quotes, "the real teacher," but all the students are 16:21:38  
 12 given access to the class. 16:21:41  
 13 Q. So for the 2000/20001 school year, the 16:21:42  
 14 leadership class at Fremont -- there was a leadership 16:21:48  
 15 class offered on all tracks? 16:21:51  
 16 A. Yes. 16:21:51  
 17 Q. But the teacher for the class was a teacher 16:21:54  
 18 on only one track. So when that teacher was off 16:21:58  
 19 track, another teacher would come in to teach? 16:22:01  
 20 A. Yeah. She did that in the fall, and in the 16:22:04  
 21 spring, we found a way to compensate her. So that 16:22:06  
 22 particular teacher was there the whole time. 16:22:09  
 23 Q. Okay. 16:22:09  
 24 A. It really -- if you can arrange it to do it 16:22:11  
 25 that way, I think it works a lot better for the 16:22:14

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1 students. 16:22:16  
 2 Q. And why is that? 16:22:17  
 3 A. Because it's -- again, it's consistent. 16:22:18  
 4 It's a teacher that wanted to teach the class in the 16:22:21  
 5 first place that was the first selection by 16:22:23  
 6 someone -- somebody, and theoretically it should work 16:22:26  
 7 more smoothly. 16:22:30  
 8 Once in a while, you find someone that 16:22:31  
 9 really takes an interest in it, and then it is really 16:22:33  
 10 helpful because you pulled another person into the 16:22:37  
 11 loop, but what happens more than not is you find 16:22:39  
 12 someone whose major interest is, for example, in the 16:22:42  
 13 fall an art teacher. That's her major interest. She 16:22:44  
 14 did it because she knew the kids needed someone, but 16:22:47  
 15 in the spring, she wanted to go back and teach art. 16:22:50  
 16 She could see that wasn't what her strength was, but 16:22:53  
 17 the kids did have access to the class when this 16:22:56  
 18 teacher was off track. 16:23:01  
 19 Q. Okay. And the yearbook class also last year 16:23:03  
 20 was rainbowed that way? Not the teacher, but the 16:23:06  
 21 class? 16:23:08  
 22 A. Yeah. Again, she did it two different ways. 16:23:20  
 23 She stayed with it in the fall. Then in the spring, 16:23:20  
 24 she said, "I need a break," and that time she was a C 16:23:20  
 25 track teacher. So the yearbook was put to bed anyway 16:23:20

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1 because C track goes off in May. 16:23:21  
 2 So what we did there is pull in a computer 16:23:23  
 3 teacher who had five other classes, and then he just 16:23:26  
 4 took the yearbook kids and taught them more things 16:23:30  
 5 about Pagemaker and graphic design and so forth. 16:23:34  
 6 That works out fine because there wasn't any 16:23:36  
 7 product to do anymore. You take your players and 16:23:40  
 8 figure out the best possible thing you can do. 16:23:42  
 9 Q. Okay. And for the 2001/2002 school year, 16:23:46  
 10 you believe that the journalism teacher is teaching 16:23:52  
 11 two journalism classes and two English on the rainbow 16:23:54  
 12 schedule for the journalism? 16:23:58  
 13 A. Actually he's rainbowing the reading classes 16:24:01  
 14 that he had before, reading classes and English 16:24:05  
 15 classes. Same methodology. 16:24:09  
 16 Q. So the two English classes that the 16:24:11  
 17 journalism teacher is teaching are reading classes? 16:24:12  
 18 A. Yes. 16:24:12  
 19 Q. And students in those classes alternate 16:24:16  
 20 mesters. Half the students leave at a mester for 16:24:22  
 21 that class; is that correct? 16:24:26  
 22 A. That's correct. 16:24:27  
 23 Q. How does that affect student learning in a 16:24:28  
 24 reading class? 16:24:31  
 25 A. This particular teacher was one that did 16:24:32

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1 that full time for the last two years. So he had six 16:24:34  
 2 classes like that. So he is very experienced at 16:24:37  
 3 managing it and is really an excellent person to do 16:24:40  
 4 it. 16:24:40  
 5 Not everyone could. I think it would be 16:24:45  
 6 extremely difficult, but he is able to individualize 16:24:47  
 7 and work with the students. 16:24:50  
 8 Again, it's really the quality of the 16:24:52  
 9 teacher. You can go about anywhere you want to go if 16:24:54  
 10 you have a good teacher. 16:24:57  
 11 Q. When you say not everyone could manage the 16:24:59  
 12 rainbow mester -- strike that -- the rainbow reading 16:25:01  
 13 class, why is that? 16:25:06  
 14 A. I think it's easier for some teachers to 16:25:08  
 15 individualize. They have strengths that way. They 16:25:10  
 16 are able to keep the records. They are able to keep 16:25:14  
 17 track. They are just stronger teachers. 16:25:16  
 18 Q. Okay. And the reading classes themselves 16:25:24  
 19 are classes for students who have poor reading 16:25:26  
 20 skills; is that correct? 16:25:29  
 21 A. Yes. 16:25:29  
 22 Q. And they are listed as humanities classes 16:25:31  
 23 now? 16:25:34  
 24 A. Yes. 16:25:34  
 25 Q. What takes place in a reading class? Is it 16:25:36

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1 in addition to an English class for a student? 16:25:39  
 2 A. Yes. 16:25:39  
 3 Q. And the classes work on literacy skills? 16:25:42  
 4 A. Yes. 16:25:42  
 5 Q. Is the design of the class to have 16:25:47  
 6 individual instruction? 16:25:49  
 7 A. In the past the teachers -- the journalism 16:25:53  
 8 teacher, whose name is Mr. Castro -- if you want that 16:25:57  
 9 for the record. C-a-s-t-r-o. It's easier for me to 16:26:00  
 10 call him his name -- he was more or less the 16:26:03  
 11 coordinator for the design of curriculum for making 16:26:06  
 12 sense of text and literacy strategies, and they used 16:26:09  
 13 materials from "L.A. Youth," the newspaper, and they 16:26:14  
 14 used classroom reading books. So they had novels and 16:26:17  
 15 various individual works they were looking at. 16:26:24  
 16 For the new school year, we were attempting 16:26:29  
 17 to use a program called Language, which is one 16:26:31  
 18 supported by the State and LACOE. It's more of a 16:26:33  
 19 descriptive program. So it's a little controversial 16:26:37  
 20 with some of the English teachers. 16:26:41  
 21 It has shown success, though, supposedly in 16:26:43  
 22 some research-based program, and we visited schools 16:26:46  
 23 that are using it. So it's a program where the 16:26:49  
 24 students do move through a particular script or 16:26:52  
 25 program, and we hope that it's going to help. We 16:26:55

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1 looked at some schools that are using it totally. 16:27:00  
2 We will see. We want kids to be better 16:27:04  
3 readers. That's the goal. 16:27:07  
4 Q. How are students selected for the reading 16:27:11  
5 classes at Fremont High? 16:27:14  
6 A. I believe they are looking at the SAT 9 16:27:15  
7 scores, the scores they come with when they come out 16:27:21  
8 of eighth grade. I'm not sure if that's the correct 16:27:24  
9 name for that particular test. 16:27:27  
10 They look at the scores and the percentage 16:27:29  
11 that they are scoring on this test. This is a lower 16:27:31  
12 level class. So they are taking the lower scores and 16:27:37  
13 putting them in that class as far as reading. So the 16:27:41  
14 counselors make the selections. 16:27:43  
15 Q. And are the reading classes required for the 16:27:45  
16 students the counselors select? 16:27:47  
17 A. No. I suppose if a parent complained, you 16:27:50  
18 could come in and go out of it. No, we haven't done 16:27:53  
19 that yet. 16:27:56  
20 Q. And the reading class is taking elective 16:27:58  
21 space for the students? 16:28:01  
22 A. Yes. 16:28:01  
23 Q. Do they count toward graduation? 16:28:02  
24 A. They get credits for it, but it does not 16:28:05  
25 meet a requirement. 16:28:08

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1 Q. So it's not a technical art or fine art? 16:28:10  
2 A. Actually, that's an interesting question. 16:28:13  
3 That's something they should be investigating 16:28:15  
4 because, in the old days when I was assistant 16:28:17  
5 principal, reading was a technical art requirement. 16:28:21  
6 I don't know. I haven't asked Ms. Nichols 16:28:23  
7 that lately with the new requirements with computers 16:28:25  
8 and fine arts if that could still happen. 16:28:30  
9 You know, the district did away with that 16:28:42  
10 title. We no longer have basic reading. We can't 16:28:42  
11 use reading titles which is why the schools made up 16:28:42  
12 titles for reading, which is what we did. 16:28:45  
13 The reading consultants had a proposal in 16:28:48  
14 the district for renaming those reading classes. 16:28:50  
15 Something -- I think -- I believe the title is 16:28:53  
16 Academic Literacy, which she feels is a title that is 16:28:57  
17 not a put-off to the students and deals with 16:29:00  
18 something that wasn't a real elementary sounding 16:29:03  
19 thing. 16:29:06  
20 So I think that's a need when the district 16:29:07  
21 is saying we have to teach reading but can't call it 16:29:09  
22 reading. 16:29:13  
23 Q. So the mandate from the district was to 16:29:14  
24 teach reading but not to call a class a reading 16:29:17  
25 class? 16:29:20

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1 A. Yeah, I guess you could call it that. 16:29:26  
2 Q. Other than the literacy coordinator, the 16:29:28  
3 journalism teacher, the staff development 16:29:30  
4 coordinator, and some of the department chairs, all 16:29:32  
5 other teachers at Fremont High School have five 16:29:35  
6 classes as their class load? 16:29:38  
7 A. To the best of my recollection right this 16:29:41  
8 very minute, there are some that might have six as 16:29:43  
9 well. That's if you have an auxiliary class, and 16:29:47  
10 that's by choice. 16:29:50  
11 When that happens, if we don't have enough 16:29:51  
12 classes of something -- right now Ms. Nichols I'm 16:29:53  
13 sure is home balancing classes right now, figuring 16:29:56  
14 out what we need to close and what we need to open. 16:29:59  
15 Sometimes there aren't enough classes to 16:30:02  
16 close and open something else. You have to talk to 16:30:06  
17 the teachers and ask who is willing to teach a sixth 16:30:08  
18 class and make a good selection. That's when you 16:30:11  
19 open an auxiliary. You open something called an 16:30:14  
20 auxiliary. 16:30:23  
21 Q. Teachers who teach auxiliary classes get 16:30:26  
22 paid more than teachers who teach five classes; is 16:30:29  
23 that correct? 16:30:29  
24 A. That's correct. 16:30:33  
25 Q. Is there any other incentive for teachers to 16:30:34

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1 teach the auxiliary class? 16:30:37  
2 A. Not unless they are just thinking these 16:30:40  
3 students need this class. Altruistic kind of 16:30:43  
4 incentive. 16:30:47  
5 Q. Okay. Do teachers who teach six classes, 16:30:50  
6 the auxiliary classes and the five classes, do these 16:30:52  
7 teachers receive any additional support from the 16:30:56  
8 school? 16:30:59  
9 MR. ROZWOOD: Vague as to "support." 16:30:59  
10 THE WITNESS: Tell me what you mean. 16:31:02  
11 BY MS. LHAMON: 16:31:04  
12 Q. I mean something other than money. Do they 16:31:04  
13 receive additional training? Do they receive 16:31:06  
14 instructional aids? 16:31:08  
15 A. No, because usually it's a class they are 16:31:10  
16 already teaching. They wouldn't need anything extra 16:31:14  
17 in the way of that. 16:31:17  
18 I guess they get tired. 16:31:19  
19 Actually those teachers, because they are 16:31:21  
20 losing a conference period and because they are 16:31:24  
21 obligated to have a conference period, are supposed 16:31:27  
22 to stay after school or arrive before school an hour 16:31:30  
23 and that becomes their conference periods. That's 16:31:34  
24 not monitored at most school sites. 16:31:36  
25 What we do -- say, if a parent wants to meet 16:31:39

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1 with you, you must stay after school, and they make 16:31:42  
2 that known before they take the auxiliary. So really 16:31:45  
3 they are putting in more time, like seven hours, 16:31:48  
4 because you have to have a conference time. 16:31:52  
5 Q. Okay. Is there a time of year when teachers 16:31:54  
6 are usually notified what classes they will be 16:31:59  
7 teaching for a coming school term? 16:32:02  
8 A. Yes. It's in the spring. 16:32:05  
9 Q. And when in the spring are they usually 16:32:06  
10 notified? 16:32:08  
11 A. It usually occurs in May, and then 16:32:09  
12 modifications are made in June, and so they are 16:32:13  
13 usually notified a couple of times. And the C track 16:32:16  
14 teachers, of course, go off at the end of April. So 16:32:19  
15 normally they have a tentative schedule before they 16:32:22  
16 leave, or if they don't, it's mailed to them shortly 16:32:25  
17 thereafter. 16:32:31  
18 MR. FRIEDMAN: I'll ask a question. Just to 16:32:33  
19 kind of flesh this out. 16:32:37  
20 I'm familiar with some schools -- I'm not 16:32:39  
21 sure within L.A. Unified -- that have a zero period. 16:32:42  
22 Do they have zero periods at your school? 16:32:46  
23 THE WITNESS: No. 16:32:49  
24 MR. FRIEDMAN: Are you familiar with the 16:32:49  
25 term? 16:32:50

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1 THE WITNESS: Yes. That's when you teach a 16:32:51  
2 class before school. 16:32:54  
3 Actually interesting story about that. They 16:32:57  
4 had one at Westchester where I taught before, and 16:33:00  
5 because there were not very many people on the campus 16:33:03  
6 at that hour -- it's like an hour before school -- 16:33:07  
7 one of the young ladies going to the class did have a 16:33:09  
8 problem with a rape situation, and Westchester said, 16:33:14  
9 "No more. We are not going to have zero period 16:33:16  
10 classes." 16:33:19  
11 You could do it after school, but you have 16:33:20  
12 to be concerned about student safety because the 16:33:22  
13 number of people on campus in the hour before school 16:33:25  
14 is very low. 16:33:29  
15 I always remember that. When they say zero 16:33:30  
16 period, I think of that poor girl. 16:33:34  
17 Q. That does stand out. That's a harrowing 16:33:37  
18 experience. 16:33:40  
19 We were talking about when teachers are 16:33:41  
20 notified what they will be teaching before a school 16:33:44  
21 year. Does there come a time when the classes can't 16:33:48  
22 be changed anymore that a teacher will be teaching? 16:33:52  
23 A. Theoretically, no. I suppose -- I would 16:33:56  
24 imagine there are very few changes after the middle 16:33:59  
25 of July or the beginning -- like two weeks into a new

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1 mester, but there are various changes -- counselor 16:34:16  
2 programs and get everything in the computer -- 16:34:16  
3 sometimes they have to make adjustments because of 16:34:16  
4 student conflicts and so forth. So that's one big 16:34:16  
5 time when schedules change, and then when the 16:34:18  
6 students arrive, that's another huge time because we 16:34:21  
7 are not really sure which of the students will come 16:34:24  
8 that are enrolled. 16:34:26  
9 We are overenrolled always by a lot. Some 16:34:29  
10 of those kids come, and some don't. We don't know 16:34:32  
11 which is which. There are lots of adjustments after 16:34:36  
12 a semester starts. We try to get those all taken 16:34:38  
13 care of by the second week, but I suppose you could 16:34:43  
14 change a class in the middle of a semester. It would 16:34:47  
15 be really unusual. 16:34:50  
16 Q. So the usual course of business is for 16:34:52  
17 teachers to know finally by the second week of a new 16:34:53  
18 school year which classes they will be teaching at 16:35:00  
19 least for the fall semester? 16:35:03  
20 A. Especially an experienced teacher can 16:35:06  
21 assume, if their class sizes are normal, they are 16:35:08  
22 probably going to be staying with that class. 16:35:12  
23 It's when you only have two kids in your 16:35:14  
24 class they think get me more kids or they are going 16:35:17  
25 to change my schedule, which sometimes happens. Yes, 16:35:21

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1 that's correct. 16:35:24  
2 Q. For the A track teachers who don't come back 16:35:25  
3 to school until -- is it September they come back? 16:35:27  
4 A. End of August. 16:35:31  
5 Q. For the A track teachers who don't come back 16:35:32  
6 to school until the end of August, their school 16:35:34  
7 course loads are changeable until approximately two 16:35:38  
8 weeks into the beginning of their semester; is that 16:35:41  
9 correct? 16:35:41  
10 A. That's correct. 16:35:45  
11 Q. Okay. Have any teachers expressed any 16:35:47  
12 concerns to you about their courses changing after a 16:35:49  
13 school year has started? 16:35:53  
14 A. Yes. 16:35:53  
15 Q. What do they say to you? 16:35:56  
16 A. "I spent all this time preparing for these 16:35:58  
17 classes and now I have these classes. It's not 16:36:00  
18 fair." 16:36:02  
19 I say, "Yeah, I know it's not fair, but we 16:36:03  
20 don't have enough students for this class." 16:36:06  
21 Yes, sometimes a teacher is not particularly 16:36:10  
22 flexible about situations like that, but all the 16:36:14  
23 schedules are tentative until the students enroll. 16:36:17  
24 Q. And have you received any comments or 16:36:21  
25 concerns from teachers about their schedules changing 16:36:23



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1 for the 2001/2002 school year? 16:36:27

2 A. Yes. 16:36:27

3 Q. How many teachers have expressed concerns to 16:36:32

4 you? 16:36:34

5 A. Two or three. 16:36:36

6 Q. They said the same things you said to me, 16:36:42

7 that it's unfair? 16:36:45

8 A. That's a little bit different because the 16:36:47

9 semester hasn't started. 16:36:49

10 I'm thinking of an A track teacher right 16:36:51

11 now. We look at the whole schedule. It's still in 16:36:53

12 flux because we have teachers that won't come back. 16:36:56

13 For A track, for example, one is out for a promotion. 16:36:59

14 To them, I can say, "Gee, I really 16:37:03

15 understand you want this instead" and make sure we 16:37:06

16 remember all these things and write them down and 16:37:09

17 assist the teacher if we can. 16:37:12

18 We are working with the department chair, 16:37:14

19 and that's when these people come in handy because 16:37:16

20 they remember all these things. Sometimes we don't. 16:37:19

21 So they help us. 16:37:21

22 Yeah, we try to work with it, especially if 16:37:23

23 the semester hasn't started. Sometimes you can 16:37:26

24 negotiate things with other teachers. 16:37:28

25 Q. And these A track teachers who have 16:37:31

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1 expressed concern about their schedules, how is it 16:37:33

2 their schedules have changed if they haven't started 16:37:37

3 teaching for the 2001/2002 school year? 16:37:40

4 A. I believe -- and I'm guessing on this -- 16:37:44

5 that the assistant principal counseling has the 16:37:46

6 responsibility and just recently in the last three 16:37:49

7 weeks has run the A track numbers because she was 16:37:53

8 under the gun to run the B and C track numbers to 16:37:55

9 open the school. She needed to make sure they are as 16:38:00

10 perfect as they could be. 16:38:19

11 "A" track is the last thing she can -- when 16:38:21

12 she ends up with more time, look at A track, and if 16:38:26

13 they had to close classes, that affects teachers' 16:38:31

14 schedules. You have to move things around. 16:38:35

15 Fortunately we are not losing any personnel. 16:38:36

16 So -- but some classes were changed. One of the 16:38:39

17 teachers called and she came in and talked about it, 16:38:42

18 and she's fine with it. There's another teacher who 16:38:45

19 is still unhappy, and that is kind of on the back 16:38:48

20 burner because I think another A track teacher is 16:38:52

21 going to get a promotion. So perhaps we can fix that 16:38:54

22 situation as well. 16:38:57

23 It's important, I think, that the teachers 16:39:01

24 feel comfortable with what they are teaching in their 16:39:02

25 class schedule because they will be happier on the 16:39:05

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1 whole thing, and that rubs off on the kids, and they 16:39:08

2 do a good job. We try to be fair. 16:39:13

3 So, for example, the honors classes are 16:39:16

4 spread around. The preps are spread around. So most 16:39:18

5 teachers have two preps. So there are a number of 16:39:22

6 things you look at for the good of the department, 16:39:26

7 but you also solve individual problems. It's like a 16:39:29

8 giant puzzle. 16:39:33

9 Q. Sounds like it. 16:39:34

10 You said that Fremont is always overenrolled 16:39:35

11 by a lot. Do you mean individual classes are 16:39:46

12 overenrolled, or do you mean the entire school is 16:39:46

13 always overenrolled? 16:39:46

14 A. What I mean by that, when we get materials 16:39:47

15 from the middle schools -- we have three feeder 16:39:50

16 schools and a couple of partial schools that feed 16:39:52

17 into us. They send computer data into the school. 16:39:57

18 All of that information is put into our 16:40:00

19 computer, and all those kids receive programs, but 16:40:01

20 that's more kids than we can have on campus, but most 16:40:04

21 of the time, it evens itself out, and we end up 16:40:09

22 busing only a small proportion of those. Mrs. Roland 16:40:13

23 maybe could tell you exactly how many, but it's a big 16:40:18

24 number of students that are in the computer. We 16:40:22

25 could never accommodate what is in the computer. And 16:40:24

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1 not that many show up too. 16:40:28

2 Q. I don't understand. 16:40:30

3 Why is it that not that many show up, or how 16:40:31

4 does it even itself out? 16:40:33

5 A. I suppose they go to other schools or they 16:40:35

6 go to other districts or something. They just never 16:40:37

7 arrive at Fremont. 16:40:41

8 Q. Does anyone at Fremont investigate what 16:40:45

9 happens to those students who were listed from the 16:40:47

10 feeder schools and partial feeder schools but never 16:40:51

11 arrive at Fremont? 16:40:54

12 A. I believe that's handled in the attendance 16:40:56

13 office. 16:40:58

14 Q. So the administrator that's starting on 16:40:59

15 Monday, that will -- 16:41:02

16 A. Yes. 16:41:02

17 Q. -- be her job? 16:41:04

18 A. Yes. 16:41:04

19 Q. Is there an average class size for classes 16:41:10

20 at Fremont? 16:41:13

21 A. Again, that's all determined by contract. 16:41:15

22 So it depends on the class, but yes, each class has a 16:41:17

23 certain norm that you look at. 16:41:22

24 Q. I understand that the English classes for 16:41:23

25 ninth grade have a norm at 20 students in the class; 16:41:27

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1 is that correct? 16:41:27

2 A. That's correct. 16:41:32

3 Q. You told me that the senior English class is 16:41:32

4 normally at 37 students in the class; is that 16:41:35

5 correct? 16:41:35

6 A. That's correct. 16:41:38

7 Q. For the tenth- and eleventh-grade English 16:41:39

8 classes, what is the norm? 16:41:43

9

10 A. Tenth grade, I believe, is about 28, 27, 30, 16:41:44

11 around in that area. And -- I told you eleventh 16:41:48

12 grade is 20 for the eleventh. 16:41:53

13 Q. You did tell me that. I'm remembering it 16:41:55

14 now. Thank you. 16:41:57

15 For non-English classes at the school, is 16:41:59

16 there much variation in the norm for a class? Do 16:42:02

17 they need to go by grade level? 16:42:05

18 A. Yeah, this is all in the contract, and as I 16:42:08

19 recall the contract, the ninth-grade academic norm is 16:42:10

20 at 27. I think it might even be ninth and tenth 16:42:13

21 grade. I have to look that up. 16:42:17

22 The other ones are, I believe, 35.5 or 37.5. 16:42:19

23 For example, U.S. history class is an eleventh grade 16:42:25

24 class. So that would be 37.5. 16:42:31

25 I have been out of the counseling business 16:42:36

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1 for a while. It's in the contract. We do follow the 16:42:39

2 contract. 16:42:43

3 Q. So the contract -- I'm sure that's the 16:42:43

4 United Teachers of Los Angeles contract that you are 16:42:47

5 referring to? 16:42:49

6 A. That's correct. 16:42:50

7 Q. So the UTLA contract sets a norm for the 16:42:51

8 various grade levels and the various departments for 16:42:55

9 their classes? 16:42:58

10 A. Yeah. Actually to be clear, it is the 16:42:59

11 contract between the L.A. Unified and UTLA. So both 16:43:01

12 of those names are on it. 16:43:04

13 Q. Thanks. 16:43:06

14 And that norm means that's average for the 16:43:09

15 teachers, or does that norm mean that's the maximum 16:43:12

16 number of students the teacher can have? 16:43:15

17 A. Most of it is the average, but it was my 16:43:18

18 understanding with the eleventh grade it could not go 16:43:20

19 over 20. Other people don't agree with that. I 16:43:23

20 guess it depends on how you interpret it. 16:43:26

21 Q. Okay. And you say that Fremont does comply 16:43:29

22 with that contractual norm? 16:43:34

23 A. Yes. 16:43:34

24 Q. Who monitors that compliance at Fremont? 16:43:41

25 A. That's monitored by the assistant principal 16:43:44

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1 counseling, and if a teacher has a complaint and it's 16:43:46

2 not resolved by that administrator and the principal, 16:43:50

3 then I'm sure the UTLA chairperson will be happy to 16:43:53

4 step in and make sure it is monitored. 16:43:56

5 Q. Okay. 16:43:59

6 MR. FRIEDMAN: I'm going to say it's 16:44:00

7 monitored by every teacher at the school. 16:44:01

8 THE WITNESS: Actually it's really 16:44:04

9 interesting, just as an aside, because the teachers, 16:44:05

10 a lot of them do know the contract, but when it comes 16:44:07

11 right down to it, they are kind of loathe, if they 16:44:11

12 have 22 and the class is supposed to be 20, to choose 16:44:14

13 those two and send them out because they feel bad 16:44:18

14 about the whole thing. 16:44:21

15 It really just depends, especially if the 16:44:22

16 kids have been with you for a while. 16:44:25

17 BY MS. LHAMON: 16:44:27

18 Q. What do they do if they are loathe to sent 16:44:27

19 out two students? 16:44:30

20 A. I guess it depends on the situation. 16:44:31

21 Sometimes they just stay, and sometimes a particular 16:44:32

22 administrator is hard-nosed about it, and we need to 16:44:35

23 make a new class or something. Then we say you have 16:44:38

24 to pick two or we choose them for them, but that 16:44:40

25 would vary. 16:44:46

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1 Q. Do teachers get paid extra if they have more 16:44:48

2 students than their contractual norm in their class? 16:44:51

3 A. No. 16:44:51

4 Q. If a teacher has 22 as opposed to 20, the 16:45:06

5 teacher is making that decision out of the goodness 16:45:06

6 of his or her heart? 16:45:06

7 A. Yeah. If that's an average, then you are 16:45:06

8 seeing some classes at 17 or 18. The computer system 16:45:07

9 we have we can get norms very easy. So you can go in 16:45:11

10 and see exactly where we are norming, but again, you 16:45:15

11 have to be reasonable. You can't have 30 in a class 16:45:19

12 that's supposed to be 20. 16:45:22

13 Q. Okay. What are the steps that you follow at 16:45:28

14 Fremont to identify a need for teachers? 16:45:34

15 A. Actually the assistant principal counseling 16:45:38

16 handles most of that, and I believe the way it used 16:45:42

17 to be done is that the counselors interview the 16:45:47

18 students and keep track of their request. That 16:45:49

19 number is given to the assistant principal 16:45:53

20 counseling, and she designs or he designs a program 16:45:55

21 based on the numbers the counselors provide. 16:46:00

22 Q. So the counselors ask the students if the 16:46:05

23 students want to take certain courses, and then they 16:46:08

24 decide whether they need teachers for those courses? 16:46:11

25 Is that how it works? 16:46:14

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1 A. In general the counselors say, "You must 16:46:15  
2 take these classes" because the students forget or 16:46:17  
3 don't know. It's the counselors' primary job to make 16:46:21  
4 sure they have the graduation requirements. After 16:46:25  
5 that, there may be some room for choice, but at our 16:46:28  
6 school, we have students -- a lot of students that 16:46:31  
7 don't pass required classes when they start out, and 16:46:34  
8 so that becomes a major thrust. 16:46:38  
9 Then after that, there's some elective 16:46:41  
10 choices. Not a whole lot, but there's some. 16:46:44  
11 Q. Okay. And once Fremont has identified a 16:46:49  
12 need for teachers, does the district assist the 16:46:53  
13 school in finding teachers? 16:46:56  
14 A. Yes. They have been very helpful this year. 16:46:58  
15 Q. Was the district very helpful last year 16:47:01  
16 also? 16:47:04  
17 A. No. 16:47:04  
18 Q. What accounts for the difference? 16:47:05  
19 A. You know, I really don't know, but for some 16:47:07  
20 reason, District I got involved in it. I don't know 16:47:09  
21 if that direction came from the big district or if 16:47:11  
22 District I created something and said, "We need to do 16:47:14  
23 this." They may have because Dr. McKenna is that 16:47:18  
24 kind of man that wants to help the kids. He may 16:47:21  
25 have. It's possible -- speculating on it -- to help 16:47:25

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1 us recruit for this area, but they certainly did for 16:47:28  
2 G and I, and it's appreciated. 16:47:31  
3 I don't know where it originated, but it's 16:47:35  
4 appreciated. 16:47:38  
5 Q. When you say "for this year," you are -- 16:47:39  
6 A. Yes. 16:47:39  
7 Q. -- talking for the 2000/2001 -- 16:47:41  
8 A. Excuse me. I'm talking about coming into 16:47:45  
9 the 2001/2002. 16:47:47  
10 Q. For finding -- 16:47:50  
11 A. Yes. 16:47:50  
12 Q. -- teachers for the 2001/2002 school year -- 16:47:51  
13 A. Yes. 16:47:51  
14 Q. -- the district has been very helpful? 16:47:56  
15 And in finding teachers for the 2000/2001, 16:47:58  
16 the district was not very helpful; is that correct? 16:48:02  
17 A. That's correct. 16:48:04  
18 Q. Can you explain to me how the district was 16:48:05  
19 not very helpful? 16:48:06  
20 A. We are just getting a lot more 16:48:08  
21 documentation. We are getting them a couple of ways. 16:48:10  
22 I believe this comes from the big district. They 16:48:14  
23 sent us a list of who is processed each week. That 16:48:17  
24 stopped, but it was happening regularly every week 16:48:21  
25 for a while where we got a list of all the people 16:48:24

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1 that cleared in math and whatever our needs were. 16:48:26  
2 So what I would do is call them that same 16:48:29  
3 day and try to get them to interview, and that makes 16:48:32  
4 all the difference because the math teachers and 16:48:35  
5 special ed. teachers are needed probably at every 16:48:38  
6 school that you could probably think of. 16:48:41  
7 Sometimes it's like, if you get them first, 16:48:44  
8 they are more likely to come to your school. So that 16:48:47  
9 helped. 16:48:50  
10 Then she sent the District I people to 16:48:51  
11 interview those people, and those District I people 16:48:54  
12 would call me directly and say, "I have a candidate," 16:48:56  
13 and put them on the line and set up an appointment 16:49:01  
14 right there if you can do it that way. If it's two 16:49:03  
15 days later, sometimes it's too late. 16:49:07  
16 I lost a health teacher last week. They 16:49:09  
17 went to Jordan because I couldn't see them. He said, 16:49:13  
18 "I'm going to Universal Studios. I took a job at 16:49:16  
19 Jordan." 16:49:21  
20 I said, "Okay. Whatever." 16:49:22  
21 It's important that you do have that first 16:49:23  
22 contact with the person. 16:49:25  
23 Q. So when you have testified that the big 16:49:27  
24 district is sending teachers first to District I this 16:49:32  
25 year, all that means is that the district is giving 16:49:38

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1 District I -- the big district is giving District I 16:49:42  
2 first notice of teachers available to teach? 16:49:46  
3 A. This is what I think is happening. I 16:49:49  
4 haven't totally clarified that because the District I 16:49:51  
5 people will say, "I'm down here today." 16:49:53  
6 So I think what is happening is a person is 16:49:55  
7 designated from District I and District G. Different 16:49:57  
8 people on different days are actually at the big 16:50:01  
9 district interviewing these people, and they call me 16:50:12  
10 when they think they have a viable candidate. So -- 16:50:12  
11 but I have higher standards than they do. It's true. 16:50:12  
12 I really appreciate getting the help. 16:50:15  
13 Q. But the big district has not made a decision 16:50:18  
14 that, for example, schools in District I get the 16:50:22  
15 first dibs on any available teacher so no other 16:50:25  
16 subdistrict schools could make an offer unless and 16:50:30  
17 until District I schools have passed on them; is that 16:50:33  
18 correct? 16:50:33  
19 A. I-- 16:50:37  
20 MR. ROZWOOD: Objection. Lack of 16:50:38  
21 foundation, speculation. 16:50:39  
22 THE WITNESS: Although I have heard 16:50:45  
23 Mr. Romer saying we are getting a first opportunity, 16:50:47  
24 what I think that means is we are notified. And a 16:50:50  
25 candidate could go to Taft and get a job there. 16:50:54

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1 Because I'm sure, as many people have gone through 16:50:56  
 2 that district, I'm not getting that many calls, and 16:50:59  
 3 that place is jammed. 16:51:02  
 4 It could be speculation, but I think it's a 16:51:03  
 5 fairly good speculation. 16:51:05  
 6 Q. Okay. Thanks. 16:51:09  
 7 I see your counsel looking at his watch. Am 16:51:11  
 8 I supposed to stop? 16:51:14  
 9 MR. FRIEDMAN: Any time you want to. 16:51:16  
 10 MS. LHAMON: Off the record for a moment. 16:51:18  
 11 (Off the record.) 17:00:11  
 12 MS. LHAMON: Back on the record. 17:00:11  
 13 We had an off-the-record conversation. We 17:00:12  
 14 have decided to conclude the deposition for today, 17:00:14  
 15 and we have stipulations to make, but I'm not going 17:00:17  
 16 to start. 17:00:21  
 17 MR. FRIEDMAN: I'll take a run at it. 17:00:22  
 18 Can we all stipulate that we will relieve 17:00:24  
 19 the court reporter of her responsibility for 17:00:28  
 20 obtaining Ms. Hines's signature on the original 17:00:29  
 21 deposition. 17:00:34  
 22 And that the original transcript will be 17:00:35  
 23 sent to my attention. I will be responsible for 17:00:37  
 24 obtaining any changes from Ms. Hines and her 17:00:42  
 25 execution of the original transcript. 17:00:47

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1 And if the original transcript -- assuming 17:00:48  
 2 my receipt by Monday, July 9th -- is not executed by 17:00:52  
 3 July 16th, that an unsigned copy may be used or cited 17:01:05  
 4 as if signed. 17:01:12  
 5 MR. ROZWOOD: Make that noon on July 16th. 17:01:14  
 6 MR. FRIEDMAN: Absolutely. 17:01:16  
 7 MR. ROZWOOD: So stipulated. 17:01:18  
 8 MR. FRIEDMAN: So stipulated. 17:01:18  
 9 MS. LHAMON: So stipulated. 17:01:19  
 10 We should just say for the record when we 17:01:21  
 11 intend to resume the deposition. 17:01:23  
 12 MR. FRIEDMAN: I believe we conferred off 17:01:25  
 13 the record earlier and agreed that Ms. Hines's 17:01:27  
 14 deposition will resume on Wednesday, July 25th, at 17:01:30  
 15 8:30 A.M. at the offices of O'Melveny & Myers. 17:01:34  
 16 MS. LHAMON: So stipulated. 17:01:39  
 17 MR. ROZWOOD: So stipulated. 17:01:45  
 18 MS. LHAMON: Anything you want to say on the 17:01:46  
 19 record about the documents that can be -- 17:01:48  
 20 MR. FRIEDMAN: I can only offer it is my 17:01:49  
 21 understanding, since I have been in and out of the 17:01:51  
 22 office, that the district has forwarded additional 17:01:55  
 23 documents to -- 17:01:57  
 24 What is the copy service? 17:02:00  
 25 MS. LHAMON: Specialized Legal Services. 17:02:03

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1 MR. FRIEDMAN: -- Specialized Legal Services 17:02:05  
 2 for copying and distribution to the parties, and my 17:02:05  
 3 understanding is the bulk of those documents went out 17:02:08  
 4 on Friday of last week. 17:02:11  
 5 MS. LHAMON: I'll make an offer for the 17:02:14  
 6 record. 17:02:15  
 7 There were four boxes of documents produced 17:02:16  
 8 to Specialized Legal Services Monday from the 17:02:18  
 9 Los Angeles Unified School District with a cover 17:02:23  
 10 letter, indicating a fifth box of documents may be 17:02:24  
 11 forthcoming. We have yet to review those documents. 17:02:27  
 12 MR. ROZWOOD: Thank you, everybody. 17:02:32  
 13 THE REPORTER: Would you like a copy? 17:02:34  
 14 MR. FRIEDMAN: Yes. 17:02:37  
 15 MS. LHAMON: Yes, and a rough draft. 17:02:38  
 16 (TIME NOTED: 5:02 P.M.)  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 I declare under penalty of perjury  
 2 under the laws of the State of California  
 3 that the foregoing is true and correct.  
 4 Executed on \_\_\_\_\_, 20\_\_\_\_,  
 5 at \_\_\_\_\_, \_\_\_\_\_.  
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\_\_\_\_\_  
 SIGNATURE OF THE WITNESS

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

1 IN WITNESS WHEREOF, I have subscribed my name  
 2 this 9th day of July, 2001.  
 3  
 4  
 5 \_\_\_\_\_  
 6 RICKI Q. MELTON, CSR No. 9400, RPR No. 45429  
 7  
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