

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

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

vs.) No. 312236

STATE OF CALIFORNIA, DELAINE) VOLUME III
EASTIN, State Superintendent of)
Public Instruction, STATE)
DEPARTMENT OF EDUCATION, STATE)
BOARD OF EDUCATION,)
Defendants.)

Continued deposition of MARCIA HINES,
at 400 South Hope Street, 15th Floor,
Los Angeles, California, commencing
at 8:30 A.M., Friday, August 10, 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
6 CALIFORNIA
7 BY: CATHERINE E. LHAMON, ESQ.
8 1616 Beverly Boulevard
9 Los Angeles, California 90026
10 (213) 977-9500

11
12 FOR DEFENDANT STATE OF CALIFORNIA:

13
14 O'MELVENY & MYERS LLP
15 BY: S. BENJAMIN ROZWOOD, ESQ.
16 400 South Hope Street
17 15th Floor
18 Los Angeles, California 90071
19 (213) 430-6000
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25

1 MARCIA HINES,
2 the witness, having been previously administered an
3 oath in accordance with CCP Section 2094, testified
4 further as follows:

5
6 EXAMINATION

7 BY MS. LHAMON:

8 Q. We are not going to reswear you because it's
9 the same court reporter.

10 Good morning.

11 A. Good morning.

12 Q. I want you to know that the same rules apply
13 that applied on the first day of your deposition.

14 Is that okay with you?

15 A. That's fine.

16 Q. Do you want me to go over those rules with
17 you again?

18 A. No, that's okay.

19 MR. ROZWOOD: Before we begin, can we
20 identify the also presents, the people attending the
21 deposition that are making appearances.

22 MS. LHAMON: That's fine.

23 MS. FAER: I'm Laura Faer. I'm a law
24 student.

25 MS. SANTAMARIA: My name is Nuria

1 APPEARANCES OF COUNSEL (CONTINUED):

2
3 FOR DEFENDANT LOS ANGELES UNIFIED SCHOOL DISTRICT:

4
5 LOZANO SMITH
6 BY: DENISE G. GODFREY, ESQ.
7 2800 28th Street
8 Suite 240
9 Santa Monica, California 90405
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11
12 ALSO PRESENT:

13
14 LAURA FAER
15 PETER BIBRING
16 NURIA SANTAMARIA
17
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20
21
22
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25

1 Santamaria. I just graduated from North Hollywood
2 High School.

3 MR. BIBRING: I'm Peter Bibring. I'm a law
4 student, studying at NYU.

5 BY MS. LHAMON:

6 Q. Okay. Is there any reason that your memory
7 would not be as fabulous today as it is on most days?

8 A. It's the same as it is on most days. I
9 don't know about fabulous.

10 Q. You haven't taken any alcohol or medication
11 that would affect your memory today?

12 A. No.

13 Q. Thank you.

14 You testified on your second day that the
15 district has directed high schools to use Prentice
16 Hall algebra books but those books had not been
17 provided by the third day of the 2001/2002 school
18 year.

19 A. That's correct.

20 Q. Have all the Prentice Hall algebra books now
21 been distributed on campus?

22 A. I don't know that they have been
23 distributed. I know they are in the book room, but I
24 don't know if they are in the classroom yet. I'm
25 guessing they are, but I don't know.

1 Q. You haven't checked?
 2 A. No.
 3 Q. You also testified on the second day that
 4 the Holt publisher misplaced your book order for
 5 math, social studies, and health books and that, at
 6 the time of your second day of deposition, the
 7 publisher was still working on filling that order; is
 8 that correct?
 9 A. That's correct.
 10 Q. Have those books from the Holt publishers
 11 arrived yet?
 12 A. I know the health books have.
 13 Will you remind me of the other two
 14 subjects?
 15 Q. Math and social studies.
 16 A. I'm unfamiliar with which math ones we are
 17 waiting for because we are getting Prentice Hall
 18 math. So it may be a special ed math.
 19 The social studies, I believe, are there,
 20 but that's McDougel (phonetic) only. All I can
 21 ascertain is that I know the health books are there.
 22 Q. Do you know when the health books arrived?
 23 A. No.
 24 Q. Do you know if they all have been
 25 distributed to the students?

1 A. I'm estimating yes, they have been, because
 2 the teachers say we have so many books in the health
 3 department. So yeah.
 4 Q. So you have checked on the health books?
 5 A. Actually the teachers told me they were
 6 there and had the books.
 7 We are pretty busy at school. So usually
 8 what happens is people complain. That's when I know
 9 about situations.
 10 Q. Sure.
 11 Have all the new books ordered for Fremont
 12 High School for the 2001/2002 school year now arrived
 13 on campus, not just the ones from the Holt and
 14 Prentice Hall publishers?
 15 A. I think they are still coming in. I know a
 16 science teacher is still looking for some chemistry
 17 books.
 18 Q. Okay. Do you know which publisher those
 19 books are from?
 20 A. No, I don't.
 21 Q. Okay. Do you know why those books haven't
 22 arrived?
 23 A. No, I don't.
 24 Q. And you know about one science teacher still
 25 looking for chemistry books?

1 A. Yes.
 2 Q. Do you know of any others?
 3 A. I know in the Language! program we are
 4 missing Level I, but we have contacted the publisher,
 5 and they are out of Level I. So that's why we don't
 6 have Level I books.
 7 Q. And when you say the language program, is
 8 that the foreign language department?
 9 A. No, this is a new reading program that we
 10 have called "Language!" with an exclamation mark
 11 after it. It's one of the scripted programs.
 12 Q. So is that -- is it a correct that's a
 13 reading program or a program for English language
 14 learners?
 15 A. It's a reading program. They could be
 16 English-language learners, but they are, in general,
 17 regular ninth-grade students that have scored low on
 18 Stanford 9.
 19 Q. And the publisher doesn't have the Level I
 20 now; is that correct?
 21 A. That's correct.
 22 Q. Do you know what the language classes are
 23 using instead of the Level I books now?
 24 A. Yes. They are using copies, probably
 25 illegally.

1 Q. Your counsel is sighing. Okay.
 2 A. I had to answer it.
 3 Q. I appreciate it.
 4 Do you know what the science teacher, who is
 5 still looking for chemistry books, is using without
 6 those books now?
 7 A. No, that I don't know.
 8 Q. Do you know how many chemistry books that
 9 science teacher is looking for?
 10 A. No, I don't.
 11 Q. Okay. Do you have an expectation for when
 12 those books will arrive on campus?
 13 A. The Language! ones, I'm following through
 14 with them, and they probably should be here through
 15 the end of the month.
 16 The chemistry ones I'm planning on working
 17 on next week.
 18 Q. I'm correct that track A has not yet started
 19 for the 2001/2002 school year; is that right?
 20 A. Yes.
 21 Q. And do you know if there are on campus now
 22 at Fremont all the books you'll need for the track A
 23 students when they start on campus?
 24 A. Well, we will still need the chemistry books
 25 and still need the Level A Language! books, and there

1 may be some other ones that are missing, but the only
2 teachers that are really concerned right now are the
3 chemistry and the Language! and -- excuse me -- also
4 the Spanish teacher.

5 The Spanish books have not arrived also.

6 Q. For any level of Spanish or a particular
7 level?

8 A. That I don't know. He just came in and
9 said, "My Spanish books are not here." So I need to
10 work on that too.

11 Q. I'm going to go back for a moment.

12 You used the phrase "Level A language book."
13 Is that the same as Level I, or are those different?

14 A. When did I use "Level A"?

15 Q. I think we can have it read back. I thought
16 you said "Level A" when you described the list of
17 books that will still be missing for when track A
18 comes in.

19 A. I must have meant "Level I."

20 Q. I perhaps misheard you. Thanks.

21 For the Spanish teacher looking for Spanish
22 books, do you know what level Spanish books he or she
23 needs?

24 A. No, I need to research.

25 Q. Do you know how many Spanish books that

1 for other foreign language books?

2 A. He only mentioned Spanish.

3 Q. Okay. Thanks.

4 Other than the Level I Language! books, the
5 chemistry books, and the Spanish books that you've
6 already described, do you know if there are any other
7 books that are missing on campus now?

8 A. None that I'm aware of.

9 Q. Okay. And you testified that you are not
10 sure if there will be enough books because you
11 increased enrollment in Spanish classes.

12 Do you anticipate investigating that later
13 in the year?

14 A. Yes. I'm hoping to do that next week.

15 Q. Okay. Thanks.

16 You also testified on your second day that
17 you are supposed to have the same book for everyone
18 teaching the same class so there will be consistency
19 in instruction; is that correct?

20 A. Yes.

21 Q. Who sets that standard?

22 A. That standard was in relation to the math
23 department. The district said we all had to use the
24 same book, but as a school, we over and over again
25 said that's what we want to do. Sometimes there's

1 teacher needs?

2 A. No.

3 Q. Do you know if it's one Spanish teacher or
4 more than one Spanish teacher that needs books?

5 A. He is the functioning department chair. So
6 it would be the department needing books.

7 Q. Okay.

8 A. We actually have increased our Spanish
9 enrollment this year. I'm hoping what we ordered is
10 even sufficient for the growth.

11 Q. Okay. So you said he's the functioning
12 department chair. Does that mean there's another
13 department chair? What does that mean?

14 A. Yes, he is a track department chair, and
15 there are two chairs in each department because we
16 are year-round, and there's one major chair and the
17 other department chair. He is the other one because
18 the major is on A track.

19 Q. Is the languages department Spanish or
20 foreign language?

21 A. It's foreign language.

22 Q. And you know the teacher who is the
23 functioning department chair for the foreign language
24 department is looking for Spanish books.

25 Do you know if that teacher is also looking

1 some resistance from department members because
2 there's a certain favoritism for a certain book, but
3 we feel it's really better for the students.

4 Q. Why is that?

5 A. Because sometimes there are changes from
6 teacher to teacher. If you are -- that's one reason.

7 The other reason is, if you are using the
8 same material, it's a little easier to discuss it and
9 standardize your instruction in relation to the
10 standards when you are talking about instruction.

11 Q. When you say it's easier to discuss it, are
12 you referring it's easier for the teachers to discuss
13 it among themselves?

14 A. Yes. I'm referring to department meetings
15 when you are talking about instruction. If you are
16 all using the same text, I think it's a little easier
17 to talk about levels of achievement and what you want
18 from the students.

19 Q. Okay. And you said it's a district standard
20 for math books that everybody should be using the
21 same book; is that right?

22 A. Yes.

23 Q. But it's a school standard for nonmath text;
24 is that right?

25 A. The district has never addressed that

1 locally. I don't believe that was in relation to any
2 other department other than the math department, and
3 that mainly was a decree having to do with the middle
4 school and then included the ninth-graders because
5 many of them were still in Algebra I.

6 So that's the only specific piece that the
7 district has picked up at this time.

8 Q. Just to make sure I understand, the district
9 mandated all algebra classes use the same books or
10 math classes use the same book?

11 A. It's my understanding that it's algebra, but
12 I could be wrong.

13 Q. Okay.

14 A. Okay.

15 Q. And do you know when the district set that
16 standard that algebra classes should use the same
17 book?

18 MS. GODFREY: Objection. Misstates the
19 prior testimony.

20 You can answer.

21 THE WITNESS: Okay. Okay. I believe it was
22 last spring.

23 BY MS. LHAMON:

24 Q. Okay. Did I accurately characterize the
25 standard that the district has set that all algebra

1 order, there's always enough books, but then as
2 students leave and books leave with them sometimes,
3 we sometimes are in the place of filling in.

4 We certainly have enough books so every
5 student can have a book, but whether or not they are
6 all the same title or same year, because, as you
7 know, publishers put out new books every year and we
8 are supposed to order recent books. So sometimes
9 they are in different editions.

10 Q. Are there sometimes different editions used
11 in the same class?

12 A. It's possible. I don't imagine that's very
13 likely, but it's possible.

14 Q. Okay. Why don't you imagine that it's very
15 likely?

16 A. I think the teacher would do whatever he can
17 to make sure that particular class would all have the
18 same book and do trades or make adjustments and so
19 forth.

20 Q. Okay. You just told me that, when you
21 started out, when you order the books, there are
22 enough books for all the students.

23 How do you determine -- how does Fremont
24 determine the textbook needs for the school?

25 A. We work with the department chairs, and the

1 classes should use the same book?

2 A. Yes, but it was by district. We talked
3 about that before. So that each district was using
4 the same book.

5 Q. When you are referring to "district," are
6 you referring to the subdistricts within L.A.U.S.D.?

7 A. Yes.

8 Q. So District I will be using the same one,
9 but everyone in District G would be using the same
10 one but maybe a different algebra book than
11 District I?

12 A. That's correct.

13 Q. Do you know whether Fremont always has
14 sufficient quantities of books for all of the classes
15 to be using the same books?

16 MS. GODFREY: Objection. Vague and
17 ambiguous.

18 You can answer.

19 BY MS. LHAMON:

20 Q. You can answer.

21 A. I would assume that that is probably not the
22 case that there -- usually there would be some
23 department or some area where there was not enough
24 books.

25 At the very beginning when we place a book

1 department chairs look at the enrollment and
2 anticipate enrollment, how many sections are going to
3 be offered a certain class, and we were instructed
4 last year to order enough books for each student to
5 take home, plus a class set. So we estimated how
6 many sections different teachers would have so there
7 would be a class set, plus the number to take home.
8 So that's what we ordered.

9 Q. Who instructed the school last year to --

10 A. Last year it was from local District I,
11 Dr. McKenna.

12 Q. Okay. When you -- are you involved in that
13 assessment of how many books the school needs?

14 A. Yes.

15 Q. What is your involvement?

16 A. I assist the department chairs if they need
17 some help.

18 Q. If they don't need help, do you still
19 assist?

20 A. If I determine they need it. If they don't
21 think they need it, sure.

22 Q. Is it fair to say you are involved in every
23 department's textbook ordering, then?

24 A. At least I see it. Some of them do an
25 excellent job and all it does is pass my eyes, but I

1 guess that's an involvement.

2 Q. Okay. Do the departments -- well, how do
3 the departments estimate how many books they are
4 going to need? Because I'm assuming enrollment
5 fluctuates a little every year.

6 A. Again, they have to do it based on the
7 number of sections projected. So the head
8 counselor -- and she is now called assistant
9 principal secondary counseling services. That's the
10 new title -- determines how many sections of a class
11 is going to be offered based on students coming to
12 Fremont or will be returning, and a master schedule
13 is made. So the teachers then look at the master
14 projected and order based on that.

15 Now, when the students arrive, sometimes
16 there are adjustments in the master. So we do try to
17 order a few more books than the sections involved,
18 but again, it's a guess as to how many we need, but
19 we have been doing it for a number of years --

20 Q. Okay.

21 A. -- so we do it pretty well.

22 Q. How many extra books do you try to order per
23 department?

24 A. Probably about two class sets.

25 Q. Extra?

1 not as a faculty meeting, but when we meet with
2 department chairs, we ask which books do we still
3 need --

4 Q. Okay.

5 A. -- but this is something we are working on
6 right now --

7 Q. Sure.

8 A. -- yeah.

9 Q. Is that as a result of those conversations
10 that you know that there are chemistry books,
11 Language! books, and Spanish books still necessary
12 for --

13 A. Yes.

14 Q. Did you have conversations like that with
15 teachers during the 2000/2001 school year, the school
16 year that just ended?

17 A. Yes.

18 Q. What did those teachers tell you during that
19 school year?

20 A. Well, those discussions were in the spring
21 when District I was ordering.

22 Are you talking about that last spring, or
23 are you talking about the whole year?

24 Q. I'm talking about at any time during the
25 whole year.

1 A. Yes.

2 Q. So about 60 extra books?

3 A. Sixty to a hundred extra books, depending on
4 what the order is. If it's a really small order,
5 then you might need one class set extra. If it's a
6 huge order, you might need three sets extra. It's
7 just a guess.

8 Q. During the 2001 to 2002 school year, the
9 year that just started, have you discussed with
10 teachers whether there are enough books for each
11 student to have a book in that teacher's class?

12 A. Did you say 2002 to --

13 Q. For the school year that just started, the
14 current year 2001/2002 school year, have you
15 discussed with teachers if they have enough books for
16 their students to have enough books?

17 A. Because the orders are still coming in, we
18 are still working with that. We have some textbook
19 money that we have not spent yet this year, and we
20 are looking at the books that are coming in and still
21 working on that situation.

22 Q. Okay. But have you had the conversations
23 with the teachers about the availability of books, or
24 you haven't had it for the school year?

25 A. Only individually with department chairs,

1 A. Yes, we do. It's a little bit different
2 each year, depending on what monies are available in
3 the district.

4 So normally what happens is, in May, the
5 textbook -- the State textbook money is available to
6 order from, and we meet with the major department
7 chairs and determine the needs.

8 If there's not enough money, then we make
9 some decisions as a council, and that's the
10 prerogative of the school leadership council. So we
11 talk about that, and we have like an individual
12 textbook committee composed of the major department
13 chairs, and at that time we talk about needs and make
14 decisions on what is ordered.

15 Q. Okay.

16 A. It's a normal part of the process.

17 Q. Is it correct that what you have just
18 described to me was the process of book ordering in
19 the spring for Fremont High School?

20 A. For -- last spring?

21 Q. Yes.

22 A. Okay. Last spring -- well, it is a little
23 different because the district asked us to write down
24 exactly what we needed. So we really were working
25 with a different agency, and we didn't do those

1 orders. District I did the orders for us.
 2 So, again, we met with the academic
 3 department chairs, but at that time it wasn't a
 4 decision. They told us that we had to order enough
 5 books for everyone. So there wasn't any dickering,
 6 saying this is more important, you know, negotiating.
 7 There wasn't any negotiating. We just ordered
 8 everything, and the district placed the orders.

9 Q. And before last year, you had to negotiate?

10 A. Right.

11 Q. In order -- because some departments would
 12 get all their books and other departments wouldn't
 13 because there wasn't enough money; is that right?

14 A. Well, it's possible that some would get all
 15 and some would get none, or maybe it's possible that
 16 they all would get some and no one would get all. It
 17 depends on the year.

18 Q. Okay.

19 A. I don't really remember specifically for the
 20 year before that.

21 Q. Okay. To go back for a moment, do you have
 22 conversations with teachers separate from the
 23 department chair, in the meeting at which you are
 24 deciding which books to order, about whether the
 25 teachers have enough books for all the students in

1 A. She was able to find them through other
 2 teachers. We have a lot of books on campus.
 3 Sometimes they are in different locations, and we
 4 need to find them.

5 Q. Okay. Does anyone at the school conduct
 6 inventories to determine whether students are
 7 assigned textbooks or instructional materials in
 8 their classes?

9 MR. ROZWOOD: Objection. Vague and
 10 ambiguous as to the term "conduct inventories."

11 MS. GODFREY: Join.

12 THE WITNESS: Okay. You want to explain a
 13 little more about what you are looking for because I
 14 don't know how to answer inventory either.

15 BY MS. LHAMON:

16 Q. Okay. Are there written forms that
 17 people -- the teachers need to fill out at the school
 18 or students need to fill out at the school saying
 19 whether they have books? Is there a -- does anyone
 20 ever ask the students in a systematic way, like a
 21 survey, whether they have the books in a systematic
 22 way?

23 Those are the kinds of things I mean by --

24 A. No to the student; yes to the teachers as
 25 far as department chairs. Department chairs are more

1 their classes?

2 A. It could be a part of another conversation,
 3 but actually all the orders and determinations are
 4 the responsibility of the department chair, but
 5 sometimes the book conversation comes up in another
 6 conversation with a teacher.

7 Q. Can you remember during the 2000 to 2001
 8 school year whether you had any conversations with
 9 teachers who are not department chairs about whether
 10 they had enough books for the students in their
 11 classes?

12 A. Yes, yes, I do remember.

13 Q. What conversations do you remember?

14 A. I remember an English teacher wanting a
 15 certain title that was out of date and talking to
 16 that English teacher about why we needed to order the
 17 newer version. I remember that conversation.

18 I remember a conversation with a teacher who
 19 wanted to teach a Bradbury book and we didn't have
 20 enough copies of a Bradbury book to teach it in her
 21 two classes. So we tried to get enough of those for
 22 her to do that.

23 Those are two specific examples.

24 Q. Were you able to get enough of the Bradbury
 25 book for that teacher?

1 likely asked that question, "Do you need more books?"
 2 As soon as money becomes available, then it's their
 3 responsibility.

4 Q. When you say as soon as money becomes
 5 available, are there set times of the year when that
 6 happens?

7 A. Normally we get 4111 money in May for the
 8 upcoming year, and then periodically the district
 9 does a big push on textbooks and make others funds
 10 available, and sometimes -- like last year, they just
 11 said order, and they appropriated funds unbeknownst
 12 to us.

13 Q. It was a windfall.

14 The 4111 funds -- that's the name of the
 15 fund for the textbook funding in the budget; is that
 16 right?

17 A. Yes.

18 Q. Have you discussed the availability of books
 19 with students at Fremont High School?

20 A. No.

21 Q. Have you discussed the availability of books
 22 with parents at Fremont High School?

23

24 A. No.

25 Q. Are you aware of any surveys conducted by

1 anyone not at Fremont High School about the
 2 availability of books at Fremont High School?
 3 A. No.
 4 Q. So, for example, like an "L.A. Times" survey
 5 of the number of books the school has or another
 6 group's surveys.
 7 A. Well, several years -- about five years
 8 ago the "L.A. Times" came out and asked for some
 9 ballpark figures, which we gave them. That was a
 10 front-page story. As a result of that story -- and a
 11 picture of actually the foreign language department
 12 chair on the front page -- we got more books, lots of
 13 books. So...
 14 Q. Where did those books come from?
 15 A. Some of those were donations from an
 16 organization, and that was the bulk of them, but I
 17 think the organization donated to specific schools.
 18 Q. Do you remember what organization it was?
 19 A. I don't remember. It might come to me later
 20 today.
 21 Q. If it does, please tell me. Thanks.
 22 And do you have an estimate of how long ago
 23 that "L.A. Times" front-page story was?
 24 A. Maybe like four years.
 25 Q. Okay. As a result of that "L.A. Times"

1 everyone is fine for a while.
 2 Q. Has Fremont received any private donations
 3 for textbooks in the 2000/2001 school year?
 4 A. Yes.
 5 Q. From where?
 6 A. Steve Harvey.
 7 Q. Do you know how much it was?
 8 A. No, I don't.
 9 Q. Do you know what it was used for?
 10 A. It was textbooks. Actually I think that
 11 money -- let me guess. I think it was about \$10,000,
 12 and I think that money went to the district, and they
 13 included it in all that other money when they bought
 14 our books.
 15 Q. Okay.
 16 A. This is what I think.
 17 Q. And you said that was a guess, and I just
 18 want to remind you we need an estimate if you have
 19 one or an exact answer, but a guess isn't helpful to
 20 me.
 21 So if you don't know, that's okay, or if you
 22 do know or have a reason to estimate, that's helpful.
 23 Do you think the \$10,000 was an estimate or
 24 a number you picked out of the air?
 25 A. No, I think the \$10,000 was the amount of

1 front-page story, you said you got some donations of
 2 books.
 3 Did Fremont get donations of money for books
 4 as a result of --
 5 A. Yes.
 6 Q. Do you know how much money?
 7 A. No.
 8 Q. Do you know where the donations came from?
 9 A. Some of them came from "Touched by an
 10 Angel." I remember that because we were all excited
 11 to see the actors and actresses signing the checks.
 12 I think whatever network that show was on
 13 and some other networks.
 14 Q. That's sort of fitting, "Touched by an
 15 Angel."
 16 A. Yes.
 17 Q. Do you know what those funds were used for
 18 at Fremont High School?
 19 A. Yes, they were all used for books.
 20 Q. Do you know which departments or what books
 21 they were used for?
 22 A. At that time, we had so much money that
 23 pretty much everyone got enough books, just like we
 24 did this spring.
 25 Sometimes lots of monies comes in, and

1 money. I'm a little slow.
 2 Q. You are not slow. The court reporter will
 3 tell you you are not slow.
 4 So it's your estimate that "The Steve Harvey
 5 Show" or Steve Harvey --
 6 Was it Steve Harvey or "The Steve Harvey
 7 Show"?
 8 A. It might be listed as Steve Harvey
 9 Foundation. That really is a guess how he is listed.
 10 I don't know how it's listed, but it came from his
 11 organization or write-off or whatever he is doing.
 12 Q. So it's your estimate that Steve Harvey
 13 donated \$10,000 to Fremont High School for textbooks
 14 and that money went to the district for the big
 15 purchase the district made on Fremont's behalf for
 16 the 2000/2001 school year?
 17 A. That's correct.
 18 Q. When we are talking about "the district,"
 19 are we talking about the local district?
 20 A. Yes, District I.
 21 Q. Thank you.
 22 Do you know if Fremont received any other
 23 private donations for textbooks in the 2000/2001
 24 school year?
 25 A. No, I don't know.

1 Q. Do you know if Fremont has received any
2 private donations yet in the 2001/2002 school year?
3 A. No, I don't know.
4 Q. To your knowledge, had Fremont received a
5 donation from Steve Harvey in the past for textbooks?
6 A. No.
7 Q. So this is the first time?
8 A. Yes.
9 Q. Okay. Other than that Steve Harvey donation
10 and the private donations as a result of that
11 front-page "L.A. Times" article, to your knowledge,
12 has Fremont, during the time you've been working
13 there, received any funds for textbooks other than
14 from the district or from the State?
15 A. No, that's all I can remember or know of.
16 Q. Okay. Has Fremont, to your knowledge, since
17 you've been working there, received any donations or
18 funds for instructional materials other than from the
19 State or the district?
20 A. I don't think so. Sometimes people give us
21 things they are trying to get rid of, but it's not
22 money. It's like a lab unloading their old medical
23 supplies, but as far as money, I can't remember
24 anything specifically.
25 Sometimes we get little monies from alumni

1 and they say use it for whatever you want. Then that
2 goes to the principal. So I don't know what
3 exactly --
4 Q. Okay.
5 A. -- it goes to.
6 Q. Can you think of any donations of materials
7 such as the labs trying to unload their materials in
8 the last five years at Fremont High School?
9 A. Yes. We have an organization -- and I don't
10 know the name of this organization -- that
11 periodically gives us a lot of notebooks, which is
12 really, really nice, and paper like this.
13 It's some organization that, if they use
14 half a pad, that's it, and they just bring it, and we
15 never know when they are coming, but they come and do
16 this, and those supplies are gone within a day. It's
17 wonderful.
18 Q. When you indicate "paper like this," you
19 were indicating a yellow pad?
20 A. Yes, a legal pad.
21 Q. Why is it those donations are so useful?
22 A. I think the teachers and students alike need
23 binders for all the papers that go through the
24 school, and students and teachers can always use more
25 paper to write notes and things on.

1 Q. And when can you think of a time that any
2 donations like that were made during the 2000/2001
3 school year?
4 A. Yes.
5 Q. When was that?
6 A. This organization, whatever it is, has been
7 ongoing for about the last year, and when they come,
8 they just come maybe like once every three months and
9 bring many, many things, and we put them in the main
10 office, and they are gone.
11 Q. Okay. And people can pick them up on a
12 first-come-first-serve basis?
13 A. Yes.
14 Q. Can you think of any -- other than that
15 organization and its once every approximately three
16 months donations to the school, can you think of any
17 other donations like that of materials?
18 A. No, although I'm sure there are ones that I
19 don't know about that the teachers get on their own.
20 Q. Okay. But you don't think of maybe
21 photography materials or the photography classes or
22 science materials or laboratory materials for science
23 classes or PE?
24 MS. GODFREY: Objection. Compound.
25 One question at a time, please.

1 BY MS. LHAMON:
2 Q. Would you like me to separate it out, or can
3 you answer it the way --
4 A. I can answer it.
5 The science one I remember from about three
6 years ago. That was a long time ago. I don't
7 remember recurrence of that one.
8 The -- there was a PE donation of some
9 sports equipment. I believe that was last year.
10 What was the other category?
11 Q. I asked about photography.
12 A. We don't have photography.
13 Q. Can you think of any other kinds of
14 donations?
15 A. No.
16 Q. Okay. You said last year there was a PE
17 donation that you remember. Do you remember from
18 whom the donation came?
19 A. All I know is it was an organization in Long
20 Beach -- another assistant principal was working on
21 that -- for sports equipment.
22 Q. Do you know what sports equipment it was?
23 A. No.
24 Q. Or how much equipment it was?
25 A. No.

1 Q. Do you know if it's in use now at Fremont?
 2 A. I'm sure it is.
 3 Q. Okay. And then you said about three years
 4 ago there were some lab -- science lab equipment that
 5 was donated.
 6 A. Yes.
 7 Q. Do you know from whom this donation came?
 8 A. No.
 9 Q. Do you know what the lab material was that
 10 was donated?
 11 A. I believe there were beakers, test tubes,
 12 that type of material.
 13 Q. Okay. Thank you.
 14 Does anyone from the big district,
 15 L.A.U.S.D., monitor whether students are issued their
 16 own textbooks at Fremont High School?
 17 MS. GODFREY: Objection. Vague and
 18 ambiguous as to the term "monitor."
 19 THE WITNESS: Not to my knowledge.
 20 BY MS. LHAMON:
 21 Q. Okay. Do you know if anyone from the local
 22 subdistrict monitors or checks to find out whether
 23 students are issued their own textbooks at Fremont
 24 High School?
 25 A. No, I don't think so.

1 Q. Do you know if the State has any standards
 2 with regard to the availability of textbooks for
 3 students?
 4 MR. ROZWOOD: Objection. Vague and
 5 ambiguous as to the term "State."
 6 There are a number of entities that have
 7 been named as parties to this litigation, and there
 8 are a number of entities that have been deposed in
 9 this litigation, any one of which could have a
 10 different connection to the issues you raised in your
 11 question and any one of which could be deemed a State
 12 agency.
 13 Vague and ambiguous as to the term
 14 "standards" as well.
 15 BY MS. LHAMON:
 16 Q. You can answer.
 17 A. Now I forget the question.
 18 Q. I asked if you know if anyone from the State
 19 has standards with regard to the availability of
 20 textbooks for students.
 21 A. No, I don't know.
 22 Q. Okay. Thanks.
 23 Do you know if anyone from the State
 24 requires that each student receive a textbook?
 25 A. No, I don't know that either.

1 Q. Okay. Do you know if the State requires
 2 that students be permitted to take books home for
 3 homework?
 4 MR. ROZWOOD: Objection. I'll include a
 5 continuing objection to the use of the term "State."
 6 You are free to answer to the best you can.
 7 My objection will be continuing or standing.
 8 THE WITNESS: No, I don't know.
 9 BY MS. LHAMON:
 10 Q. Do you know if the State monitors or anyone
 11 from the State monitors whether students are issued
 12 their own books at Fremont High School?
 13 A. No.
 14 Q. Okay. Do Fremont students now and did they
 15 during the 2000/2001 school year have sufficient
 16 nontext materials during the class for which they are
 17 required?
 18 MS. GODFREY: Objection. Compound, vague
 19 and ambiguous.
 20 BY MS. LHAMON:
 21 Q. Do students now in the 2001/2002 school year
 22 have sufficient nontext materials?
 23 MS. GODFREY: Objection. Vague and
 24 ambiguous as to --
 25 Did you say "nontext materials"?

1 MS. LHAMON: Uh-huh.
 2 THE WITNESS: Do you mean like notebooks and
 3 paper?
 4 BY MS. LHAMON:
 5 Q. That would be one thing.
 6 I also mean in a class in which a textbook
 7 is not required. So maybe an art class, if they have
 8 art materials; in a cosmetology class, if they have
 9 cosmetology materials.
 10 MS. GODFREY: Based on your definition, I'm
 11 going to object again as compound.
 12 THE WITNESS: My only problem with that is
 13 the definition of "enough."
 14 I think a teacher will tell you that they
 15 never have enough; although, the art department
 16 budget that they get for instructional materials is
 17 about \$6,000, and its divided among the art teachers.
 18 But obviously you can have very creative lesson plans
 19 and use \$6,000 yourself in an art class and just --
 20 So it's difficult to answer what enough is.
 21 I guess it depends on your standard.
 22 BY MS. LHAMON:
 23 Q. Okay. Let's take art. How many art classes
 24 are offered at Fremont High School?
 25 A. Two teachers on each track. So there are

1 six teachers, and there would be thirty classes.
 2 Q. Okay. And what kind of art classes are
 3 offered?
 4 A. We have design, introduction to art,
 5 ceramics. I think there's a fourth one too.
 6 Painting --
 7 Q. Okay.
 8 A. -- and drawing.
 9 Q. Is painting and drawing one class?
 10 A. No, it's two classes. Actually I think --
 11 right now this school year and last school year I
 12 think they are concentrating on painting and drawing
 13 because those are the classes that meet the Cal State
 14 requirements.
 15 Q. When you say they are trying to concentrate,
 16 does that mean most of the art classes are painting
 17 and drawing?
 18 A. Yes, or ceramics. For Cal State, you have
 19 to have a more advanced form of art. Introduction to
 20 Art is like the beginning basic art class, and in
 21 order to meet the fine arts requirements, a more
 22 advanced art class is required. So now there are
 23 doing drawing and painting.
 24 Q. Do you know how many of each of the art
 25 classes are offered at Fremont this year?

1 A. Do I know how many of each? No, I would
 2 have to look that up.
 3 Q. Okay. But it's your estimate that most of
 4 the art classes are one of Ceramics, Painting, or
 5 Drawing; is that right?
 6 A. That's correct.
 7 Q. How many -- approximately how many students
 8 are there in an art class at Fremont High School?
 9 A. 35.
 10 Q. Okay.
 11 MS. GODFREY: Can we take a break?
 12 MS. LHAMON: Sure.
 13 MS. GODFREY: Just a minute.
 14 MS. LHAMON: Go off the record.
 15 (Off the record.)
 16 BY MS. LHAMON:
 17 Q. For the art classes -- there's approximately
 18 30 of them -- what are the supplies that are
 19 necessary -- let's take them by class.
 20 What are the supplies necessary for ceramics
 21 class?
 22 MS. GODFREY: Objection. Vague and
 23 ambiguous as to "necessary."
 24 BY MS. LHAMON:
 25 Q. Okay. What are the supplies that the

1 ceramics teacher uses for the classes?
 2 A. Clay.
 3 Q. Clay?
 4 A. That's the main one I can think of for
 5 ceramics. You probably would need paint as well, or
 6 glaze, but that type of thing. But he orders a lot
 7 of clay.
 8 Q. For the painting class, what does the
 9 painting -- or what do the painting teacher or
 10 teachers use?
 11 A. This is not exactly my area of expertise,
 12 but I know you would need paints and paper and
 13 brushes.
 14 MS. GODFREY: Excuse me. Do you know, or
 15 are you guessing? You said --
 16 THE WITNESS: I know that you would need
 17 paints for a painting class.
 18 BY MS. LHAMON:
 19 Q. Okay. Do you know what the drawing teacher
 20 or teachers use for --
 21 A. You know, I don't know specifically. I've
 22 seen the orders because I have to okay every single
 23 order, but they are extremely specific as far as the
 24 type of paper, the type of paints, the type of
 25 brushes.

1 All I know is just generic materials, and I
 2 don't know the prices.
 3 Q. Okay. You anticipated my questions.
 4 A. No, I wouldn't.
 5 Q. Have you received complaints or concerns
 6 from art teachers in the last three years about
 7 needing supplies for the art classes at Fremont High
 8 School?
 9 A. Yes.
 10 Q. What concerns have you received or
 11 complaints?
 12 A. They need more supplies and, when they come
 13 back on campus, they don't know where their supplies
 14 are.
 15 Q. Have you received any of these concerns
 16 during the current school year?
 17 A. Yes.
 18 Q. How many of them have you received?
 19 A. Two different teachers.
 20 Q. Okay. Taking the first of those two, what
 21 did that teacher tell you?
 22 A. She doesn't know where her supplies are that
 23 she ordered. She doesn't know where they are.
 24 Q. What did you do when she told you that?
 25 A. I said that she needed to work with her

1 department chair to help determine that and that
2 there was new money available now. So actually she
3 placed an order yesterday. So she spent some of the
4 new money.

5 As far as whether she found her old
6 supplies, I don't know. Art isn't the department I
7 supervise, but I did tell her to report it to her
8 department chair.

9 Q. Okay. And did you follow up to find out
10 whether that teacher received the materials that she
11 had ordered ultimately?

12 A. No. See, that would be the administrator in
13 charge of the art department that would be doing that
14 follow-up.

15 Q. Okay. And for the other teacher who told
16 you -- who raised the concern or complaint during
17 this current school year about art supplies, what did
18 that teacher tell you?

19 A. Just that she needed supplies, and she also
20 placed an order.

21 Q. And another administrator would follow up
22 with this teacher as well?

23 A. That teacher didn't have a problem with
24 losing supplies or misplaced supplies. That teacher
25 just needed supplies.

1 A. I think six.

2 Q. Do you know how many clothing classes are
3 offered at --

4 A. Six.

5 Q. When you say you think six, is that because
6 there are two teachers on each track for cosmetology
7 and clothing?

8 A. Well, cosmetology changed this year.
9 There's one teacher that's usually there, but she is
10 now part time, and she works in the work experience
11 office. So there's another part-time teacher, and I
12 really am estimating at the number of classes. I
13 don't have that in front of me.

14 Q. Okay. How about for clothing? Do you know
15 how many teachers are on each track for clothing?

16 A. Yes, there's only one clothing teacher, and
17 it's on A track, and it's six classes.

18 Q. Oh, I see. Okay.

19 Is it right, then, that clothing is only
20 offered on the A track at Fremont?

21 A. Yes.

22 Q. And for cosmetology, there are two half-time
23 teachers that teach cosmetology at Fremont now?

24 A. Yeah, although it's not exactly half time.
25 I think it's four and two, and then the other one is

1 So I said go ahead with monies available and
2 place an order.

3 Q. Do you know if those supplies have arrived
4 on campus yet?

5 A. No, I'm sure they have not.

6 Q. Okay. Do you know when she placed the order
7 or if she placed the order?

8 A. Yes, she placed the order last week.

9 Q. Okay. Let's try this with cosmetology
10 classes. What supplies do the cosmetology classes
11 need at Fremont High School -- let me strike that.

12 What supplies do the cosmetology classes use
13 at Fremont High School?

14 A. Hair products and -- I'm sorry. I can't be
15 very specific, but they do hair and nails. So it
16 would be products that you would use to do nails and
17 your hair.

18 Q. Do you know what the budget is for the
19 cosmetology department at Fremont High School for
20 supplies?

21 A. It's part of the home ec budget we share
22 with the clothing teacher, and I don't know what it
23 is. I don't have that information right now.

24 Q. Do you know how many cosmetology classes are
25 offered at Fremont?

1 there two or three periods.

2 I'm sure there are six classes. There might
3 even be seven, but I'm guessing.

4 Q. Okay. What track or tracks are those
5 classes offered on?

6 A. I believe they are offering cosmetology on
7 all tracks now.

8 Q. Are there -- I just want to make sure I
9 understand.

10 There are only two part-time teachers who
11 teach cosmetology; is that right?

12 A. Yes.

13 Q. How would they be offered on all tracks?

14 A. Those women are ROP women, Regional
15 Occupational Program, and so they are actually
16 supplied through another funding source so they can
17 be available more times of the year than one of our
18 regular teachers who has to be on a certain track.

19 Q. Do these two part-time teachers rainbow
20 teach as you described during your last day of
21 testimony?

22 A. I don't know on the cosmetology. I would
23 have to look it up.

24 Q. Okay. But somehow the teachers are teaching
25 cosmetology classes at least one on each of the three

1 tracks at Fremont High School; is that right?
 2 A. I think so. Like I said, I would really
 3 have to look it up.
 4 Q. Okay. You told me that the home ec budget
 5 includes both the cosmetology and the clothing
 6 classes.
 7 Are there any other classes that go into the
 8 home ec budget at Fremont High School?
 9 A. No.
 10 Q. Okay. What materials do the science classes
 11 use at Fremont High School?
 12 MR. ROZWOOD: Objection. Compound, vague
 13 and ambiguous as to "science classes."
 14 But you can answer however you best see fit.
 15 MS. GODFREY: Join.
 16 THE WITNESS: Okay. My knowledge of science
 17 is very general. They do need materials for
 18 experiments, and of course, they have textbooks.
 19 Their budget is actually the largest budget
 20 because they have so many consumable things that they
 21 use for experiments.
 22 BY MS. LHAMON:
 23 Q. Do you know what their budget is?
 24 A. I think it's close to 10,000.
 25 Q. Do you know how many science classes are

1 offered at Fremont High School?
 2 A. I think there are about six teachers a
 3 track. This I can estimate. I bet there are
 4 probably about 18 teachers teaching 5 classes. So
 5 that would what make what? 90.
 6 Q. Okay. Are there about 35 people in a class
 7 also?
 8 A. Actually there should be smaller. In the
 9 academics, their's should be 30, 27.5. So they
 10 should be smaller. It should be closer to 30.
 11 Q. Okay.
 12 MR. ROZWOOD: Just to clarify, if you don't
 13 mind, are the consumables you mentioned that are used
 14 in experiments used in all science classes or just a
 15 subset of those 90 science classes?
 16 THE WITNESS: Yeah, in all. We just have
 17 biology, chemistry, and physics. So all those
 18 classes have experiments.
 19 BY MS. LHAMON:
 20 Q. Does Fremont offer any nonlaboratory science
 21 classes?
 22 A. No, I don't think so.
 23 Q. For biology classes, do you know what
 24 instructional materials that are not textbooks
 25 teachers use at Fremont High School?

1 A. Not really specifically, but I know that
 2 they have whatever it is they need for their
 3 experiments.
 4 The last time I visited a bio class they
 5 were doing fetal pigs. I think we talked about that
 6 last time. That was a fluke. I was visiting a bio
 7 teacher.
 8 They obviously need the pigs and the things
 9 to put them in, trays or whatever you need, for those
 10 experiments.
 11 Q. Okay. Now, what about for chemistry? Do
 12 you know what instructional materials chemistry
 13 teachers use at Fremont High School?
 14 A. No. Chemicals, no. I'm an English teacher.
 15 Q. Okay. So I will ask you about physics --
 16 A. Okay.
 17 Q. -- to see if do you know what nontext
 18 materials --
 19 A. Not specifically.
 20 MR. ROZWOOD: Just to clarify, do you know
 21 what consumable materials would be used in a physics
 22 experiment?
 23 THE WITNESS: Personally do I know what
 24 materials --
 25 MR. ROZWOOD: Yes.

1 THE WITNESS: No.
 2 MR. ROZWOOD: Do you know -- can you -- as
 3 you sit here today, do you know that any consumable
 4 materials are used in Fremont physics classes?
 5 THE WITNESS: Yes, I know.
 6 MR. ROZWOOD: Do you know -- can you tell us
 7 what any of those materials are?
 8 THE WITNESS: No.
 9 MR. ROZWOOD: Okay.
 10 MS. LHAMON: Ben, I'd appreciate if you let
 11 me ask the questions now and I'll give you time to
 12 ask them later.
 13 Q. You testified a few minutes ago that you
 14 believe that the science teachers have the materials
 15 that they need for their classes now in the 2001/2002
 16 school year; is that right?
 17 MS. GODFREY: Can you repeat that question.
 18 BY MS. LHAMON:
 19 Q. You testified a few minutes ago that you
 20 believe that the science teachers now have the
 21 instructional materials they need at Fremont High
 22 School for the 2001/2002 school year.
 23 A. I don't remember talking about science
 24 materials.
 25 Q. Okay. Do you think that science teachers

1 have the science materials they need now at Fremont
2 High School for the 2001/2002 school year?

3 A. Again, science is not a department I
4 supervise. We do have a new AP next door. She
5 visits all the classes and has not told me that there
6 were any problems except for one class, and she said
7 the teacher was going off track. He wanted some
8 Cliff materials for an AP class. So we placed that
9 order. But that was all that was reported to me as
10 far as needs for science this year.

11 Q. You said that teacher was going off track.
12 When is that teacher going off --

13 A. He's going to go off track at the end of the
14 month. He wanted to be sure that those kids had
15 those materials when he came back. So if we put that
16 order in now, two months should be sufficient time.

17 Q. Other than that, you don't have any
18 information about instructional materials for science
19 classes not --

20 A. No.

21 Q. -- being on campus now?

22 A. No.

23 Q. Do you know who supervises that?

24
25 A. Ms. Jauregui.

1 Q. She supervises that and not you?

2 A. Yes.

3 Q. You supervise the English department; is
4 that right?

5 A. Yes.

6 Q. Are there any other departments whose
7 instructional materials you would supervise?

8 A. No.

9 Q. Do you know if there are any instructional
10 materials, including textbooks, that are missing now
11 on campus in the English department?

12 MS. GODFREY: I'm objecting. Compound and I
13 believe you already asked her about textbooks; so
14 asked and answered as to that portion of your
15 question.

16 BY MS. LHAMON:

17 Q. You can answer.

18 A. The only thing I'm remembering is the
19 language one that I referred to. That's the only
20 concern that has been noted to me by any of the
21 English teachers.

22 Q. Okay. Thanks.

23 For computer classes, are there enough
24 computers for all the students in the classes at
25 Fremont High School?

1 MS. GODFREY: Objection. Vague and
2 ambiguous as to "enough."

3 BY MS. LHAMON:

4 Q. Is there one computer for every student in a
5 computer class at Fremont High School?

6 A. I really don't know. That's all I can say
7 right now.

8 Q. Okay. Do you know if the computers in the
9 computer classes are all operational now?

10 A. No, I don't.

11 Q. Do you know if computer classes all take
12 place in classrooms at Fremont High School now?

13 A. Yes, they are in classrooms with computers.
14 It's my understanding that there -- we still need two
15 rooms converted for when A track comes on. So we are
16 working in putting the students in the labs until the
17 rooms are converted. But we have expanded our
18 computer program; so we are making two more labs.

19 Q. When you say you are making two more labs,
20 out of what spaces are you making those two labs?

21 A. Two classrooms are up for conversion to be
22 computer classes, and because those aren't done, what
23 is happening is the teachers are going back and forth
24 for the classes that were not intended to be
25 classrooms, but they have class -- I mean they have

1 computers, the kids do.

2 Q. So for a couple of periods of the day, right
3 now at Fremont High School, the computer teachers and
4 classes are using computer labs instead of computer
5 classrooms; is that right?

6 A. Not right now, but that's anticipated to
7 happen on A track, when the A track comes back, until
8 the conversion takes place.

9 Q. Do you know when the conversion takes place?

10 A. No, it was supposed to already have
11 happened. So...

12 Q. Now, when the B and C tracks are on track,
13 are the computer labs that the A track students will
14 be using when they come back, are those labs open for
15 students use who are not in computer classes now?

16 A. There are -- I believe there's at least one
17 lab that's opened for students. All the labs are
18 open at lunchtime and nutrition for students that --

19 The problem I was referring to is that one
20 of the computer labs and the teacher is not on track
21 is being used as a classroom for computer
22 instruction.

23 Q. When you say it is being used, do you mean
24 it will be used when the A track is on track?

25 A. Well, I don't know. We are working on that

1 problem. What it might mean is just traveling more
 2 people around so we might be able to fix it by that
 3 way, but --
 4 Q. You lost me.
 5 What does that --
 6 A. Again, I'm not in charge of that either, but
 7 there's a way that you can maximize classroom space
 8 by using a classroom during a teacher's conference
 9 period. So that say there are five classrooms and
 10 each teacher had a classroom, you could then make an
 11 extra period in each one of those classroom
 12 schedules, and then that teacher would go five
 13 different locations or some combination of that.
 14 Q. In the example you just gave me, if there
 15 are five classrooms, you could conceivably have a
 16 sixth teacher who uses each of those five classrooms
 17 during conference period?
 18 A. Yes.
 19 Q. That's how the traveling would work?
 20 A. Yes.
 21 Q. And it's your expectation that, when the A
 22 track comes back on, some form of that traveling will
 23 take place for the computer class; is that right?
 24 A. The assistant principal counseling has
 25 indicated that that might be a possibility.

1 Q. Okay. But that's not taking place -- the
 2 computer classes now on the B and C tracks are being
 3 taught in computer classrooms?
 4 A. Except for the one that's using that A track
 5 lab --
 6 Q. Okay.
 7 A. -- yeah, and that's being treated as a
 8 computer classroom, and that's going to be the
 9 concern when the A track lab teacher comes back, how
 10 we are going to deal with that.
 11 Q. I see. Okay.
 12 Right now at Fremont High School, there's an
 13 A track lab, computer lab, that's being used for a
 14 class. Are there also B and C track labs that are
 15 open as labs for computers for students to use?
 16 A. Yes.
 17 Q. When the A track is back on campus, will
 18 there be two computer labs still open for students no
 19 matter what happens with the computer classes?
 20 A. I think so. I think, yeah.
 21 Q. Okay. So there are three computer labs on
 22 campus; is that right?
 23 A. Uh-huh, yes.
 24 Q. When you say there's an A track lab, what
 25 does that mean? Does that mean only A track students

1 are supposed to use that lab?
 2 A. That means that the teacher is an A track
 3 teacher and he does not come back until A track
 4 starts, and so during that time, it has been used as
 5 a lab where people can come in as long as a teacher
 6 is there that is familiar with the computers and
 7 there's an aide in the lab.
 8 They can use it as a lab without his being
 9 there, but it was always just kind of his lab. But
 10 anyway, he's not there right now. He's off track.
 11 Q. If the teacher -- if there's no
 12 instructional aide or teacher who is familiar with
 13 the computers, would that A track lab be locked when
 14 the A track is off campus?
 15 A. Yes. It would be a period-by-period thing.
 16 If -- for example, if the aide were absent and a
 17 teacher wanted to use the lab that was not familiar
 18 with computers, the teacher would not use it because
 19 they wouldn't know how to.
 20 Q. Okay. Do you know what the per-pupil
 21 expenditure is at Fremont for classroom supplies?
 22 A. I can -- I don't know off the top of my
 23 head.
 24 Q. Can you estimate? Do you have an estimate?
 25 A. I would have to look it up.

1 Q. Okay. So you don't have a ballpark figure?
 2 MR. ROZWOOD: Objection. Asked and
 3 answered.
 4 MS. GODFREY: Join.
 5 THE WITNESS: Can I talk to you a minute?
 6 BY MS. LHAMON:
 7 Q. But you should answer my question "yes" or
 8 "no."
 9 A. Didn't I just answer it?
 10 Q. I said: You don't have a ballpark figure?
 11 MR. ROZWOOD: She testified she would have
 12 to look.
 13 THE WITNESS: No.
 14 BY MS. LHAMON:
 15 Q. Now you can go off the record and talk to
 16 your counsel.
 17 (Off the record.)
 18 BY MS. LHAMON:
 19 Q. Without telling me what you said to your
 20 counsel, do you have now have an estimate, or should
 21 we move on from that question?
 22 A. We should move on.
 23 Q. At Fremont High School, how do teachers
 24 access classroom materials such as pencil, paper,
 25 chalk, chalkboards, anything they might need for

1 their class?

2 A. Two ways. One is ordering through their
3 department supply orders we just discussed.

4 The other way -- there are two categorical
5 programs on campus, the Title I program and also the
6 bilingual program. So if they need extra supplies,
7 the department chair can fill out a requisition with
8 either one of those people, especially Title I
9 because they tend to have more general school
10 supplies.

11 Q. Okay. So if I'm a social studies teacher at
12 Fremont High School and I need some paper to make
13 some copies, I need to place an order, or is there a
14 supply room I could go to to pick up some paper?

15 A. If you are a social studies teacher, you
16 have a supply room, but you also can go to the
17 library, the walk-up copy machine, and money has been
18 allocated for the department budget so you can make
19 your copies with the paper that's there in the
20 library.

21 Q. Is there a set amount of money that each
22 department gets for copies at that library copier?

23 A. Yes.

24 Q. Is there a set amount of money that each
25 teacher in the department gets?

1 your supply cupboard or talk to your department
2 chair. There's probably already paper there. Or you
3 can -- see, if you go to the library, you are
4 expected to make copies with that paper.

5 Q. You don't just take it out of the copier?

6 A. No.

7 Q. Okay. What kinds of materials do the
8 teachers need to place orders for if it's not paper
9 for the --

10 A. They place orders for various office things
11 you would want like tape, staples, staplers, paper
12 clips, tacks. Those are some examples.

13 Q. Thanks.

14 Does every department have its own supply
15 room at Fremont?

16 A. I'm not really sure. I would assume most of
17 the departments do have a supply room. Some of the
18 departments are extremely small. For example, the
19 industrial arts department, there's wood and there's
20 auto. So within the wood shop, there would be a
21 place where that person would keep the material, and
22 in auto shop there would be a place.

23 So there wouldn't be something exactly
24 called the department storage. It's more of a class
25 in some of the departments.

1 A. No.

2 Q. Okay. Does it happen -- strike that.

3 Did it happen in the 2000/2001 school year
4 that any department met the amount of money that it
5 was allotted for copies in that library copier?

6 A. I think we talked about this before, and we
7 said what we really didn't keep track of that. There
8 was enough paper for the whole year --

9 Q. Okay.

10 A. -- so we never ran out of paper.

11 Q. And no department was told, "You can't make
12 any more copies at that library copier"?

13 A. No.

14 Q. So one source for me, if I'm a social
15 studies teacher at Fremont High School, would be just
16 to go make copies at the library copier; another
17 source for me to get paper would be to go to the
18 supply room at my department; and a third choice
19 would be for me to place an order with my department
20 chair; is that right?

21 A. Okay. You want the paper for copying --

22 Q. Okay.

23 A. -- or you just want paper?

24 Q. I think I want paper.

25 A. You just want paper. Okay. You can go to

1 Q. For the departments that do have storage
2 areas or supply rooms where they can get their
3 supplies, is there a staff person in that room that
4 monitors the taking of supplies?

5 A. No.

6 Q. So it's an open supply room that anyone can
7 go into?

8 A. Well, it's all locked, and departments
9 handle it differently. It depends on the department
10 really.

11 Q. Okay. What are the different ways that
12 departments handle --

13 A. For example, English, which I'm obviously
14 most familiar with, there's an office right next to
15 the English department chair's room. So if a person
16 were to come in there, the English department chair
17 would know that someone was in there.

18 There's also another cupboard that has more
19 secure types of things such as video equipment, and
20 she has the key to that. So the individual
21 department members cannot get in there without her
22 key.

23 Q. Okay. But for the room that doesn't have
24 the video equipment, the less secure English supply
25 room, any English teacher could get into that room

1 with the English teacher's key; right?
 2 A. Yes.
 3 Q. But social studies teachers couldn't get in
 4 there because they don't have a key?
 5 A. I guess they could. It would be kind of
 6 obvious they were in there. They are another
 7 department that has their own office. So they
 8 wouldn't do that.
 9 Q. There's an English key that let's the
 10 English teacher into that supply room?
 11 A. Actually into that supply room is a "one
 12 key," and social studies do have a "one key" as well,
 13 but the video room is a special key.
 14 Q. Okay. And a "one key" is a type of key at
 15 the school?
 16 A. Yes.
 17 Q. Are there any supplies that teachers use
 18 that need to be ordered in advance -- so before a
 19 semester begins or before a school year begins?
 20 A. Yes.
 21 Q. What are those supplies?
 22 A. I would -- it would be whatever you would
 23 need. If you are out of something, then you would
 24 have to order it. If you are going to do a lab, then
 25 you don't have those lab supplies.

1 Q. That question wasn't a very good question.
 2 What I meant to be asking was: Are there
 3 any categories of supplies that teachers use at
 4 Fremont High School that, once a semester has
 5 started, the teacher couldn't order because -- for
 6 any reason, like the ordering time period has passed,
 7 the budget has been used, whatever, there's a set
 8 time period after which you cannot order supplies?
 9 MS. GODFREY: Objection. Incomplete
 10 hypothetical.
 11 BY MS. LHAMON:
 12 Q. You can answer it.
 13 A. It would only be if there were no more money
 14 available. That would be an appropriate answer to
 15 that, I assume.
 16 Q. Okay. But there's not like a school rule
 17 that, at a certain time of year, you can no longer
 18 place supply orders for your class?
 19 A. No.
 20 Q. Okay. Are you aware of any teachers who
 21 spend their own personal money for supplies for their
 22 classrooms?
 23 A. My opinion is I think probably almost every
 24 public school teacher does that, but as far as citing
 25 a specific example, I would have -- I couldn't do

1 that for you. But in conversation people say, "I buy
 2 this. I buy that," and so forth.
 3 Q. And is it based on those conversations that
 4 you say that almost every public school teacher would
 5 spend his or her --
 6 A. There's even an ad on the radio that says
 7 that. I forget who is sponsoring that ad. Because
 8 it's, like, in your brain that teachers are spending
 9 money for their own things.
 10 Teachers are in love with books or office
 11 supplies, and they just tend to get them.
 12 Q. And share them with their classes?
 13 A. Yes.
 14 Q. Okay. It's a segue into teachers -- about
 15 teaching, saying they are in love with the supplies.
 16 Are all the Fremont teaching positions
 17 filled right now, including the positions for the
 18 A track which hasn't yet started?
 19 A. No.
 20 Q. How many positions are open now?
 21 A. Okay. Let's do this. We have three PE's,
 22 one special ed, one Spanish, one English, and one
 23 computers, and I think that's it, barring other
 24 people leaving.
 25 Q. Okay. Starting with the three PE's, which

1 tracks are those vacancies on?
 2 A. Two C's and one A.
 3 Q. Okay. And the special ed vacancy, what
 4 track is that on?
 5 A. C or B. I think it's C.
 6 Q. Spanish vacancy, what track is that on?
 7 A. C.
 8 Q. And the English vacancy is on which track?
 9 A. Actually there's a projected vacancy, and I
 10 believe it's on A track, but the girl just left a
 11 message on my tape that she was going to graduate
 12 school. "Sorry. You can't reach me until Monday."
 13 I hate -- anyway, I need to confirm that, but we are
 14 interviewing. So that will be filled when A track
 15 kids come back. And the computers is on A track.
 16 Q. Okay. So for the English vacancy, you said
 17 it's a projected vacancy because you haven't
 18 confirmed that with that teacher saying she is
 19 leaving?
 20 A. Yes.
 21 Q. But she left a message?
 22 A. Yes.
 23 Q. And you already began interviewing for that
 24 vacancy?
 25 A. Yes.

1 Q. That's excellent.

2 How did you happen to have applicants
3 already if you just got the message last week?

4 A. Interesting story.

5 The DI, the district interns, were coming to
6 visit our school, and we -- about eight English DI's.
7 So I asked who wanted to be interviewed. Four of
8 them did. We interviewed four of them. We actually
9 interviewed three of them yesterday. Two of them are
10 outstanding and the third one is outstanding too, but
11 he is not available until January. So we would be
12 blessed to have any of these three people. So it's
13 going to be taken care of.

14 Q. That's great.

15 A. Yes.

16 Q. You said there were eight district interns
17 visiting the campus last week; is that right?

18 A. Actually I think there were ten, but there
19 were eight English.

20 Q. For what occasion were the district interns
21 visiting the campus?

22 A. The visits are part of the requirements. To
23 be a district intern, you have to spend five days at
24 a school site, and you visit classes, and you also
25 teach a lesson.

1 A. That was an unsolicited resume, but he did
2 call me as well, and so since he called me and I had
3 the resume and he looked fine, I set an appointment
4 for him on Monday as well.

5 Q. Have you notified District I, local
6 District I that you have an English vacancy projected
7 for the A track at Fremont High School?

8 A. No.

9 Q. Have you notified the big district?

10 A. No.

11 Q. Do you anticipate notifying --

12 A. No.

13 Q. -- either the district --

14 A. No. When I hire someone, I'll tell them I
15 don't need any more applicants.

16 Q. That's because you are satisfied with the
17 two people you interviewed --

18 A. Yes.

19 Q. -- and you have a third person coming?

20 A. Yes. Sorry.

21 Q. For the three PE vacancies, you said two of
22 them are on the C track; is that right?

23 A. Yes.

24 Q. That means there are two vacancies on right
25 now?

1 Q. And you said that two of the three people
2 that you interviewed yesterday for the English
3 vacancy, the projected English vacancy, are available
4 before January; is that right?

5 A. Uh-huh, yes.

6 Q. Will they still be district interns when --
7 if you were to hire one of those two teachers, would
8 they still be district interns once they started
9 teaching on the A track at Fremont High School?

10 A. Yes.

11 Q. How long would they have to complete their
12 district internship?

13 A. Normally it's two years. Sometimes it
14 extends to three.

15 Q. Are they midway through completing the
16 district internship now or just beginning?

17 A. No, they just began. Those visits are the
18 initial thing you do when you get into the district
19 intern program.

20 Q. Do you anticipate interviewing anyone else
21 to fill that English vacancy?

22 A. Yes, I have another interview scheduled for
23 Monday, a person who is not a DI.

24 Q. How did you come to get that applicant or
25 that person's resume?

1 A. That's correct.

2 Q. Who is filling those two vacancies?

3 A. One is an off-track teacher named O'Donnell,
4 and the other one is an off-track teacher named
5 DeGrasse.

6 Q. Those two off-track teachers who are filling
7 the two PE vacancies on C track, those two off-track
8 teachers are A track teachers; is that right?

9 A. Yes.

10 Q. They will come back on track at the end of
11 this month; is that right?

12 A. Yes.

13 Q. When they come back on track, who will fill
14 those two PE vacancies?

15 A. This is my plan. I have a young lady that I
16 did a preliminary interview with. The State has not
17 determined yet whether she qualifies for a PE
18 position, but they will qualify her for a sub
19 position. She was a swimmer. She might be minus one
20 class. I would like to hire her as a sub. When she
21 qualifies with the other class, she will be available
22 in January.

23 I have made an offer to another young lady.

24 She is still interviewing and has not made up her
25 mind. I have another teacher that wants to sub, the

1 third one.

2 The difficulty with PE openings, why I have
3 so many, is I'm only interested in woman, and we have
4 only one female PE teacher at Fremont, and with the
5 locker room situation, we need at least three. So
6 I'm trying to encourage only female applicants at
7 this time; otherwise, it's not really fair because
8 the young ladies don't have adequate supervision.

9 So the third opening I will probably fill
10 with an on-track -- I mean off-track teacher when A
11 track starts, and I have someone who wants to starts
12 with that already. So that's the plan.

13 Q. So for the A track, you have a B or C track
14 teacher that wants to fill in?

15 A. Yes.

16 Q. One of the teachers you are interested to
17 have fill one of the three PE vacancies is a teacher
18 who hasn't yet -- who the State has not decided
19 can --

20 You should tell me again, if you will.
21 There's a teacher you may hire for the PE position as
22 a sub. Can you tell me why --

23 A. The difficulty she is having is many of her
24 PE credits are in a sport -- I think she was a
25 swimmer. So she repeatedly got credits for swimming.

1 that teacher can be qualified as a teacher in
2 California public schools doesn't make that decision
3 by the time you would like to hire that teacher, you
4 would anticipate hiring that teacher as a sub; is
5 that right?

6 A. Yes.

7 Q. If you do hire that teacher as a substitute,
8 will you ask the teacher to be taking classes to
9 complete the credential as well?

10 A. Absolutely, plus she already volunteered
11 that that was her plan as well.

12 Q. Okay. Is it -- would it be a condition of
13 her employment as a substitute that she take those
14 classes?

15 A. I don't know. I don't know. I can't answer
16 that.

17 Q. Okay. Have you ever been responsible for
18 hiring any other teachers at Fremont High School as
19 substitutes because they hadn't yet completed
20 requirements for being a teacher in California?

21 A. Yes.

22 Q. When was that?

23 A. This year.

24 Q. For the 2001/2002 school year?

25 A. Yes.

1 They may not like that as far as qualifying you for a
2 PE teacher.

3 Right now the decision is with the State.
4 If she needs to take more PE units, she will do that.
5 She is an excellent candidate.

6 Q. Do you know when the State will make a
7 decision about whether she will be qualified as a
8 teacher?

9 A. No, I don't.

10 Q. Do you know who at the State is responsible
11 for making that decision?

12 A. No.

13 Q. Do you know if it's the commission for
14 teacher credentialing that is working on that
15 decision?

16 A. That would be a logical agency, yeah.

17 Q. Okay.

18 MR. ROZWOOD: Objection. Foundation.
19 BY MS. LHAMON:

20 Q. Why do you think it would be a logical
21 agency?

22 A. Because they are in charge of teacher
23 credentials.

24 Q. Okay. And if whoever at the State is
25 responsible for making that decision about whether

1 Q. For which is that happening -- or which
2 classes?

3 A. I hired one for an English class, and she
4 should be finished by the end of this month, and so
5 she will be available to be hired as a regular
6 English teacher.

7 Q. Okay. Have you done it -- have you hired
8 teachers as substitutes while they were waiting to
9 finish their requirements to be teachers other than
10 with that English and this prospective PE teacher?

11 A. It's possible. I can't remember any
12 specific cases. It's not really a normal thing to do
13 because we normally can find someone that's more
14 outstanding, but this girl is fantastic.

15 Q. When you say "this girl," are you referring
16 to the --

17 A. Yes.

18 Q. -- English teacher?

19 A. Yes.

20 Q. How many English department vacancies were
21 there for the 2001/2002 school year?

22 A. I don't remember.

23 Q. Okay. Do you remember if it was more than
24 five?

25 A. Five might be a good guess.

1 Q. Okay. What is your basis for thinking five
2 would be a good guess or estimate?
3 A. Just my supervision of the English
4 department and looking at first-year teachers and
5 prognosis.
6 Q. So it's fair to say --
7 A. Yes.
8 Q. -- it's somewhere in the neighbor of five --
9 A. Yes.
10 Q. -- for the --
11 A. Yes.
12 Q. Thanks.
13 For -- well, let me step back.
14 Did you have five English department
15 vacancies for the 2000/2001 school year?
16 A. That's what you just asked me.
17 Q. I meant to ask for the 2001/2002 school
18 year.
19 A. Sorry.
20 Q. How many vacancies did you have before the
21 2001/2002 school year?
22 MS. GODFREY: I would like to take a step
23 back because I'm very confused in terms of where you
24 were and where you are now in terms of the school
25 year you are talking about.

1 MS. LHAMON: I can rephrase the question.
2 Q. How many English department vacancies did
3 Fremont High School have for the 2001/2002 school
4 year?
5 MR. ROZWOOD: Vague as to time.
6 BY MS. LHAMON:
7 Q. Total, how many English department teachers
8 new for Fremont have you had to hire or have to hire
9 for the 2001/2002 school year?
10 A. If someone goes July 5th, that would be a
11 vacancy.
12 Q. For the 2001/2002 school year.
13 MR. ROZWOOD: I have to insert an objection,
14 as well, on the grounds the question is compound and
15 vague and ambiguous as to time.
16 MS. GODFREY: Join.
17 MR. ROZWOOD: You can answer the best you
18 can.
19 BY MS. LHAMON:
20 Q. You can take your time.
21 A. We had fewer this year. I can tell you that
22 for sure, but as far as the actual numbers, I would
23 want to do some more research.
24 Q. Okay.
25

1 A. It would be five or fewer.
2 Q. Okay. And for the 2000/2001 school year,
3 you had more English department vacancies than you
4 had for the 2001/2002; is that right?
5 A. Yes.
6 MR. ROZWOOD: Vague as to time.
7 When during the school year? Are you
8 talking during the hiring process? There are a
9 number of different times when the number of unfilled
10 positions fluctuates, and we are unclear about what
11 your question is asking, at least I am.
12 MS. LHAMON: You may be unclear, but
13 Ms. Hines hasn't said she is.
14 MS. GODFREY: I join in the objection.
15 You can answer if you understand the
16 question.
17 THE WITNESS: Are you saying before the
18 school year starts, how many positions do I have to
19 fill before the school year started, like in
20 2000/2001 like in May, June -- say, June of 2000, how
21 many people do I have to hire new to the campus?
22 BY MS. LHAMON:
23 Q. We can do it that way. That's not the
24 question I'm asking, but I'll be happy to --
25 A. I'm not sure I know the answer anyway, but

1 that would probably be the most logical way to look
2 at the problem, and it is a problem filling classes.
3 That year there would be more. I'm probably
4 revising my estimate up for that year. I would say
5 there was as many as eight, and the reason for that
6 is we expanded the number of English classes offered
7 that year for some reason. Maybe our capacity grew,
8 whatever. I don't know. But we did hire a number of
9 new teachers.
10 This year we were more stable, and we didn't
11 hire as many.
12 Q. Okay.
13 A. But there might be as many as five new
14 English teachers on campus this year, but we were
15 able, as we talked about earlier with the assistance
16 of our district, to get fully credentialed teachers.
17 So it doesn't feel like they are new anymore. They
18 know what to do. They have been teachers. It's a
19 lot easier.
20 Q. When you say "it's a lot easier," a lot
21 easier than what?
22 A. It's a lot easier than the year before when
23 we were dealing with teachers not in the classroom
24 before and they needed massive amounts of assistance
25 and we tried to give it to them.

1 Q. Okay. Thanks.

2 For the special education vacancy that you
3 have now on either the B or C track, who is filling
4 that vacancy now?

5 A. That's Ms. Denkins. She is an off-track A
6 track teacher.

7 Q. Okay. She has to go back on track at the
8 end of the month; is that right?

9 A. Yes.

10 Q. Will that vacancy still be on -- that vacant
11 position, is that on A track? That will still be on
12 A track?

13 A. It depends on which track. That one is
14 probably going to be filled. We have someone from a
15 previous school that an administrator was at that
16 wants to come.

17 If not that one, we had another outstanding
18 candidate that we will offer the position to. That's
19 probably not going to be open within the next couple
20 of weeks. That's my really good estimate.

21 Q. And the Spanish vacancy on track C, who is
22 filling that vacancy now?

23 A. That's a problem. We had someone -- you
24 see, that's a position that was created after the
25 school year started because more students needed

1 teachers for that class so far this year, or are
2 there any other substitutes?

3 A. I would assume there was another substitute.
4 I can't call out the name because this gentleman came
5 in about a week after -- the week after the class was
6 going.

7 Q. The off-track teacher?

8 A. The social --

9 Q. There have been at least three teachers for
10 that --

11 A. Uh-huh.

12 Q. -- is that right?

13 A. Uh-huh, yes.

14 Q. You said that -- thank you.

15 You said that you had to add that class
16 because you needed -- there were more students who
17 needed Spanish than the school anticipated; is that
18 right?

19 A. Yes.

20 Q. Why did that happen, there were more
21 students who would need Spanish?

22 MS. GODFREY: Objection. Calls for
23 speculation.

24 THE WITNESS: Okay. The speculation is that
25 any time that you do a master schedule, it's based on

1 Spanish. So we had a teacher in there teaching out
2 of his subject area that was doing it, but now she's
3 not doing it anymore. So we have interviewed
4 actually five or six people, and we have made an
5 offer. I e-mailed her this morning before I came,
6 confirming that we really wanted her to come. So
7 hopefully she will be on board next week if she says
8 yes, but there -- there's not a dearth of applicants
9 for Spanish.

10 Q. You said there was a teacher teaching out of
11 the subject area in that class and not teaching there
12 anymore.

13 Was he an off-track teacher?

14 A. Yes, he was off-track social studies teacher
15 who is bilingual.

16 Q. How come he is not teaching? He's off
17 track?

18 A. No, I did not have that conversation, and
19 I'm certainly going to have it with him because we
20 had it when we put in him there, "We are going to
21 stay until the end of the semester."

22 Q. Okay. Who is teaching it, now that he is
23 not teaching the class?

24 A. I don't know. It's a substitute teacher.

25 Q. Okay. Have there just been those two

1 the information you have at that time, but fewer or
2 more students always arrive than you have programs
3 for so you are guessing which ones or estimating
4 which ones -- which classes you need.

5 So it turns out that that was a class we
6 needed more of. So we made a new position.

7 BY MS. LHAMON:

8 Q. Okay. Is that actually speculation, or is
9 that something you know about why that happened in
10 that class?

11 MR. ROZWOOD: Objection. Before you
12 answer --

13 THE WITNESS: Yes.

14 MR. ROZWOOD: -- objection.

15 Mischaracterizes the witness's testimony.

16 I believe the witness was saying what
17 generally happens when master calendars and
18 assumptions are generally made.

19 I don't believe her testimony was addressed
20 to the specific situation, and I don't think the
21 foundation has been established she knows what
22 happened in this special situation.

23 But you are welcome to answer now.

24 THE WITNESS: I would, based on what
25 happened before, assume -- I have no information

1 indicating it's not similar to what has happened
 2 before --
 3 BY MS. LHAMON:
 4 Q. Okay.
 5 A. -- in all my years.
 6 Q. Okay. That's really helpful.
 7 For the A track computer class vacancy, have
 8 you interviewed any teachers for that vacancy?
 9 A. Yes, I have, and I have two more interviews
 10 set up for that class.
 11 Q. Okay. How many total teachers have you
 12 interviewed for that computer vacancy?
 13 A. Three and two are scheduled.
 14 Q. Have you made any offers to fill that
 15 vacancy?
 16 A. No.
 17 Q. Going back to the PE vacancies, have you
 18 made any offers to fill those vacancies?
 19 A. Yes.
 20 Q. Have those offers been turned down?
 21 A. It wasn't turned down. She just hasn't made
 22 up her mind yet.
 23 Q. It's just the one offer?
 24 A. Right.
 25 Q. And for the special education vacancy, have

1 Other than the open positions, the three
 2 positions -- the special education, Spanish, English,
 3 and computer positions -- were there any other
 4 vacancies during the 2001/2002 school year at Fremont
 5 High School?
 6 A. You mean after the school year started?
 7 Q. Uh-huh, I do.
 8 A. Yes. And I'm thinking one more that we have
 9 right now too.
 10 The one that was -- the one that we filled
 11 after the semester started was choral music, and
 12 right now we currently have an instrumental music
 13 opening, and we have four or five interviews
 14 scheduled for that next Thursday.
 15 Q. Okay. What class -- what track is
 16 instrumental music on?
 17 A. It's on A track.
 18 Q. Have you made any offers to fill that
 19 vacancy yet?
 20 A. No.
 21 Q. And the choral music vacancy, what track is
 22 that on?
 23 A. C track.
 24 Q. When did you fill that vacancy?
 25 A. About three weeks ago.

1 you made any offers to fill that vacancy?
 2 A. That one was arranged by another
 3 administrator, and she is dialoguing with the
 4 individual she worked with before, and I said that
 5 you need to give him a deadline to make up his mind
 6 so we can pick up the other young man we are waiting
 7 to interview because we are waiting to see if her
 8 friend -- not friend, colleague.
 9 Q. And an offer --
 10 A. Yes.
 11 Q. -- has been made --
 12 A. Yes.
 13 Q. -- to that colleague?
 14 For the Spanish vacancy, how many total
 15 offers did you make to fill that vacancy?
 16 MR. ROZWOOD: Objection. Asked and
 17 answered.
 18 She made one offer.
 19 MS. GODFREY: Join.
 20 MS. LHAMON: She didn't testify she made
 21 one. That's a speaking objection.
 22 THE WITNESS: I made one offer.
 23 MS. GODFREY: Join.
 24 BY MS. LHAMON:
 25 Q. Okay. Thank you.

1 Q. Who was teaching the class before the
 2 vacancy was filled -- classes? Sorry.
 3 A. I'm trying to remember. Okay. I know.
 4 Ms. Fernandez.
 5 Q. Is she an off-track teacher?
 6 A. Yes.
 7 Q. What track does she teach on?
 8 A. "A" track.
 9 Q. Other than these positions that you've
 10 described that you filled during the 2001/2002 school
 11 year, were there any other teachers who taught at
 12 Fremont High School during the 2000/2001 school year
 13 who left the school and whose positions were filled
 14 before the 2001/2002 school year began?
 15 A. Yes.
 16 Q. How many positions were those?
 17 A. I'd have to compute, but I'm thinking --
 18 because I'm so familiar with language arts, there
 19 were at least three young men that left in language
 20 arts, and those were filled before the school year
 21 started.
 22 Q. Can you think of any others?
 23 A. I can't remember who left. I'm thinking of
 24 a science one. I know there are more, but I just
 25 don't have all the information in front of me.

1 Q. Okay. Well, for the science one, what
2 science class did that teacher teach?
3 A. That was a biology class.
4 Q. Okay. Was it one biology class, or the
5 teacher taught five biology classes?
6 A. Oh, five biology classes.
7 Q. And that position was filled before the
8 school year began; is that right?
9 A. Yes.
10 Q. Okay. For the three language arts
11 positions, were those -- is language arts the English
12 department or different department?
13 A. It's English.
14 Q. What English classes do those teachers
15 teach?
16 A. They could have a combination of anything.
17 Normally a teacher has two different preps -- English
18 9, English 10, eleventh grade, or the senior English
19 classes. So a new teacher coming in wouldn't
20 necessarily pick up the same schedule that an older
21 teacher left because schedules fluctuate from year to
22 year. But there were at least those three young men
23 that left, and we had all of our English people in
24 place when school started in July.
25 Q. Okay. For the three language arts positions

1 Q. Do you have any other Teacher for America
2 teachers at the school?
3 A. No.
4 Q. Do you know how many of the teachers at
5 Fremont for the 2001/2002 do not have full
6 nonemergency credentials?
7 A. I'm splitting about 25 percent to
8 30 percent.
9 Q. On what do you base that estimate?
10 A. We had to fill out a report like that last
11 year, and to my knowledge, that was a ballpark range
12 that it fell in, and if anything, it's going to be
13 lower this year.
14 Q. Because of the hiring that you've made?
15 A. Yes.
16 Q. Is one reason it's going to be lower that
17 the Los Angeles Unified School District has decided
18 that District I and District G get priority on
19 credentialed teachers?
20 A. That's one reason.
21 Q. What is the other reason?
22 A. We were fortunate enough to find people that
23 were currently working at other schools that, for one
24 reason or another, they wanted to leave and someone
25 referred them to us, and we are happy to choose them.

1 that you filled -- at least three you filled before
2 the school year started, did you fill those with
3 teachers who had full nonemergency teaching
4 credentials?
5 A. Two of them I'm remembering were people
6 fully credentialed. It's really just a joy because
7 they can start -- just start teaching without a lot
8 of questions. And one I did fill with the substitute
9 who is outstanding, and she has -- her brother works
10 there. So she gets a lot of family assistance as far
11 as knowing the culture of the school, but she is just
12 miraculous in the classroom for a first-year teacher.
13 Q. That's great. Okay.
14 And the science position that you filled
15 before this current school year started, was that
16 teacher a full nonemergency credentialed teacher?
17 A. I believe she is an emergency. She is an A
18 track teacher. She is currently there subbing, and
19 she has taught before for a couple of years.
20 She was working for TFA. She was one of the
21 directors for TFA and another outstanding young lady,
22 but I think her credential would be reading
23 emergency.
24 Q. And TFA is Teacher for America; correct?
25 A. Yes.

1 So...
2 Q. Do you know for whom Fremont needed to fill
3 out the information of the number of uncredentialed
4 teachers it hired last year?
5 A. No, I don't know. I'm sure it's some office
6 in Los Angeles Unified, but I don't know.
7 Q. Okay. Does Fremont High School ever receive
8 assistance from anyone at the state level to fill
9 teacher vacancies at Fremont High School?
10 MR. ROZWOOD: Objection. Vague and
11 ambiguous as to the term "state."
12 You can answer to the best of your
13 understanding what that term refers to.
14 MS. GODFREY: I'm going to join as vague and
15 ambiguous as to the term "assistance."
16 THE WITNESS: Okay. Not to my knowledge has
17 anyone identified themselves as a State
18 representative wanting to help --
19 BY MS. LHAMON:
20 Q. Okay.
21 A. -- fill vacancies.
22 Q. Have you ever notified anyone at the state
23 level of vacancies at Fremont High School?
24 A. No.
25 Q. Does anyone --

1 A. Well, maybe so -- excuse me -- about that --
2 the lady I talked about earlier, Beth Brennemann. We
3 had a conversation, and she works for the Department
4 of Ed, and at that time I needed an ESL -- or some
5 reason we were talking about ESL, but I had no
6 assumption that they would actually research for me,
7 but I did mention it to her.

8 Q. In what context did you have that
9 conversation --

10 A. That --

11 Q. -- with Beth Brennemann?

12 A. -- was at the California -- one of the
13 literacy meetings that they set up for us earlier at
14 Anaheim High School.

15 Q. Why is it that you didn't have an assumption
16 that Beth Brennemann would actually research your
17 needs for an ESL --

18 A. Well, that's not really her job.

19 Q. Okay. So it just came up in conversation
20 with her?

21 A. Yeah, it was a casual conversation.

22 Q. Okay. Does anyone at the state level ever
23 inquire of Fremont High School whether there are
24 teacher vacancies at the school at the start of a
25 school year or semester?

1 MR. ROZWOOD: Objection. Are you including
2 in the term "state" the L.A. Unified School District
3 for purposes of clarity of your question?

4 MS. LHAMON: I'm not.

5 MR. ROZWOOD: Outside the L.A. Unified
6 School District, then. Okay. Thank you.

7 THE WITNESS: No, not to my knowledge.

8 BY MS. LHAMON:

9 Q. Okay. Do you have to report the number of
10 vacant teacher positions at Fremont High School to
11 anyone at the State level?

12 A. No.

13 Q. Okay. Do you ever report the number of
14 vacant positions at Fremont High School to anyone at
15 your local district?

16 A. Yes.

17 Q. In what context do you do that?

18 A. We currently have people still downtown
19 interviewing or screening candidates for us, and
20 different people call.

21 There are two individuals that do that
22 pretty regularly, and they actually call me every
23 other day to check to make sure that the personnel
24 specialist is up to date with our vacancies.

25 So I think they are really actively trying

1 to assist us.

2 Q. And is it correct that you haven't told them
3 about the projected English vacancy, though?

4 A. That's correct.

5 Q. How come?

6 A. Because I just found out Monday and because
7 I had so many applicants already to chose from and I
8 was pleased with what I saw that, if I tell them
9 that, they will just put it on their list, and I'll
10 get 20 more calls, and if I have three I already
11 like, I don't need 20 more calls. I'm just too busy.

12 Q. Okay. When you have reported vacancies to
13 people at the local district level, what is the
14 regular course of what happens next?

15 A. I assume it appears on some list in some
16 office, and so that when they get a candidate in
17 front of them, they go down the rosters and say,
18 "These are the schools you have to choose from,"
19 because -- the reason I'm assuming that is because
20 this gentleman always asks me, "Do you have more?"
21 So I assume he is interviewing people and doing
22 intake that way.

23 Q. Okay. Did the local district office --
24 strike that.

25 Was the process for the local district

1 office responding to your need for teachers at
2 Fremont High School the same for the last school year
3 as it is for this school year?

4 A. No.

5 Q. How did it differ?

6 A. I don't believe that anyone from the local
7 district was downtown actually screening candidates.
8 If someone was doing that, I was not aware of it.

9 Q. Okay. So that's new this year that someone
10 from the local district is downtown screening
11 candidates?

12 A. Yes.

13 MS. GODFREY: Misstates prior testimony. If
14 there was one, she didn't know.

15 MS. LHAMON: I'm sorry. That's fair.

16 Q. To your knowledge, it's new this year?

17 A. Yes.

18 Q. Are you involved in recruiting teachers to
19 Fremont High School?

20 A. Involved in recruiting?

21 Q. Yes.

22 A. What do you mean exactly by "recruiting?"

23 Q. Do you solicit applications? Do you go to
24 graduate schools in education to talk to people who
25 might want to be teachers? Do you take any steps to

1 encourage potential candidates to come to Fremont
 2 High School?
 3 A. I think we did talk about this. I do send
 4 out fliers. I am invited to various locations.
 5 Today I'm here, but people are at one of the schools
 6 screening district intern candidates.
 7 Next week there's an invitation to go
 8 somewhere to some location and interview people. The
 9 DI's, their office, they always want posters and
 10 fliers about what is available. So I make those
 11 fliers and send them to them.
 12 I just do a lot of casual recruiting. I
 13 really do.
 14 Another thing I do is I make sure the
 15 faculty know about it because they are my best source
 16 of referrals, and we've received a number of
 17 outstanding candidates that way.
 18 Q. What counts as casual recruiting?
 19 A. Casual?
 20 Q. The recruiting that you do.
 21 A. In a casual conversation with someone, "Are
 22 you interested in a career change or teaching," or
 23 you are figuring out what their career goals are.
 24 For example, I hired an English teacher.
 25 She was walking by the library with her sister. Her

1 sister is a counselor at another school. And I said,
 2 "Are you interested in coming to Fremont," casual.
 3 "Yes, I am."
 4 Now she is at Fremont as a counselor. We
 5 filled an opening that way. I'm always doing things
 6 like that at parties and whatever. The teachers do
 7 too.
 8 We recruited an outstanding math teacher.
 9 He was a clerk at Vons. He was going to Cal State
 10 Dominguez, getting a degree.
 11 Q. I take it the casual recruiting method is
 12 successful for you?
 13 A. Yes, it is. Yes, it is.
 14 Q. Okay. Do you know if other schools in the
 15 Los Angeles Unified School District have the same
 16 level of success in recruiting teachers to their
 17 schools that Fremont has?
 18 MS. GODFREY: Objection. Vague and
 19 ambiguous and calls for speculation -- well, you
 20 asked do you know. I'm sorry.
 21 You can answer. Sorry.
 22 THE WITNESS: I'm thinking what I want to
 23 answer.
 24 In conversations with administrators and
 25 people throughout other locations, comments have been

1 made and I think one was even printed in
 2 the "L.A. Times" by Debbie Liedner, saying, for
 3 example, she thought it was fair we got all that
 4 priority treatment because she had so many candidates
 5 without that priority treatment.
 6 So I'm assuming it might be easier based on
 7 what she said and casual conversations for
 8 administrators in other locations to interview and
 9 have access to candidates.
 10 We receive a number of unsolicited resumes,
 11 but I'm guessing, based on that information, that
 12 other schools may receive more.
 13 BY MS. LHAMON:
 14 Q. You said that Debbie Liedner --
 15 A. L-i-e-d-n-e-r.
 16 Q. Is she a principal at one of the
 17 L.A.U.S.D. --
 18 A. No, she is one of the district
 19 superintendents for one of the Valley regions.
 20 Q. When she said her schools get more
 21 applicants -- will get other applicants, she was
 22 referring to the schools in her local district; is
 23 that right?
 24 A. Yes.
 25 Q. Do you know if other schools in the state of

1 California outside the L.A.U.S.D. school district
 2 have the same success in recruiting their teachers to
 3 their schools that Fremont High School has?
 4 A. No, I don't know too much about statewide
 5 efforts.
 6 Q. Okay. Are there particular subjects for
 7 which you have trouble recruiting teachers at Fremont
 8 High School?
 9 A. Yes.
 10 Q. Which subjects are those?
 11 A. Female PE.
 12 Q. Okay.
 13 A. I don't know if I mentioned it, but that's
 14 why I have three openings, because I want women. But
 15 I can't really say that because it's probably against
 16 Title I.
 17 Q. You just said it now.
 18 A. I can say it here, but when I'm interviewing
 19 a candidate or when someone calls.
 20 Q. Other than female PE, are there any other
 21 subjects for which you have trouble recruiting
 22 candidates?
 23 A. Some are more difficult, but no. It was a
 24 while to fill most of our special ed vacancies and
 25 our math vacancies, but it's just harder. I would

1 say the trouble is female PE.

2 Q. Is it a distinction that female PE is the
3 hardest?

4 A. Yes, in my experience at Fremont High
5 School.

6 Q. Is that based on your experience over the
7 years or just this school year at Fremont?

8 A. It's based on my last two years when I was
9 doing all the hiring, and I'm speculating that it was
10 true for the other administrator that was hiring PE
11 before me because he hired all these men. So...

12 Q. Okay.

13 A. I'm trying to hold the line. I'm trying to
14 get the women in here.

15 Q. Okay. Putting aside the female PE teachers,
16 why do you have difficulty hiring special education
17 teachers at Fremont? Do you know?

18 A. Actually this year we have not had a great
19 deal -- we had a number of openings, but for some
20 reason, we got a lot of really qualified applicants.

21 I would assume it's a really difficult field
22 to teach. For example, when you teach special ed LH,
23 you really need to teach all the subjects: English,
24 math, science. You are hired as a special ed
25 teacher, not a subject teacher, although at Fremont

1 qualified English teachers than math.

2 The ones we get, a lot of them might be old
3 aerospace retirees and not really interested in
4 students and student achievement. So it's difficult
5 to find someone that I feel would be the right person
6 for our kids.

7 Q. Okay. What are the things that you look for
8 in a teacher when you are looking to hire teachers?

9 A. I think it's a passion for actually teaching
10 their subject. They need subject knowledge. They
11 need to really care about kids and really be
12 concerned and love helping them learn.

13 Q. Those are the two main things?

14 A. Uh-huh, yes.

15 Q. Okay. Does experience matter to teaching?

16 A. Yes.

17 Q. How does it matter?

18 A. Well, you are talking about teaching
19 experience?

20 Q. Yes. Thanks.

21 A. Sometimes other things than experience helps
22 too, but the teaching experience, if you have that, a
23 lot of times if you are a successful teacher or most
24 times if you are a successful teacher, you have the
25 routines down. You know how to take roll, you know

1 we try to have the teacher teach within an academic
2 area, by and large.

3 So it would be hard. The students are
4 challenging. I think it's more difficult to see
5 progress, plus it's a whole different credential. So
6 that may be why it's not an attractive field for
7 young people to go into.

8 Q. You referred to "LH." What does "LH" stand
9 for?

10 A. Learning handicap.

11 Q. Thanks.

12 You also testified that you have difficulty
13 hiring teachers in math. Do you know why you have
14 difficulty finding math --

15 A. Based on the resumes, there are very few
16 math majors that come in that really want to be math
17 teachers. I don't think that that field attracts a
18 lot of young people.

19 Maybe they want to be engineers or
20 something, but a pure math major wanting to be a math
21 teacher I find is relatively rare.

22 Take a field like English. It's such a
23 broad field, and there's people in the film industry
24 and all the things we have in Los Angeles that
25 attract those types of people. It's easier to find

1 how to get kids to behave, you know about all those
2 reports due at a school. So you kind of got the
3 paperwork stuff attained and you are kind of familiar
4 with the expectations. Even though you are switching
5 schools, you know those routines and patterns which a
6 new person would not know. So that's helpful.

7 You probably have mastered student
8 discipline. So that's how it's helpful. But you
9 know, sometimes an experienced teacher may have all
10 that down, but they are still not really good for
11 kids. So that's an aspect of the interview for me.

12 Q. Uh-huh.

13 And on what do you base thinking that
14 experience matters to teaching? Is it your years of
15 experience as an administrator or something else?

16 A. Yes, I suppose it's my years of experience
17 as an administrator and visiting classrooms.

18 Q. Okay. Thank you.

19 What kind of support does Fremont offer to
20 new teachers at the school?

21 A. We have mentor teachers. We had buddy
22 teachers. We have new teacher meetings. We had
23 Rodriguez money last year, and we don't know what
24 that budget is going to look like this year, but that

1 was money designed for new teacher support.
 2 So those are some of the things we have.
 3 Q. When we talk about new teachers, do you
 4 understand the phrase to mean teachers who are new to
 5 the teaching profession or teachers who are new to
 6 Fremont High School?
 7 A. Depends on the context.
 8 Q. How about right now when I just asked you?
 9 A. When you asked that question, I assumed
 10 teachers new to the teaching program.
 11 Q. The buddy teacher program, the mentor
 12 program, the new teacher meetings, and the Rodriguez
 13 money for new teachers at Fremont High School, those
 14 are things that go to teachers that are new to the
 15 teaching profession?
 16 A. No, there's a distinction. For example, the
 17 experienced teacher, they would get a buddy but not a
 18 mentor, but they would get all the other things, but
 19 sometimes they feel that the new teacher needs are a
 20 little bit redundant for them.
 21 So we have optional new teacher meetings
 22 every Wednesday at lunch and required new teacher
 23 meetings once a month. So they only have to come to
 24 the required ones if they taught before.
 25 Q. Okay. Well, let's take the mentor teacher

1 always that way. So they just get someone that's
 2 been there who knows how to do the forms.
 3 If I have a choice, yes, I'll give it to the
 4 same subject.
 5 Q. Why is it that, if you have the choice, that
 6 you would do the same subject?
 7 A. They would be more knowledgeable about the
 8 curriculum. Normally if you have a curriculum
 9 question -- I gave the teachers information about
 10 this, who they see. If they have a curriculum
 11 question, they should see the department chair, but
 12 they could see the buddy if the buddy would know the
 13 answer.
 14 Q. Any teacher who is new to teaching at
 15 Fremont gets a buddy teacher; is that right?
 16 A. Uh-huh, yes.
 17 Q. The mentor teachers are only new to the
 18 teaching profession; is that right?
 19 A. Well, not exactly. If you are a second-year
 20 district intern, you still are obligated, according
 21 to the district, to have a mentor, and you could have
 22 taught two years and then go into the district intern
 23 program.
 24 The way the district is structured, it could
 25 really be your fourth year teaching and you still get

1 and buddy teacher programs. How do those two
 2 programs differ?
 3 A. The buddy teacher is just an in-house
 4 arrangement, and normally I assign someone that's
 5 next door to the teacher that's an experienced
 6 teacher so, if they have any question they can't
 7 answer right away, they can go next door or send a
 8 student next door or whatever works and get an answer
 9 right then.
 10 If they are new to the campus, an
 11 experienced teacher may need a buddy because they
 12 don't know in a situation like where an office is
 13 located or what form to use.
 14 The mentor is based on district
 15 requirements. There is a strict structure for that
 16 based on district requirements, and so they are
 17 assigned based on the requirements the district gives
 18 us.
 19 Q. Okay. Talking about a buddy teacher
 20 program, you said that you try to assign new teachers
 21 to Fremont's campus to an experienced teacher next
 22 door.
 23 Would the experienced teacher be necessarily
 24 teaching in the same department as the new teacher?
 25 A. I try to do that if I can, but it's not

1 a mentor, according to this program.
 2 Q. Are there any other teachers who might not
 3 be brand new to the teaching profession but who also
 4 are required to participate in the mentor teaching
 5 program?
 6 A. Yes.
 7 Q. Who else?
 8 A. Those would be the preinterns.
 9 Q. So the preinterns and the district interns
 10 both participate as well as brand-new teachers for
 11 the teaching profession participate.
 12 Would teachers who teach on emergency
 13 teaching credentials also be required to participate
 14 as a mentor?
 15 A. Actually the "required" word is bothering me
 16 a little bit.
 17 We elect mentors -- well, we select mentors
 18 at our school. So we match up whoever needs a mentor
 19 with these mentors, and we have to assign them in a
 20 certain order, and we start out with district interns
 21 and preinterns. Then after all those people are
 22 assigned, then we go down to, I think, university
 23 interns is up there too. Probation -- no. Next is
 24 emergency, and then it's probationary. So there's a
 25 hierarchy.

1 Then when you stop having mentors, then
2 there's some people left over, and you give that
3 leftover -- well, at Fremont there are -- you give
4 that leftover list to the district.

5 Then if there are mentors in the area that
6 travel, they would assign those people to those
7 traveling mentors.

8 That has never happened. All the time we
9 have been at Fremont, they have never given us a
10 traveling mentor.

11 That's the way the system is set up.

12 Back to your original question, I think that
13 helps a little bit.

14 Q. That helps a lot.

15 Is it correct that -- well, you said it's
16 never happened, since you have been working at
17 Fremont, that the district has sent a traveling
18 mentor teacher for teachers at Fremont; is that
19 right?

20 A. Yes.

21 Q. Every year that you've been an administrator
22 at Fremont, have there been some leftover teachers
23 who could participate in the mentor teaching program
24 who don't get a mentor?

25 A. Yes. What we are talking about, the

1 Is it correct that the district preintern is
2 first?

3 A. No, first is DI's and university interns.

4 Q. DI are district interns?

5 A. District interns and university interns.

6 Q. They are first on the hierarchy of getting
7 assigned to a mentor teacher?

8 A. Yes.

9 Q. Who is next?

10 A. Preinterns.

11 Q. Then there's -- you say "preinterns." That
12 is a district preintern; is that correct?

13 A. Yes.

14 Q. Is there a university preintern?

15 A. Not to my knowledge.

16 Q. Okay. After the district preinterns, who
17 comes next in the hierarchy of getting assigned to a
18 mentor teacher?

19 A. Emergency VY's.

20 Q. What does "VY" stand for?

21 A. I have no idea. The list all have initials.

22 So I'm putting my initials down to remember.

23 Q. Okay. Is there anybody who comes after
24 emergency credentialed teachers or VY?

25 A. Yes, probationary.

1 official assignment -- officially, according to L.A.
2 Unified, each mentor is supposed to have two mentees.
3 That's in theory.

4 What really happens is the mentors help the
5 other teachers that need help. They have two
6 official mentees on paper. Some of those official
7 mentees, for example, are second- or third-year
8 district interns who have been emergency before that,
9 and they really need a minimum amount of help. So
10 they help the teachers that are really brand new. So
11 they have the services of a mentor, but that's not
12 really an official assignment. It's an in-house
13 thing that we will -- so that everyone gets the help
14 they need.

15 Q. Okay. So you ensure that any new teacher on
16 campus gets some help from an experienced teacher on
17 campus; is that right?

18 A. I try to, yes.

19 Q. Even if the district program doesn't
20 actually assign them, you make sure that the new
21 teachers have somebody to work with them?

22 A. Yes.

23 Q. I want to make sure I understand the
24 hierarchy of how people are assigned to mentor
25 teachers.

1 Q. Is there anybody who comes after the
2 probationary teachers?

3 A. I don't think so.

4 Q. Okay. In your experience at Fremont High
5 School, has it been only probationary teachers who
6 have not been able to be assigned a mentor teacher by
7 the district or someone else? Emergency teachers?

8 MR. ROZWOOD: Objection. Compound, vague
9 and ambiguous.

10 MS. GODFREY: Join.

11 MR. ROZWOOD: You can answer.

12 THE WITNESS: Yes, it's also been emergency
13 teachers.

14 BY MS. LHAMON:

15 Q. Okay. In your experience, has it only been
16 emergency teachers and probationary teachers who have
17 not been assigned mentor teachers at Fremont High
18 School?

19 A. I can't remember exactly, but I know we run
20 out of mentors early in the year, and we hire late
21 into the year. So it could be any category of person
22 that comes in the spring that's hired, be they
23 university interns or preinterns or whatever. I
24 operate the same anyway. I just make sure somebody
25 gets assistance.

1 Q. But teacher hired midway through the school
2 year won't be able to be assigned a mentor teacher
3 most of the time?

4 A. That's correct, officially.

5 Q. Right. I appreciate that distinction.

6 Okay. Thank you.

7 I notice your counsel looking at her watch.

8 Let's go off the record.

9 (Off the record.)

10 BY MS. LHAMON:

11 Q. We talked about the mentor teacher and buddy
12 teacher program. You talked about the weekly
13 meetings that are optional and monthly meetings that
14 are required; is that right?

15 A. Yes.

16 Q. On the -- during the week of the required
17 monthly meeting, is there an additional optional
18 weekly meeting, or does the monthly meeting replace
19 that meeting?

20 A. That's a good question. I don't know. I
21 assume there's still the lunch one. The lunch one is
22 very casual, and they go to a teacher's room, and
23 it's like a support type of thing. There's no
24 agenda. I assume that happens every Wednesday.

25 Q. Okay. And you said it was casual and

1 experienced teachers, and so far, this seems to be
2 working fine.

3 Q. And you say this is the first year. That's
4 the 2001/2002 school year?

5 A. Right.

6 Q. They didn't take place during the 2000/2001
7 school year?

8 A. Not the lunch meeting.

9 Q. The monthly meetings, did that take place
10 2000/2001?

11 A. The structure was happening once a week for
12 about six weeks for a new teacher. Then we did not
13 have any more structured meetings. That was last
14 year. And the year before, we had it that way. So
15 we replaced it with a new structure for this school
16 year.

17 Q. That monthly meeting required for new
18 teachers, is that something that Fremont operates, or
19 is that something that the district operates?

20 A. No, that is a Fremont meeting.

21 Q. What happens at that monthly meeting?

22 A. You will have one or two administrators
23 talking about school policies.

24 The first meeting, I believe, discussed
25 discipline with the assistant principal in charge of

1 there's no agenda.

2 Are there experienced teachers who also
3 attend that meeting to help the new teachers, or is
4 it just the new teachers at those lunch meetings?

5 A. No, there are experienced teachers there
6 too.

7 Q. Have you ever gone to any of those lunch
8 meetings?

9 A. No. I tried once, but I didn't get there.

10 Q. It wasn't that they didn't let you in?

11 A. No, no, I can go, but I have supervision,
12 and that particular day that I was going to go, there
13 was another meeting I had to go to.

14 Q. Okay. For how long has the new teacher
15 weekly meeting been in existence at Fremont High
16 School?

17 A. This is a first year for that.

18 The lunch meeting?

19 Q. Yes.

20 A. Yes, this is the first year for the lunch
21 meeting.

22 In the past what we did is structure the
23 meetings once a week after school and everyone was
24 expected to attend, but we changed it based on some
25 recommendations from newer teachers that are now

1 discipline and the assistant principal in charge of
2 counseling services who talked about enrolling new
3 students in the classes. That type of thing.

4 So it was general school procedures in a
5 formal presentation.

6 Q. Okay. And for the teachers who are off
7 track at the time that a monthly meeting takes place,
8 are they required to go to the meeting also?

9 A. No.

10 Q. Do they get training when they come back on
11 track on the topics that were covered during that
12 monthly meeting that took place when they were off
13 track?

14 A. Because this is a new structure, I can't
15 answer how it's going to happen this year.

16 Q. Okay.

17 A. My vision is there will be a different topic
18 at each meeting.

19 We have one other thing that we do for the
20 new teachers, and that is, before they come on track
21 or before they start, they can spend two days in the
22 classroom with teachers that will be helpful to them,
23 and we compensate them for that.

24 So they may have individual concerns,
25 especially curricular concerns, that will be

1 introduced at that time.

2 Q. Turn to that for just a moment.

3 If a teacher -- the teachers are not
4 required to partake in that extra two days
5 beforehand; is that right?

6 A. No, they are not required.

7 Q. If they choose to, do they attend classes in
8 their same department?

9 A. They wouldn't have to, but usually everyone
10 does because you are trying to get the curriculum for
11 the classes you are going to teach.

12 I haven't -- well, the only one that I can
13 think of that did not do that was the music teacher
14 and that was because there wasn't any music teacher
15 classroom to sit in. So he actually worked with the
16 English department mentor, but normally a teacher
17 would sit in classes in the department he is going to
18 teach.

19 Q. Okay. So turning to the new required
20 monthly meetings, you testified that you anticipate
21 having a different topic offered at each meeting; is
22 that right?

23 A. Yes.

24 Q. Do you have a plan in place for covering
25 material that was covered in the meeting that

1 A. I suppose it depends on what they are
2 handing out.

3 For example, the assistant principal in
4 charge of the discipline is going to be handing out
5 the discipline policy. So all the teachers in school
6 would have that already, and those teachers may have
7 already got it.

8 At the opening meeting when he's talking
9 about it specifically, he will bring it to the
10 meeting, and the teacher will have another copy to
11 look at.

12 Q. Okay. And then you said that another
13 category of assistance for new teachers is this
14 Rodriguez money is designed for new teachers; is that
15 right?

16 A. Yes.

17 Q. What does that Rodriguez money fund?

18 A. That funds supplies. In the past it's
19 funded supplies. It can fund staff development. It
20 can fund teachers visiting other classes. It funds
21 those visits to the two days of visits.

22 So it's pretty much at the discretion of the
23 administration how best to use that money. Those are
24 some of the ways that we've used it.

25 Q. And the money is earmarked for new teachers;

1 off-track teachers missed when they come back on
2 track?

3 MS. GODFREY: Objection. Asked and
4 answered.

5 THE WITNESS: Okay. The way I felt that
6 would be covered is that, if a teacher has two days
7 preservice visit, that some of those questions might
8 be answered then.

9 BY MS. LHAMON:

10 Q. Okay.

11 A. They could also be answered in a casual way
12 at the lunch meetings, and they could also be
13 answered by their buddy.

14 Right now there's not a plan in place, but
15 the person who is coordinating the whole program is
16 an off-track teacher.

17 Q. Okay.

18 A. When she comes on track, I know we will work
19 out more specific details. First time through this
20 year. So...

21 Q. Okay. Are there handouts that are given to
22 teachers at these monthly meetings?

23 A. Yes.

24 Q. Would those handouts be given to all the
25 teachers, including the off-track teachers too?

1 is that right?

2 A. Yes.

3 Q. What is Rodriguez? Is Rodriguez a name of a
4 lawsuit?

5 A. Rodriguez Consent Decree, I think, is the
6 whole name of that.

7 Q. Okay. Thanks.

8 Are there teacher preparation days that are
9 especially for new teachers at Fremont High School?

10 A. No, the only ones we have are the ones that
11 they can come in two days before.

12 Q. Okay.

13 A. We can fund that. They can also come in and
14 not be funded too. It's pretty open. And any time
15 they want to come in and observe and get some
16 assistance before they begin teaching, they can, but
17 that's all we have in place right now.

18 Q. Okay. And are there any in-class reviews of
19 new teachers teaching that take place at Fremont High
20 School?

21 A. All teachers are evaluated by their
22 administrator.

23 Q. Nothing different for new teachers?

24 A. No, other than -- no, not really, because

25 some of them are evaluated on emergency format and

1 some on the regular stull.

2 For example, someone coming in with a full
3 credential for another school would have a normal
4 stull evaluation form and an emergency would
5 eventually be evaluated on the provisional form, and
6 the same concerns are looked at in each classroom.

7 Q. How do the evaluation forms differ?

8 A. The final evaluation forms differ because
9 the categories are more specific on the permanent
10 teachers.

11 There are five different categories -- I
12 think we talked about this before -- five different
13 ones, and under each of those categories are spelled
14 out different specific areas of concern, and on the
15 new teacher form are -- the provisional form there
16 are only five general categories that more or less
17 match up to the permanent teachers but not exactly.

18 What we do is we use the categories and the
19 specifics listed on the permanent teachers evaluation
20 form, and we look for those in each of the
21 classrooms.

22 Q. Okay. Thanks.

23 Do you visit teacher classrooms to monitor
24 the quality of their teaching?

25 A. Yes.

1 Q. "Reviewing."

2 A. Oh, "reviewing."

3 Actually I did find it helpful, but the
4 difficulty with it was that we have so many teachers
5 to evaluate in our department and giving us 25, say,
6 more teachers is kind of an unreasonable workload. I
7 did think it was important because I saw things I was
8 totally not aware of because I seldom was in a math
9 class, and I saw some things.

10 Yeah, I do, but I don't know how there's
11 enough time to do both of the programs, the required
12 stull visits plus the 25 or more other visits.

13 So anyway. Yeah, I think it was helpful,
14 but I don't think it was able to be carried out in
15 the manner it was intended.

16 Q. Okay. Can you think of a way to modify that
17 new program so that you would get some of the
18 benefits and also be able to carry it out in a way
19 that would work well at Fremont High School?

20 A. Probably you would have to involve people
21 other than the administrators' peer review assistance
22 from coordinator assistance from department chairs.
23 Those are some of the ways that it might be modified
24 to help. So...

25 Q. Okay. For that program, the new District I

1 Q. And is it just the English department
2 classrooms that you visit?

3 A. No. I'm sometimes in other classrooms. And
4 last year the district had a formal program in
5 place -- and that was District I -- where we were
6 visiting teachers that we deemed needed extra
7 assistance, and we were all obligated to visit all of
8 those teachers. So we would be visiting teachers
9 outside of our discipline.

10 Q. You said "we were all obligated to visit all
11 of those teachers." Does that mean all
12 administrators were deemed to visit any teacher who
13 needed special assistance?

14 A. Yes.

15 Q. That was a District I program?

16 A. Yes.

17 Q. And it was new last year?

18 A. Yes.

19 Q. Do you know why the local District I
20 implemented that program?

21 A. No, not specifically. I assume they felt
22 there was a need for it.

23 Q. Okay. Did you find that program helpful in
24 reviewing teachers at Fremont?

25 A. "Interviewing"?

1 program, how is the determination made for which
2 teachers need the help to be reviewed?

3 A. At Fremont High School, the administrator
4 met and made that determination based on information
5 that we had in past visits.

6 Q. Uh-huh.

7 So for example, because you primarily were
8 responsible for the English department, you would say
9 these are the English teachers that need some extra
10 help; is that right?

11 A. Yes.

12 Q. Then another teacher who was responsible for
13 math would say these are the math teachers?

14 A. Yeah, another administrator.

15 Q. And other administrators would be
16 responsible for visiting all of the teachers --

17 A. Yes.

18 Q. -- who are listed; is that right?

19 A. Yes.

20 Q. Is that program in place again this year at
21 Fremont High School?

22 A. Not yet.

23 Q. Do you know if it will be?

24 A. I really don't know.

25 Q. Okay. For teachers who were participating

1 in this special District I program, do you know how
2 often those teachers were visited in their classrooms
3 by administrators at the school?

4 A. I know probably most of them had two or
5 three visits, an estimate. I think that we started
6 out with good intentions because we saw that it was
7 probably something that needed to be addressed.

8 Then we became involved in all of our other
9 obligations and our normal stull visits, and we
10 needed to make sure that the stull visit time lines
11 were met, but that's an official L.A. Unified School
12 District process. So as a school, the administration
13 of that had to take priority because we determined
14 that was the priority at the big district. So we
15 weren't able to complete the District I program, to
16 my way of thinking, in a satisfactory manner
17 because -- I don't think so.

18 Q. Okay. Did you communicate to anyone at the
19 District I that you didn't believe that Fremont was
20 able to complete that new program to your
21 satisfaction?

22 A. Not in an official way.

23 Q. In an unofficial way did you communicate
24 that information?

25 A. Yes.

1 of those indicators in their classroom.

2 So we have that information when we go into
3 the classroom either to refer to at that time or when
4 we come back to write a summary of what we have seen.
5 So those are the indicators that we use.

6 It's possible we could use something that's
7 not even on there if we see some violation that
8 needed to be dealt with.

9 For example, I walked into an English
10 teacher's classroom the other day, and she had chips
11 on her desk and soda, and a student had some money
12 there. That was something going on that I felt was
13 not appropriate. So I dealt with that.

14 So that was not specifically spelled out in
15 the stull evaluation, the indicators.

16 Q. Don't have chips on your desk and a
17 student's money on your desk is not in there?

18 A. Anyway...

19 Q. So your classroom reviews of teachers'
20 teaching is probably dependent on what is in the
21 stull evaluation and probably dependent on what you
22 observe in the classroom and your experience as an
23 administrator and teacher; is that right?

24 A. That's correct.

25 Q. Do you review any individual teachers

1 Q. To whom did you communicate?

2 A. Ms. Pruitt.

3 Q. That's Andreda Pruitt?

4 A. Yes.

5 Q. What did you tell her?

6 A. This is in an unofficial way because I've
7 known Ms. Pruitt for a while. I shared with her my
8 feelings just exactly what I told you.

9 Q. What did she tell you?

10 A. She agreed.

11 Q. Okay. Did she express any opinion about
12 whether the program would be in existence again this
13 school year?

14 A. No, we really haven't discussed that. She
15 is on vacation now. So...

16 Q. Okay. For the teachers you've reviewed --
17 so for the English teachers and also for the teachers
18 in the special District I program last year -- how do
19 you go about assessing the quality of the teachers'
20 teaching?

21 A. Well, we have the stull visit indicators and
22 so -- there also is a description of the way some of
23 those things might look that we give the teacher,
24 that initial planning sheet. They respond to each of
25 those in another area how they are going to meet each

1 teaching with that teacher's department head as well?

2 A. There's kind of a fine line in that.

3 Me personally with the department chairs, we
4 have a good relationship. So you have to be careful
5 because you have to protect everyone's rights. So
6 you can't really go on the record in that manner with
7 another teacher because that's -- but in a general
8 way, you can express concerns and express concerns to
9 the mentor teachers, and I do do that and in a
10 general way. So...

11 Q. But it's not part of the department chair's
12 responsibility as a chair of the department to
13 evaluate the teachers in that department or
14 participate in that assessment?

15 A. No.

16 Q. Do you -- do students review the quality of
17 their teachers? Do they write up an assessment of
18 the teacher's quality?

19 A. Not in any formal manner.

20 Q. Have you received informal reviews from the
21 students of their teachers' quality?

22 A. Sometimes students will come with a
23 complaint, and I do ask them to put it in writing.

24 Q. When that happens, do you then follow up
25 with the teacher?

1 A. Yes.

2
3 Q. Did that happen during the 2000/2001 school
4 year?

5 A. Probably. I can't think of an example right
6 now, but it probably did happen.

7 Q. You won't be able to remember what you did
8 in response to it; is that right?

9 A. Well, I can tell what you I normally do.

10 Q. That would be helpful.

11 A. It happens more with substitutes than
12 regular teachers. I normally make a copy of what the
13 student wrote, call the teacher, and have them read
14 what the student wrote.

15 When I call them in, I state what they are
16 going to talk about so they can be prepared, and if
17 they want to have anyone with them, they can.
18 Sometimes the allegations are things -- if they are
19 accurate, they might need some representation. So
20 they are always welcome to bring someone in, and we
21 just talk about it, and it goes on from there,
22 depending on what the conversation is.

23 Q. Okay. Do the students' standardized test
24 scores or performance affect your evaluation of a
25 teacher's teaching?

1 that was critical to the teacher's performance, of
2 course, we would take that into consideration.

3 Q. Okay. Thanks.

4 If you identify areas in which a teacher
5 could improve, how do you monitor or do you monitor
6 to see a teacher does improve?

7 A. The way we monitor is mainly by visiting and
8 discussing with the teacher. We might do some
9 recommendations such as visit another teacher that we
10 feel is strong in the area that the teacher needed
11 help.

12 I sometimes provide reading material for the
13 teacher. Say, for example, they are teaching a
14 vocabulary exercise in a way that I feel is not very
15 effective based on my experience, then I may give
16 them a book that addresses that subject or I may
17 refer them to another teacher that I have seen do a
18 successful lesson with vocabulary words. Those are
19 some examples.

20 Q. Okay. What kind of professional development
21 does Fremont offer to teachers?

22 A. Okay. I think we talked about this a little
23 bit last time, but now it's kind of in operation.
24 This year we have two professional development
25 cycles. The district does half of them, and Fremont

1 A. Not in a direct way that I can think of.

2 Q. Is there an indirect way in which they
3 affect your evaluation?

4 A. Well, just probably by the performance
5 levels, but I mean I wouldn't be looking at a score
6 based on an individual teacher.

7 I think that, when the testing was first
8 designed, it was designed with that in mind, that the
9 teachers would get back the results for their own
10 individual students and they would be able to look at
11 it and use it, but that has not really happened in
12 any way that I'm aware of.

13 Q. Why is that?

14 A. I don't know.

15 Q. Okay. Do you solicit input from parents
16 about the quality of teacher's teaching when you are
17 doing an assessment?

18 A. No.

19 Q. Do you factor in any input you've received
20 from parents when you are doing a teacher's
21 assessment?

22 A. I don't remember when that has happened, but
23 you know, normally if there is a concern, we are
24 pretty much of aware of it. If a teacher -- a parent
25 were to bring something to mind we didn't know about

1 High School designs the other half.

2 These are on shortened -- special shortened
3 days, 90-minute blocks of time twice a month, and
4 Fremont's plan -- what we have are study groups, and
5 the teachers are working together in small groups,
6 working in improving their instruction, looking at
7 student work, visiting each other, and talking about
8 teaching strategies and content.

9 This is just beginning really in the formal
10 stages. They haven't done their days yet,
11 District I, because we have a new superintendent, but
12 I think they will be working with the content
13 standards and language arts, and they have selected a
14 standard and are going to talk about how that
15 standard is utilized inside the classrooms. So those
16 are two things that we have.

17 We also have Co-nect, which is the score
18 form path that Fremont High School has -- that's C-o
19 hyphen n-e-c-t, I believe, with just a capital C.
20 And that's just beginning to get off the ground too.

21 We elected to do that only on one track for
22 the next year, and that's B track. We had several
23 meetings with that group this year, and they will be
24 kicking off that program with a full track B by that
25 day, which is, I think, like the 29th -- something

1 like that -- of August. It's the last Thursday in
2 August. So that will begin then, and then they go
3 off track and take up in November.

4 Also we send teachers to different content
5 area conferences such as national and state and local
6 English, math, science, and social studies
7 conferences.

8 We went to the literacy -- California League
9 of High Schools conference last weekend and had some
10 dialogue with Dr. Kinsella. That's spelled, I think,
11 K-i-n-s-e-l-l-a. And she has agreed to come to
12 Fremont. So I believe she will be coming May 2nd.

13 We are going to be getting Dr. Kinsella to
14 work with the whole district. She is fairly
15 expensive, but she is excellent. She worked with Dr.
16 Rosseau when Dr. Rosseau was at Santa Monica High
17 School. Her main areas are literacy and writing. So
18 we will be implementing some of the ideas that she
19 has as far as improving student achievement.

20 There's probably more, but those are some of
21 the things we are doing.

22 Q. Dr. Rosseau is the District I
23 superintendent?

24 A. That's correct.

25 Q. Dr. Kinsella, who does she work for?

1 tell you more about it.

2 Q. You are wishing for more than these?

3 A. I don't care.

4 Q. Is it called Co-nect because it's -- do you
5 know where the title "Co-nect" comes from?

6 A. No.

7 Q. Whose program is it? Is it a district
8 program?

9 A. No, it's not a district program, but it was
10 one of the district selected -- I believe there were
11 ten or twelve of those offered to us. You could
12 either do that or make your own, and that was the one
13 Fremont selected.

14 Q. Okay. Do you know why Fremont has selected
15 to implement the Co-nect program only on the B track?

16 A. Yes. It was a funding situation. The -- we
17 could not afford to pay for the whole school based on
18 the money that was given to us to pay for it, and so
19 it was suggested to do partial training, and several
20 methods of dividing the faculty were suggested -- and
21 tracks.

22 One, mainly because of expediency because
23 they are always together and they have their buy-back
24 days together, and it just seemed to be the easiest
25 way to move a group of teachers along.

1 A. Cal State San Francisco. She is the teacher
2 educator, and she also works for a high school as
3 part of a program that she facilitates between -- I
4 believe it's Sequoia High School in the San Francisco
5 Bay Area and San Francisco State.

6 Q. Okay. You said sometimes you send teachers
7 to area conferences. Who is eligible to go to those
8 conferences?

9 A. Actually the whole staff is eligible. We
10 try to concentrate on department chairs and new
11 teachers. Those are the two priorities for that or
12 for student -- new faculty leaders such as mentor
13 teacher coordinators, such as the literacy
14 coordinator. Those people would be first choice
15 kinds of people.

16 Q. Okay. And then you were describing the
17 Co-nect program. Can you tell me what that program
18 is.

19 A. I can tell you in vague outlines because
20 none of us have had the complete training. It's a
21 program that is -- the goal is to have student
22 projects and to utilize technology whenever possible,
23 but the students work through learning, and they have
24 a goal of creating a project at the end. So after we
25 have had the training, if there are more depositions, I can

1 If we like the program, we will continue it
2 and do the other tracks as well. Of course, that's
3 what Co-nect thinks we are doing, but we are going to
4 wait and see how the first year goes.

5 Q. Who gave the money for the school to pay for
6 the Co-nect program?

7 A. I don't know the answer to that. I don't
8 know -- L.A. Unified knows that. I know it's like a
9 matching thing. Part of it is digital, but I don't
10 the exact source.

11 Q. You think part of it comes from the digital
12 high school grant; is that right?

13 A. I'm guessing.

14 Q. Do you know if the money comes from the
15 district or if it comes from a private source?

16 A. I believe half of -- I believe that it all
17 in some way comes from the district.

18 Q. Okay.

19 A. If digital has money, it comes from the
20 district, and then I'm assuming that's the genesis of
21 it.

22 Q. Okay. How was the B track selected among
23 the three tracks at the school to be the track that
24 Co-nect is implemented on for the first year?

25 A. That was really based on the population of

1 the school and the teachers that were involved. It
2 was felt in the people that were discussing it that B
3 track had the fewest perks, the fewest special
4 programs.

5 C track teachers -- everyone thinks C track
6 gets everything. The magnet program is on C track.
7 "A" track has very strong Humanitas programs and a
8 lot of older traditional teachers.

9 It was felt it would be successful on B
10 track and something that was needed and hopefully to
11 bring something along so they would have something to
12 call their own.

13 Q. Do you agree with that assessment?

14 A. Yeah, yeah. I don't have a strong agreement
15 with it, but I have a mild agreement with it.

16 Q. Okay. Thanks.

17 You said that A track has the Humanitas
18 program. What is that?

19 A. Humanitas is a fairly old program that's
20 been around L.A. Unified for maybe like the last 15
21 years. Started probably with Neal Anstead at
22 Cleveland High School.

23 It's a program where teachers
24 interdisciplinarily teach the same groups of kids,
25 and there's supposed to be art emphasis, but some of

1 A. I'm trying to remember when that decision
2 was made. I think it was because, again, they felt A
3 track had everything, but C track is an excellent
4 track.

5 I think we talked about that before, where
6 students wanting to take the advanced placement exam.
7 So it's really the best track to put any of your
8 academic -- strong academic kids on because they get
9 that preparation until the test time, that intensive
10 time from January to April. You know, the AP tests
11 are in May. So it made a lot of sense that way. It
12 was a decision made about six years ago. So I'm
13 remembering remnants of it.

14 Q. Okay. Are you involved in the assignment of
15 students to tracks?

16 A. No.

17 Q. Do you know if students are assigned to
18 tracks at Fremont High School based on their
19 abilities?

20 A. I don't think that plays a part in it at
21 all.

22 Q. Okay. I'm assuming that's to the exclusion
23 of being able to be in the magnet program based on
24 ability?

25 A. The magnet program really isn't based on

1 the humanitas programs have gotten away from that a
2 little bit, but the initial program was teachers
3 teaching the same group of kids in different
4 disciplines with an art emphasis. That was the
5 original program.

6 Lots of schools in L.A. Unified have that
7 program. We have it on all three tracks, but it's
8 very strong on A track for whatever reason.

9 Q. Do you know why it is that the A track is
10 stronger?

11 A. I think it's because this program was in
12 existence before we went year-round, and it turned
13 out that the people that were Humanitas teachers
14 ended up on A track for whatever reason; so they
15 carried the strength with them, and the teachers that
16 chose to implement it on B track were not very strong
17 teachers to start out with. So it was difficult for
18 them to get a viable program that anyone felt was
19 much good.

20 C track, I don't know. C track has a lot of
21 talented teachers and probably didn't even need
22 Humanitas, but they have a program as well.

23 Q. Do you know why it is that C track is a
24 track on which the magnet program is offered at
25 Fremont High School?

1 ability. It's based on the applications through L.A.
2 Unified and all their complicated factors that I
3 don't know. They are well published.

4 Q. So I can find them?

5 A. Absolutely.

6 Q. Let me turn to substitute teachers.

7 When a teacher is going to be absent from
8 Fremont High School, how does a school go about
9 finding a substitute teacher to fill that absence?

10 A. If it's just a short absence, the teacher is
11 responsible for calling sub finder, which is an
12 automated program, and the district sends us a sub,
13 and the teacher himself is -- or herself is supposed
14 to call the office in the morning.

15 Say they determined overnight they are going
16 to be out, they call sub finder, and then they call
17 the school around 7:00 o'clock to let us know they
18 are going to be out, but in the meantime, the
19 district should have a sub dispatched to us.

20 Q. So one way would be for the teacher him or
21 herself to call sub finder and that would trigger
22 having the district send a substitute to the school?

23 A. Yes, and that's the most common way.

24 Q. Are there any other ways of finding subs for
25 the school?

1 A. Yes. Sometimes there are informal
2 arrangements between teachers and off-track teachers.
3 Say a teacher knows he is going to be out for
4 whatever reason -- a vacation, sick relative, or
5 whatever -- he can talk to -- he can arrange it with
6 an off-track teacher as long as he let's us know that
7 that arrangement has been made, and then the
8 off-track teacher reports directly to us.

9 Q. Okay.

10 A. We need to know about it ahead of time.

11 Q. Are there any other methods?

12 A. Not that I can think of.

13 Q. Okay. Are there any substitute teachers who
14 are specifically assigned to Fremont High School?

15 A. Well, yeah. Because remember the girl that
16 I hired -- that I didn't hire yet that is a
17 substitute, yeah, she is assigned, and I have another
18 teacher like that, too, that is not a full
19 substitute. That's because he has not taken the
20 40-hour class yet, although he has been teaching for
21 quite a while.

22 I was thinking about other ways subs could
23 get assigned. That would be through me, if I have a
24 long-term assignment that I'm unable to find a
25 Fremont teacher for, I could solicit an off-track

1 at Fremont now?

2 A. No.

3 Q. Do you know when the pool teacher program
4 stopped being in existence?

5 MS. GODFREY: Objection. Misstates the
6 prior testimony.

7 I don't think she testified there was a pool
8 teacher program. Just that --

9 THE WITNESS: Well, I think there's still
10 one. I could be wrong. I still think that the
11 district does that. It's just that we don't have any
12 pool teachers.

13 I don't think it's really called pool
14 teacher program. I think it's just maybe a displaced
15 teacher, and then that's what they do with them, and
16 we call them a pool teacher.

17 BY MS. LHAMON:

18 Q. Okay.

19 A. We don't have anyone like that now.

20 Q. Okay. Thanks.

21 If a teacher is going to be absent for more
22 than a few days -- so it's not just the teacher that
23 is sick and calling into the sub line in the morning,
24 but the teacher needs to be absent for an extended
25 period of time for any reason -- how does Fremont go

1 teacher from another school which could be qualified
2 as a sub, I guess.

3 Q. Okay.

4 A. That's a third way, but that's not very
5 common.

6 Q. Okay. Thank you.

7 Putting aside the issue of a substitute
8 teacher being hired to fill a teacher vacancy because
9 that teacher hasn't yet completed whatever the
10 teacher needs to be deemed a teacher in California
11 public schools, are there substitute teachers who are
12 assigned to Fremont just to fill in a vacancy -- a
13 teacher's absence on a given --

14 A. Are you talking --

15 Q. Some districts, they have stip subs.

16 A. No, we don't have anyone like that.

17 Q. Okay.

18 A. Sometimes that does happen. Like years ago
19 it was called a pool teacher, though they were
20 teachers that probably no one wanted. So they were
21 just assigned, and then they would fill in anything
22 you had that day.

23 Q. Okay.

24 A. Yeah.

25 Q. So it's not much of a loss not to have that

1 about filling that absence?

2 A. Sometimes if the teacher is experienced,
3 they know that they can go to an off-track teacher
4 and then they just let me know that they have done
5 that.

6 If they are not an experienced teacher, they
7 come to me and say, "What should I do," or go to
8 another administrator and we assist them with the
9 process of either finding an off-track teacher or
10 sometimes finding a sub. We are usually able to find
11 an off-track teacher.

12 For example, the music teacher we just hired
13 had an obligation last week before he was hired. So
14 we helped him find someone to take the class this
15 week, which was the teacher that had the class before
16 took it.

17 Q. Is it the teacher's obligation to find
18 somebody to substitute for an extended absence for
19 that teacher?

20 A. No.

21 Q. Do you have trouble finding substitute
22 teachers to come to Fremont High School?

23 A. No.

24 Q. Do you have any difficulty finding
25 substitute teachers to come to Fremont High School?

1 A. No.
 2 Q. Does the district assist you in finding
 3 substitute teachers for Fremont High School?
 4 A. Yes.
 5 Q. That's through the sub finder?
 6 A. Yes.
 7 Q. Is there any other assistance from the
 8 Los Angeles Unified School District?
 9 A. No.
 10 Q. Is there any other assistance from local
 11 District I?
 12 A. No.
 13 Q. Okay. Are there any days where the school
 14 cannot find a substitute teacher to fill a teacher's
 15 absence?
 16 A. Yes.
 17 Q. Did that happen during the 2000/2001 school
 18 year?
 19 A. Yes.
 20 Q. Has that happened this school year too?
 21 A. It probably has. That's not that unusual,
 22 but it's more unusual in the summer because there are
 23 a ton of subs available and a ton of off-track
 24 teachers from other schools, traditional schools,
 25 that can work.

1 During the school year, it might be more
 2 common. So yeah, I'm sure it's happened. It's not
 3 that unusual.
 4 Q. What happens when the school cannot find a
 5 substitute teacher to come and fill a teacher's
 6 absence?
 7 A. We have a rotation system so that teachers,
 8 during their conference period, are each assigned a
 9 week that they have to cover a class if they are
 10 asked to do it. That's how we handle -- we cover
 11 with teachers on staff.
 12 We are lucky because we are a large school.
 13 So it's not that much of a problem to cover the
 14 classes. In a smaller school it might be, but we
 15 don't usually have difficulty doing that.
 16 Q. Okay. Is it always a teacher in the same
 17 department who would cover a class during a
 18 conference period if no substitute came to the school
 19 for a teacher's absence?
 20 A. No.
 21 Q. So sometimes another department --
 22 A. Yes.
 23 Q. How is the determination made about what
 24 department the teacher comes from who is using a
 25 conference period to fill a teacher's absence?

1 A. We try to do it by department, but you know,
 2 it's not always available. So you just do the best
 3 you can.
 4 If a department person has that time
 5 available and that is their assigned week, then they
 6 are used first, but if it's someone else's week,
 7 unless the teacher has agreed to step in when it
 8 wasn't their week, which sometimes happens too.
 9 Q. Then are teachers paid more if they are to
 10 use their conference period to fill in as a
 11 substitute teacher?
 12 A. Usually. There are some absences that are
 13 not paid, but most of them are.
 14 Q. How is the distinction made?
 15 A. If it's school business, say a teacher has
 16 to travel to a game, an athletic event, that's an
 17 unpaid absence. The teacher that is covering that
 18 class would not be compensated.
 19 If it's illness or another reason that the
 20 school would already be compensated for, then the
 21 teacher filling in would be compensated.
 22 Q. Are the teachers whose week it is to fill --
 23 to use conference periods to fill an absent teacher's
 24 class, do they have a choice to say no, they wouldn't
 25 take an uncompensated unfilled position?

1 A. They actually are required to do it. Some
 2 of them do say no. Sometimes I have to get involved.
 3 Usually it's handled by clerical staff, and if the
 4 teacher refuses, sometimes I have to direct a teacher
 5 to do it or go to their room.
 6 Usually I try to go to the room, "You should
 7 do this," and it's not a problem.
 8 Administrator touch.
 9 Q. Okay. Does it happen that all the teachers
 10 whose week it is to fill in unfilled positions are
 11 already filling other positions and there's still a
 12 teacher absence that's unfilled at the school?
 13 A. That might happen when there's a meeting.
 14 For example, our leadership meeting, our department
 15 chair -- what is called instructional leadership team
 16 meets fourth period, and there are about four or five
 17 people that need to go to that meeting that do not
 18 have that period free. Most of them do, but some
 19 don't. So we need to use four or five people to
 20 cover that meeting, plus there are a couple -- maybe
 21 one sub that didn't show up. Then you would extend
 22 into the other weeks, and that's when it is really
 23 easy to look at the department and say, "Your
 24 department chair has to go to this meeting. Would
 25 you please cover this," and that's considered school

1 business. They don't get compensated for that, but
 2 they know that their department chair has to go to
 3 the meeting.
 4 Q. Okay. When a teacher will be absent for
 5 more than a week, is it the school's practice to use
 6 a single substitute for the duration of the teacher's
 7 absence?
 8 A. Yes.
 9 Q. Do you ever deviate from that practice at
 10 Fremont?
 11 A. Not if we can help it, but sometimes we
 12 can't quite handle one correctly. We didn't get
 13 someone -- remember, I told you I was upset about the
 14 Spanish one earlier.
 15 Q. Yes.
 16 A. Okay.
 17 Q. Can you think of any other examples in which
 18 it didn't quite happen there was one substitute who
 19 would fill an entire duration of a teacher's absence
 20 if the teacher was absent more than a week?
 21 A. Not recently.
 22 Q. Can you think of any in the 2000/2001 school
 23 year?
 24 A. I think there were more that year because at
 25 the time we had a couple special ed unfilled.

1 If you have a teacher subbing in special ed
 2 that's not one of your regular teachers, that's a
 3 recipe for disaster.
 4 I think that did happen in a couple of
 5 cases, but mainly in that department. I can't think
 6 of any other departments.
 7 Q. Why would it be a recipe for disaster to not
 8 have a regular teacher subbing in special ed?
 9 A. A lot of the subs we get normally are not
 10 real talented in ways to instruct special education
 11 students. So it's difficult, and they just -- they
 12 don't have the training or the know-how to do it.
 13 Q. Okay. Other than that circumstance, you
 14 can't think of any other classes during the 2000/2001
 15 school year in which more than one substitute filled
 16 in for a teacher's absence?
 17 A. No, I'm not saying it didn't happen. I just
 18 can't think of anything specifically.
 19 Q. Thanks.
 20 During the time that you've been an
 21 administrator at Fremont, how many teachers have left
 22 Fremont High School or stopped teaching there?
 23 A. It's a really hard question. I really don't
 24 know.
 25 Q. Okay.

1 A. There would be as many as 10 people leaving
 2 each year, which would mean 10 times 14 would be a
 3 140, but that is a big guess.
 4 Q. Let's not do that.
 5 A. Okay.
 6 Q. Thank you.
 7 How about could you give me an estimate or
 8 do you know the number for the last five years that
 9 you've been an administrator at Fremont?
 10 A. No, I really don't.
 11 Q. Okay. Do you know how many teachers left
 12 Fremont last year at the end of the 2000/2001 school
 13 year or at any point how many teachers were teaching
 14 at Fremont and are not now during the 2000/2001
 15 school year?
 16 A. I don't know that. I can think of the ones
 17 that left that I know were not successful, and I can
 18 tell you exactly who they are and how many there
 19 were, but as far as the ones that left for natural
 20 reasons, I don't factor that in or concentrate on
 21 that.
 22 I'm focusing on what we can do better to not
 23 have that situation where those three guys that came
 24 and left, to not have that happen again.
 25 Q. Okay. Do you think that teacher turnover

1 affects student learning?
 2 MS. GODFREY: Objection. Vague and
 3 ambiguous.
 4 MR. ROZWOOD: Join.
 5 THE WITNESS: It really has a lot of
 6 ramifications.
 7 Are you talking about during the duration of
 8 the specific class?
 9 BY MS. LHAMON:
 10 Q. Why don't we start with that.
 11 If a teacher leaves during the course of a
 12 semester or school year of a course, how does that
 13 affect student learning?
 14 A. I think it has a large effect on student
 15 learning because they started out with the goals of
 16 one teacher and now they have another teacher.
 17 Although the goals should be similar in contents
 18 area, the strategies are going to be different, the
 19 expectations are going to be slightly different. So
 20 there has to be like a little honeymoon or adaptation
 21 period, and that would be difficult for students.
 22 Some of our students have learning
 23 difficulties anyway. So it's -- yeah, it would be a
 24 challenge.
 25 Q. Okay. Putting aside that issue, does the

1 issue of teachers leaving the school -- the turnover
2 rate in general at the school, not necessarily during
3 the course of a student's course with that teacher --
4 does that affect learning at the school?

5 MS. GODFREY: Same objection.

6 MR. ROZWOOD: Join.

7 THE WITNESS: I would guess that it probably
8 does, but I can't really think of any direct
9 correlation.

10 I think administrative turnover, to my
11 common everyday practices, really has a large effect
12 on the running of the school, but as far as the
13 actual student learning in the classroom, I think
14 it's more important that the same teacher is there
15 for at least one mester so that the student gets
16 consistent instruction.

17 He may not know that the teacher left at the
18 end of the year or care. There probably is some
19 global effect, but I couldn't specify what it would
20 be.

21 BY MS. LHAMON:

22 Q. Okay. Thanks.

23 Do you take any steps to try to retain
24 teachers at Fremont High School?

25 A. Absolutely.

1 think of a question to ask that will solicit that,
2 because I think people on an interview are probably
3 not going to say, "I'm going to leave after one year"
4 or "leave after two years," or "I'm doing this until
5 I get my screenplay published," they are probably not
6 going to come out with that, depending on how the
7 interview is going.

8 You have to think of a way to solicit
9 information you need. So I have developed a couple
10 of techniques, yeah.

11 Q. Okay. And other than that process of
12 evaluating the candidates during the interview, what
13 other steps do you take to try to retain teachers at
14 Fremont?

15 A. I think all of them have to do with the new
16 teacher methods that we address.

17 Another thing that we have done this year is
18 reactivate our entire faculty -- not faculty, but
19 staff association club. So we are doing more social
20 activities as a whole, which is I think is important,
21 especially for younger teachers to have some social
22 connection.

23 We started TLC, which is the Friday social
24 gathering of new teachers. So that's continuing this
25 year. I think there's a social aspect to staying at

1 Q. What steps do you take?

2 A. We talked about the new teacher orientations

3
4 that we have and follow-throughs and meetings, and I
5 think the biggest step I've taken this year is to
6 re-evaluate everything I'm asking when I hire a new
7 teacher and consider it because I really feel
8 responsible for selecting a couple of those people
9 that did not work out.

10 Although I know I can't control everything,
11 I still would like to think that I hire the right
12 people, people that will stay and have a vested
13 interest in our students --

14 Q. Okay.

15 A. -- so --

16 Q. One thing you have done is change the kinds
17 of questions you've asked when you are hiring
18 teachers?

19 A. No, I haven't changes the questions. I've
20 tried to focus more carefully on the ideas of a
21 person that's going to stay at our school or not
22 investing a lot of time on someone that's going to be
23 leaving at the end of the year and we are going to
24 have to start over again.

25 So I mean I ask myself that, and if I can

1 your job too. So you have to feel good about who you
2 work with and want to be around them.

3 So there are lots of things we do and think
4 about.

5 Q. What happens at the Friday social gathering?
6 Is that on campus?

7 A. Huh-uh, no. It's at a Mexican restaurant.
8 They swear it's not a drinking party. I don't know.
9 I haven't gone.

10 Q. Do you receive any assistance from anyone at
11 District I to try to retain teachers at Fremont?

12 A. Last year actually they did have meetings
13 for teachers once a month. I don't know how well
14 attended ours were. I would assume that would be
15 helpful.

16 I know they gave the materials and support,
17 but they were once a month, and they were off-site,
18 and they were for all the teachers in District I, and
19 to my knowledge, that hasn't been started yet this
20 year.

21 Q. They were for all the teachers or all the
22 new teachers in District I?

23 A. All the new teachers in District I.

24 Q. Did you ever go to any of those meetings?

25 A. No.

1 Q. Have you received any assistance from anyone
2 at L.A.U.S.D. in trying to retain teachers at Fremont
3 High School?

4 A. Not that I can think of right now.

5 Q. Okay. And have you received any assistance
6 from anyone at the state level in trying to retain
7 teachers at Fremont High School?

8 A. No --

9 MR. ROZWOOD: Objection --

10 THE WITNESS: -- not that --

11 MR. ROZWOOD: -- as to the use of the term
12 "state" as in the past objections.

13 THE WITNESS: -- I can think of, no.

14 BY MS. LHAMON:

15 Q. Does Fremont keep a list of the credentials
16 that the teachers have?

17 A. Yes.

18 Q. Do you know how often that list is updated?

19 A. I know that we get a list at least once a
20 year, sometimes twice a year, from different sources,
21 and interestingly enough, they don't match.

22 What we try to do is have the teachers bring
23 us in a copy of their new credentials whenever they
24 get them. That's not really always in place.

25 My best resource is a staffing specialist,

1 Q. At L.A.U.S.D.?

2 A. Yes.

3 Q. Another source is Kelly Nelson, who is also
4 at L.A.U.S.D.?

5 A. Yes.

6 Q. Another source would be the teachers
7 themselves?

8 A. Yes.

9 Q. But that wouldn't be a list. That would be
10 a copy of the teacher's --

11 A. Right.

12 Q. -- credential?

13 A. Yes.

14 Q. Then the final source would be someone at
15 District I having a conversation with you; is that
16 correct?

17 A. Yes.

18 Q. Does Fremont require every teacher to
19 provide to Fremont a copy of the teacher's
20 credential?

21 A. Yes.

22 Q. Do you keep a copy on campus?

23 A. Yes.

24 Q. Okay. That is, do you keep it yourself?

25 A. No.

1 and she is supposed to have the information.

2 Q. Is she on your campus?

3 A. No, on 450 North Grand.

4 Q. That's the L.A.U.S.D. office?

5 A. Yes.

6 Q. You said you get a list from different
7 sources, but the different sources and that the list
8 don't match; correct?

9 A. Yes.

10 Q. Do you know what the sources are where you
11 get the list?

12 A. One is information technology, one is the
13 staffing specialist Kelly Nelson, one is the teacher
14 himself, and sometimes we dialogue with people at
15 District I that have different information as to the
16 credential status.

17 Q. Okay.

18 A. So it's confusing, and sometimes the
19 teachers are confused about it.

20 Q. Okay. You said that one source is
21 information technology; is that right?

22 A. Yes.

23 Q. Is that at the district, or is that
24 District I?

25 A. That's at the district.

1 Q. Who does?

2 A. The main office keeps them. The
3 administrative assistant is responsible for filing
4 those.

5 Q. Okay. And then does that administrative
6 assistant or someone on Fremont's staff then make up
7 a list based on the copies that the teachers have
8 provided?

9 A. No.

10 Q. But the -- but you actually do receive at
11 Fremont a list from the information technology
12 department at the L.A.U.S.D. and a list from the
13 staffing specialist at L.A.U.S.D.?

14 A. Yes. The list we get from information
15 technology is for evaluations, but that does have on
16 it the credential status of the teacher, and then we
17 get a staffing list from Kelly Nelson's office, and
18 then we have conversations with District I.

19 Q. In what context do you have conversations
20 with District I about teachers' credentials?

21 A. The last one I remember is the lady in
22 charge of teacher mentors. She indicated that the
23 teacher could not be a mentor because of the district
24 status.

25 I pulled out Kelly's copy, and I said, "No,

1 that is not right," da, da, da.
 2 She said, "Yes, it is right." She is a nice
 3 lady.
 4 I said, "Okay. Whatever you say."
 5 Evidently the list they had at District I
 6 was not matching my sources, which were right.
 7 Q. You know your source was right because you
 8 had a copy of the teacher's credential too?
 9 A. I knew they were right because -- yeah, I
 10 knew they were right because of all our materials
 11 too.
 12 Q. Do you review the list of credentials of
 13 Fremont teachers that you receive from the
 14 information technology and from Kelly Nelson?
 15 A. Yes.
 16 Q. Does anyone else on campus review those
 17 lists?
 18 A. As needed, we all look at it. For certain
 19 things, sometimes we need to know status. A lot of
 20 the list just has the status on it. They don't have
 21 the actual subject area credential, but some of them
 22 have the subject area credential too.
 23 Q. For what purposes would you need to know?
 24 A. Well, as far as the assigning of teachers to
 25 a class, you need to make sure we are credentialed to

1 teach that. You need to know the status often as far
 2 as whether or not they need a mentor or not.
 3 I don't know. I look at it all the time.
 4 So what are the reasons I look at it? A lot of
 5 reports I have to fill out.
 6 Q. And so then you have to review everybody's,
 7 not just the English department's; is that right?
 8 A. Yeah, everybody's.
 9 Q. Okay. Do you ever -- well, strike that.
 10 After you had the conversation with the
 11 woman at District I who thought that a teacher
 12 couldn't be a mentor teacher and you explained to her
 13 that she could, did you send a copy of that teacher's
 14 paperwork -- or did you send a copy of that teacher's
 15 paperwork to District I so they would have updated
 16 papers?
 17 A. No, they finally just believed me.
 18 Q. Do you ever send to District I any
 19 documentation of teachers' credentials that you
 20 receive?
 21 A. No.
 22 Q. Do you know how many teachers in the math
 23 department at Fremont have full nonemergency teaching
 24 credentials?
 25 A. No.

1 Q. Do you know how many math teachers there are
 2 total at Fremont?
 3 A. I can probably guess that one. There are
 4 probably about 8 per track. So there are probably
 5 about 24, 25 math teachers.
 6 Q. Was that a guess or an estimate? Do you
 7 know?
 8 A. It's an estimate.
 9 Q. Okay. Thanks.
 10 Okay. Are there -- do you know how many --
 11 you testified earlier that about 25 to 30 percent of
 12 the teachers at Fremont don't have full nonemergency
 13 teaching credentials; is that right?
 14 A. That's correct.
 15 Q. Do you know the approximate breakdown by
 16 track of the teachers' teaching credentials?
 17 A. No.
 18 Q. Do you know if any one track has more or
 19 less teachers with full nonemergency teaching
 20 credentials on the track?
 21 A. Well, this year it should be about the same,
 22 but we were under a mandate to equalize the
 23 percentage of emergencies and permanent people on
 24 each track. So it should be pretty much in balance.
 25 I haven't analyzed it. That's really the

1 other assistant principal's job to do that. She is
 2 pretty good. So it probably is right.
 3 Q. Who gave the school the mandate to equalize
 4 the percentages?
 5 A. I don't know. It probably is -- L.A.
 6 Unified is one of the -- it's the big district.
 7 Q. Okay. And that's a new mandate; is that
 8 right? You said "this year."
 9 A. Okay. This is all coming back to me.
 10 That was in the new contract that was
 11 negotiated between L.A. Unified and UTLA. That was
 12 part of that. So it is new.
 13 Q. Okay. Thank you.
 14 UTLA is the teacher's union; is that right?
 15 A. Yes.
 16 Q. I'm going to turn to facilities.
 17 What are the current facilities improvement
 18 needs at Fremont?
 19 MS. GODFREY: Objection. Vague and
 20 ambiguous.
 21 MR. ROZWOOD: Join.
 22 THE WITNESS: We need to be painted inside.
 23 I think I talked about that before too. We haven't
 24 been painted inside for a long time, but if you talk
 25 to the plant manager or to the person in charge of

1 facility, these could probably be exactly very
2 specific as far as what was needed. This is
3 something I know.

4 The digital people are not finished yet. We
5 were talking about wiring before, and that's still
6 not completed.

7 We need the bungalows. They delivered us
8 some bungalows, but they are not ready to be used as
9 classrooms. I don't have a lot of specifics about
10 that either, but I know those bungalows are not able
11 to be used for whatever reason.

12 So those are some of the general needs I
13 know.

14 BY MS. LHAMON:

15 Q. Okay. And you don't know why the bungalows
16 are not yet ready to be used as classrooms?

17 A. Not specifically, no.

18 Q. Do you know how many are on campus not yet
19 ready to be used?

20 A. Between four and six.

21 Q. Do you know what classes will take place in
22 those bungalows once they are ready to be used?

23 A. No, but I know right now, when A track comes
24 back, we have some teachers that will be traveling to
25 different locations, and I'm hoping that will

1 to move rooms.

2 Either way it's a bad situation if you have
3 unhappy teachers that haven't traveled before or if
4 you have a brand-new teacher going to five locations.
5 So I think it's a serious problem, and I think the
6 bungalows need to be ready.

7 Q. Why is it a bad situation to have teachers
8 traveling?

9 A. I think you want to make things as easy as
10 possible to instruct the students, and one of the
11 things you have -- especially as a new teacher, you
12 have your stuff and you have your books, your
13 classroom library, you put your objectives, standards
14 for the lesson, and you may have two or three classes
15 that are the same English 9. Why should you have to
16 go back to another room and put up those standards
17 and objectives again three or four times a day? That
18 doesn't make a lot of sense, plus you have to schlep
19 your books to these places, too, because maybe you
20 have a classroom set of what you want to use in that
21 particular session. So then you have to take that to
22 three other sessions.

23 I think it's a travesty for a teacher to
24 travel more than twice. If a teacher has to go to
25 five different locations in one day, I think it's

1 alleviate that. But as far as specifically which
2 teachers go to those bungalows, I don't know, but I
3 know there's a great need for them to be ready when
4 A track comes in, and I don't think they will when
5 they come back.

6 Q. Why don't you think they will be ready?

7 A. Because I'm pessimistic about that.

8 Q. You said there are teachers traveling on the
9 A track. That's what you described earlier about
10 having to go to a vacant classroom during another
11 teacher's conference period; is that right?

12 A. Yes.

13 Q. Do you know how many A track teachers will
14 be traveling?

15 A. I believe -- I'm estimating there are about
16 four or five, which, to me, is unacceptable for four
17 or five teachers, especially new ones, going to five
18 different locations.

19 So we are trying to work with the department
20 chairs to travel some more people. The only way you
21 can alleviate is to travel more people to fewer
22 locations, but then you are talking about traveling
23 people that already have taken a little ownership on
24 a room or more experienced, mature teachers on
25 A track that are going to go ballistic if they have

1 unacceptable. I feel strongly about that.

2 Q. Okay. Thank you.

3 Are there any teachers traveling now on the
4 B and C tracks at Fremont?

5 A. I think so, but I think some of the
6 traveling has to do with what they are teaching.

7 For example, if they are teaching a computer
8 class one period and they are teaching math classes
9 the other periods, that they go there.

10 I know there's no one going to five
11 locations, and there may be some minor traveling, and
12 "minor traveling" means you go to one room different
13 during one period, but it's not -- it's not anything
14 that would be outrageous like I just described.

15 Q. Okay. But you testified that you think
16 there will be between four or six -- there will be
17 about five teachers traveling on the A track.

18 A. I think it's less than five, but I think one
19 is too many.

20 Q. Why would there be some teachers traveling
21 on the A track but not as many or maybe no one
22 traveling on the B and the C track? Is the A track a
23 bigger track?

24 A. I can't really explain that, but the
25 assistant principal counseling says, when A track

1 comes back, we don't have enough room. So that must
2 mean there are more people on campus at that
3 particular time --

4 Q. Okay.

5 A. -- when A and C are there.

6 Q. Okay. You testified that, on the A track,
7 there might be new teachers who are traveling for the
8 five classes in a day unless you can convince some of
9 the more experienced teachers to travel as well; is
10 that right?

11 A. That's correct.

12 Q. Why would it be new teachers as opposed to
13 more experienced teachers who will be traveling?

14 A. I don't really design the program, but I saw
15 the program from the other administrator who did
16 design it.

17 The way she designed it, she put the
18 positions that are unfilled traveling because there
19 wasn't a name attached yet, but see, I'm trying to
20 hire someone for those positions anyway. I'm doing a
21 little negotiating to try to do what I can do.

22 Q. Okay. Have you had a conversation with the
23 assistant principal who is responsible for that about
24 what you think would be appropriate to do?

25 A. Yes.

1 were just interviewing yesterday and both the
2 department chair and I were aware that that might
3 happen, she asked the question, "How would you
4 feeling about traveling? Would that bother you?"

5 And the teacher said no, it wouldn't bother.

6 So I guess they liked -- not traveling, but they
7 liked -- they wanted the job and liked Fremont.

8 These were English teachers, and we have a
9 strong English program.

10 Then we were thinking, as enticement, that
11 the technology coordinator, those teachers could have
12 a laptop, the traveling teachers, because they might
13 be able to keep their data. So that's something we
14 might offer as a bonus if they have to travel. At
15 least they would have some technology to carry from
16 classroom to classroom if that actually does happen
17 and they go to five locations, but I'm still
18 optimistic about solving the problem.

19 The bungalows, I don't know, but the
20 locations we can --

21 Q. You are -- I'm sorry.

22 A. Go ahead. I'm done.

23 Q. You are not an optimistic about the
24 bungalows, but if they are not available, what you
25 think might happen is that the more experienced would

1 Q. What did you tell the assistant principal?

2 A. I told her I felt it wasn't educationally
3 sound for the new teachers to travel. I told her I
4 would have difficulty if a person asked me a
5 question, "Will I have my own room," answering it in
6 any way that would not be false.

7 So anyway, I'm trying to work with her to
8 get it fixed. So the teachers will have --

9 Also some of the jobs are kind of really
10 competitive. For example, PE doesn't always have a
11 location, but if a teacher has offers from five
12 schools, everything else being equal, and you have to
13 go to five locations here, why would you go there?

14 Q. Right.

15 What did the assistant principal say to you
16 when you said this?

17 A. She said that -- that she would try to work
18 with the assistance of the department chairs, but she
19 needed some assistance with it because obviously she
20 is dealing with lots of teachers, and so we are
21 working on it.

22 Q. Have you had to say to any teachers you've
23 interviewed who asked you, "Will I have my own
24 classroom," that you thought they might not?

25 A. You know what? They didn't ask. Since we

1 agree to travel for a few periods so nobody would
2 have to travel for five periods; is that right?

3 A. Yes.

4 Q. And the best of all worlds is to have the
5 bungalows operational; is that right?

6 A. Absolutely.

7 Q. Once those bungalows are operational and
8 ready for classrooms, will you have enough classrooms
9 for the students at Fremont for the 2001/2002 school
10 year?

11 MS. GODFREY: Objection. Assumes facts and
12 I believe misstates prior testimony.

13 I don't think there's been any testimony
14 that there isn't sufficient classrooms for the
15 students at Fremont High School.

16 MS. LHAMON: My question didn't assume there
17 weren't enough classrooms.

18 MR. ROZWOOD: Objection. Vague and
19 ambiguous to the term "enough."

20 THE WITNESS: To my knowledge, the district
21 sets the standards as to how many classrooms we have
22 based on the number of students, and the aim is that
23 teachers will travel, and it's based on a percentage.

24 I don't have what the percentage is, but
25 it's something that we never really had in effect.

1 We have not had as high percentage as the district
 2 expects to travel.
 3 According to the district, I believe they do
 4 think we have enough as far as running a functioning
 5 school.
 6 With intersession it's extremely difficult
 7 to find enough space. We are having intersession
 8 classes also in the cafeteria. So it's another
 9 challenge.
 10 **BY MS. LHAMON:**
 11 Q. That's happening now, that classes are
 12 meeting in the cafeteria?
 13 A. Yes.
 14 Q. You anticipate that will happen when A track
 15 comes on as well?
 16 A. Uh-huh, yes.
 17 Q. Do you know how many classes are meeting in
 18 the cafeteria?
 19 A. I think one.
 20 Q. Are there any other classes that meet in
 21 nonclassroom spaces at Fremont?
 22 A. No.
 23 Q. Do you think there will be any others once
 24 the A track comes on track?
 25 A. No, I don't think so. I think that we will

1 do that traveling thing.
 2 Q. And you said that it's your understanding
 3 that the district's assumption is there will be
 4 teachers who are traveling; is that right?
 5 A. Yes.
 6 Q. Why is that your understanding that's the
 7 district's assumption?
 8 A. Because in conversations, administrative
 9 conversations, there's administrators that have that
 10 information, and they said, "Don't you know the
 11 district's assumption?" They have something in
 12 writing with the capacity, and that's probably public
 13 information that you would be able to get as far as
 14 what the capacity of each school is and percentage of
 15 people that travel.
 16 Q. And you've seen something that says, you
 17 know, this is the capacity of Fremont High School and
 18 part of the basis for that capacity is there would be
 19 teachers who are traveling; is that right?
 20 A. I haven't seen it, but I've watched
 21 administrators looking at something and discussing
 22 it.
 23 Q. Okay. Is it your understanding that the
 24 district's assumption that teachers will travel
 25 applies to any school or just to multitrack schools?

1 A. Oh, I think it applies to every school.
 2 Q. Okay. You testified -- when I asked you
 3 what the facilities needs for Fremont are, you
 4 testified to a need for the school to be painted
 5 inside; is that right?
 6 A. Yes.
 7 Q. That's based on your observation, walking
 8 around the school, that it needs to be painted?
 9 A. Yes. It's based on knowing it never has
 10 been painted inside since I've been there. That's 14
 11 years.
 12 If you think about your house, don't paint a
 13 room for 14 years and people use it year-round day
 14 in, day out -- kids, students, greasy hair -- it
 15 needs to be painted.
 16 Q. Okay. Then you said that the digital people
 17 are not finished yet with the school; is that right?
 18 A. That's correct.
 19 Q. When you say "the digital people," what are
 20 you talking about?
 21 A. It's my understanding that we had one group
 22 of contractors that were working on wiring the
 23 school, and they have been replaced, and now we have
 24 a second group of contractors. What they do is put
 25 raceways into the room and attach wires and cords --

1 this is not my expertise -- so we are all hooked up
 2 so we can be connected to an Internet and server, but
 3 that's not finished.
 4 Q. Is the goal to have every classroom able to
 5 be connected to the Internet and the server?
 6 A. Yes.
 7 Q. How long has that work been taking place at
 8 Fremont? Do you know?
 9 A. I think this is about the second year, third
 10 year. Second or third year.
 11 Q. Are any classrooms that are not computer
 12 classrooms or computer labs now hooked up so they can
 13 access the Internet?
 14 A. It's possible, but an individual teacher
 15 could have a phone line in the room and connect to
 16 the Internet.
 17 That would not necessarily be part of the
 18 school plan. It would just be something individual,
 19 but as far as like regular rooms, as far as I know,
 20 it's just the computer labs that have access.
 21 I'll scratch that. 219 and 221 are
 22 classrooms that are hooked up to the Internet, but
 23 they are computer classrooms, not labs, but they are
 24 for computer.
 25 Q. Okay. Thanks.

1 Do any ceiling tiles need replacement at
2 Fremont?
3 A. Well, when they are doing this digital, they
4 take down a lot of ceiling tiles. All those are
5 still missing. So if you are in any room or office,
6 you can look up and see all that wiring that is still
7 waiting to be completed throughout the school that
8 has -- some has plastic over it and some does not. A
9 lot of that is as a result of the digital thing.
10 Some may not, but most of it is as a result of that.
11 Q. Is that -- do you have an estimate for the
12 number of ceiling tiles that are not in place right
13 now at the school or the percentage of the ceiling
14 tiles that are not in place at the school because of
15 what may be the digital replacement?
16 A. No, I would really be guessing. There's at
17 least one in each location in each room because the
18 wiring isn't done.
19 Q. Okay. When you testified on your first day
20 that there were some missing ceiling tiles in your
21 office, I think -- is that right?
22 A. Yes.
23 Q. -- have those been replaced yet?
24 A. I think I said they were damaged. The only
25 missing one is the one where the wire goes up, but

1 what are you referring to?
2 A. They brought us one set needed so much help
3 that they took it away. That was another delay. So
4
5 they took one set totally away because it took too
6 long to get them fixed up, but they brought us
7 bungalows where the paint was like peeling like in
8 cracks so awful you could barely stand to look at it.
9 So the teacher would put construction paper over it,
10 but you aren't supposed to do that either because
11 it's a fire hazard. So that was one area, the paint.
12 I don't think that painting has been taken
13 care of yet. Some of them were not handicapped
14 accessible. So I know they worked on that, and I
15 think that's taken care of. Those are the two main
16 things.
17 Q. Do you know why it is that Fremont received
18 what you described as really old bungalows when you
19 needed new bungalows?
20 A. No.
21 MR. ROZWOOD: Objection. Mischaracterizes
22 the witness's testimony.
23 BY MS. LHAMON:
24 Q. When I referred to needing new bungalows, I
25 didn't mean it was new.

1 the damaged ones are still sitting there.
2 Q. Are there damaged ceiling tiles in other
3 locations of the school?
4 A. Probably.
5 Q. Okay.
6 A. It's not something I think a lot about.
7 Q. All right. Are there any roofing needs at
8 Fremont?
9 A. Any what needs?
10 Q. Roofing needs.
11 A. Not to my knowledge.
12 Q. And other than the bungalows, that four to
13 six bungalows that are not yet operational for
14 classes, do the other existing bungalows on campus
15 have any maintenance needs that you know about?
16 A. I'm really not sure. I know some of the
17 older newer ones that came in -- the last set of
18 bungalows that came in, which we call the new
19 bungalows, yet are extremely old, and they needed a
20 lot of help. I know one of them got some help. I
21 don't know about the other three, if they are totally
22 completed yet.
23 I know I have seen people out there working.
24 They were really old.
25 Q. When you say "they needed a lot of help,"

1 Do you know why Fremont received what you
2 characterized as really old bungalows as additional
3 bungalows on campus?
4 A. No, I'm discussing that was available.
5 Q. When you say they were really old, do you
6 know how old they were?
7 A. No, but they had real wood in them. That
8 would give you a sign, and the real wood is very
9 nice. If someone would finish it, it's real nice. I
10 remember when they put wood in buildings.
11 Q. Do you have an estimate for how old they
12 would be, then?
13 A. No.
14 Q. Are there any piping needs at the high
15 school?
16 A. I don't know.
17 Q. Do the bathrooms need any work at the
18 school -- any maintenance work at the school?
19 A. Not to my knowledge.
20 Q. Do you have an estimate for when the digital
21 work will be completed at Fremont High School?
22 A. That estimate is continually being revised.
23 So I could ask, and it would be like, you know,
24 yesterday or today, a week from now. So it
25 continually changes.

1 So I don't have a good answer to that
 2 question.
 3 Q. Okay. Do you expect it will be completed
 4 during the current school year, though?
 5 A. Yes.
 6 MS. LHAMON: Okay. Maybe we should go off
 7 the record for a moment.
 8 (The luncheon recess was
 9 taken at 12:02 P.M.)
 10
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1 at the document.
 2 MS. LHAMON: Thank you.
 3 Q. If you want to take time to read it, feel
 4 free to do it.
 5 A. No, I haven't seen this particular whole
 6 thing like this, no.
 7 Q. Have you seen any accountability report card
 8 for Fremont?
 9 A. Actually I have never seen one that looks
 10 like this. I think I have seen older ones. Maybe
 11 this is the Internet version.
 12 Q. It could be. I've seen a couple of versions
 13 of it. So you might want to check the text. It
 14 may --
 15 A. Mrs. Roland's message. Let's assume I
 16 haven't seen this one or seen one recently.
 17 Q. Okay.
 18 A. That seems fair to me.
 19 Q. That works for me.
 20 Could you turn to page 10 of Exhibit 13 --
 21 I'm sorry -- Exhibit 11.
 22 MR. ROZWOOD: The bottom left, it has the
 23 number of pages.
 24 Are those the numbers you are referring to?
 25 MS. LHAMON: Yes. Thank you.

1 (The deposition of MARCIA HINES
 2 was reconvened at 1:19 P.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 MS. LHAMON:
 11 Q. I'm going to show you a document we will
 12 mark as Exhibit 11 to this deposition.
 13 (Document referred to above was
 14 marked as Defendants' Exhibit 11
 15 for identification by the reporter
 16 and is attached hereto.)
 17 BY MS. LHAMON:
 18 Q. Exhibit 11 is a multipage document that says
 19 at the top "School Accountability Record Card," and
 20 midway through the first page it's dated 1999-2000
 21 school year, and it says it's a 13-page document at
 22 the bottom left corner of the first page.
 23 Have you seen this document before,
 24 Ms. Hines?
 25 MS. GODFREY: You can take your time to look

1 Q. So the page says 10 of 13 in the bottom
 2 left -- I'm sorry. Page 11. Could you turn to page
 3 11.
 4 A. Uh-huh.
 5 Q. Do you see the section "DISCIPLINE AND
 6 CLIMATE OF LEARNING," where it says "Major
 7 maintenance improvements in campus appearance to
 8 promote a positive learning environment"?
 9 A. Yes.
 10 Q. Do you know what that sentence means?
 11 A. On --
 12 MS. GODFREY: I'm going to object for the
 13 record that the document speaks for itself.
 14 MR. ROZWOOD: I'll object as well, after
 15 joining that objection, as lack of foundation.
 16 The witness has testified she never has seen
 17 this document before.
 18 MS. GODFREY: Join.
 19 THE WITNESS: I would say for myself I
 20 really don't know what whoever wrote this is
 21 referring to, and I think in previous testimonies I
 22 discussed some of the things I saw as major changes
 23 in the last year or so, but exactly what their
 24 reference is I really don't know because I don't know
 25 who wrote it.

1 BY MS. LHAMON:
 2 Q. Okay. You didn't take any part in preparing
 3 the "School Accountability Report Card" for Fremont
 4 for the 1999/2000 school year, did you?
 5 A. No, not that I was directly aware of.
 6 Q. Thank you. Keep it in front of you if you
 7 like, but that's all the questions I have about
 8 Exhibit 11.
 9 A. Great.
 10 Q. Do you know how many bathrooms there are on
 11 campus for girls at Fremont?
 12 A. I don't know exactly. I'm estimating.
 13 Probably at least seven.
 14 Q. Do you know how many there are for boys?
 15 A. Oh, I would assume they are the same.
 16 Q. Okay. Do you know how many faculty
 17 bathrooms there are?
 18 A. I'm counting.
 19 Are you -- are you counting the ones open
 20 and accessible to all faculty or ones for
 21 administrators like the principal's bathroom?
 22 Q. Why don't we start with the total number of
 23 faculty and administrative and then we can break it
 24 down.
 25 A. There are also two in the health office that

1 I don't know if they are considered for students or
 2 adults. So I don't know. I could go by floor.
 3 Q. Okay.
 4 A. On the first floor of the administration
 5 building, there are one, two, three, four, five, six.
 6 That counts the two in the health office that can be
 7 used by adults -- that adult employees can use, but
 8 two of them can also be used by students because they
 9 are ones in the health office.
 10 Q. So that is six. On the first floor of the
 11 administrative building is six adult bathrooms?
 12 A. Yes.
 13 Q. That includes the two health bathrooms?
 14 A. Yes. And then on the other side, two, one
 15 for female faculty and one for male faculty, and
 16 there is -- there are two of those on each floor,
 17 male and female faculty.
 18 Now we have six over here, and what did I
 19 say over here. One, two, three, four, five, six.
 20 Okay. Now we have twelve on the first floor that
 21 adults can go into, half male, half female.
 22 Q. You said twelve on the first floor?
 23 A. No, twelve in the main building. Right, you
 24 are right.
 25 Q. And half are men and half are for women?

1 A. Uh-huh.
 2 Q. Thanks.
 3 A. Yeah, except the principal's, I guess, could
 4 be used by either one. So one is kind of unisex.
 5 Then the C building there's one that's a
 6 unisex that's for adults. There are another two
 7 adult ones in the bungalows. Okay. And that's -- I
 8 think those are the only ones that are adult, total
 9 adult.
 10 Q. Okay.
 11 A. How many did I get?
 12 Q. We have twelve in the main building and then
 13 two in the bungalows and one in the C building. So
 14 we would have fifteen.
 15 Does that sound right to you?
 16 A. Uh-huh, yeah.
 17 Students? Is the next part of this question
 18 students, or you didn't ask that?
 19 Q. I haven't asked that yet, but I think we
 20 answered the students, that there were at least seven
 21 for girls and seven for boys; is that right?
 22 A. Yeah, it's about the same.
 23 Q. Okay. Let's take the girls' bathrooms.
 24 Do you know how many toilets there are in
 25 each of the girls' bathrooms?

1 A. No.
 2 Q. Do you know how many in any of the girls'?
 3 A. No.
 4 Q. For the boys' bathrooms, do you know how
 5 many there are for the boys' bathroom?
 6 A. No. Around four or five. It's just an
 7 estimate. I don't know. I didn't count them.
 8 Q. Okay. For the faculty, do you know how
 9 many -- I'm sorry.
 10 Adult bathrooms, do you know how many
 11 toilets there are?
 12 A. Yeah, I have been in all the -- except the
 13 bungalows. They all have one toilet. I haven't been
 14 in the men's. I assume the men's are like the
 15 females' bathrooms, but they might have urinals in
 16 them.
 17 MR. ROZWOOD: I'm going to object to the
 18 line of questioning regarding faculty bathrooms.
 19 There's no possible relevance to this case, and we
 20 only have limited time, and Ms. Hines is a busy
 21 woman.
 22 BY MS. LHAMON:
 23 Q. Do you know where the girls' bathrooms are
 24 located on campus?
 25 A. Yes.

1 Q. Could you describe that for me.
 2 A. Yeah. There's -- there was one on each
 3 floor at the T.
 4 I forgot the handicapped bathroom. There's
 5 a unisex -- I think it's unisex handicapped bathroom
 6 in addition to the ones I described that -- I guess
 7 the female ones are at the T.
 8 There's a male and female bathroom at the
 9 main floor of the building. There are two in the 118
 10 room, which is the back of the auditorium. There are
 11 two in the bungalow area. There are two in the gym,
 12 and there are also two outside -- actually there are
 13 four on the football field, two on each side.
 14 Q. Are all of those bathrooms open and unlocked
 15 all day at Fremont High School?
 16 A. No, I mean they are not open.
 17 Q. Are any of the bathrooms open all day at
 18 Fremont High School?
 19 A. Usually the 118 ones are open, the ones in
 20 the back of the auditorium, and the one at the T on
 21 the first floor.
 22 Q. There's one for each?
 23 A. Yes.
 24 Q. At the T. Okay.
 25 Those are the only ones usually open for

1 students?
 2 A. I believe so.
 3 MS. GODFREY: That misstates the prior
 4 testimony.
 5 BY MS. LHAMON:
 6 Q. I'm asking: Are those the only ones open
 7 usually for students?
 8 MR. ROZWOOD: Objection. Vague as to
 9 "usually."
 10 BY MS. LHAMON:
 11 Q. I'm using your words. You said that they
 12 were usually opened. Are the ones usually open at
 13 the back of the auditorium and at the T?
 14 A. We are talking about lunch and nutrition?
 15 MS. GODFREY: I believe the question was,
 16 Catherine, which ones are opened and unlocked all
 17 day. So you changed that to usually opened.
 18 MS. LHAMON: We can read it back. Why don't
 19 I start with a new question.
 20 Q. Using your phrasing, you said the bathrooms
 21 in the back of the auditorium are usually open and
 22 one bathroom is usually open for each sex on the
 23 first floor?
 24 A. Uh-huh.
 25 Q. Is that correct?

1 A. That's my belief, yes.
 2 Q. Those are the only bathrooms that are
 3 usually open during the day at Fremont High School
 4 for students?
 5 A. Yeah. During passing times and during lunch
 6 and nutrition, yes.
 7 Q. Okay. When you use the phrase "usually
 8 open," what are you referring to?
 9 A. Well, I guess it's just I feel uncomfortable
 10 about -- because I don't monitor that situation, you
 11 know. I hear, "It's time to open 118." So people go
 12 and open 118 at lunch and nutrition, and the first
 13 floor I know is always open because there's an aide
 14 there. The other ones can be opened or not be
 15 opened, depending on the particular need.
 16 So usually open is the first floor, 118.
 17 That's what I mean.
 18 Q. Thank you. That's very helpful.
 19 Do you have any knowledge about the other
 20 bathrooms, if there's a schedule on which they are
 21 locked or not locked for students at the school?
 22 A. No, I can't really respond for this year. I
 23 know there were -- a couple of years ago there were
 24 people posted to open the bathrooms during passing
 25 time, but my feeling is -- as a result of

1 questioning, I kind of looked at that situation. I
 2 don't think that's happening anymore on any regular
 3 basis.
 4 Q. Okay. So after one of the prior days of
 5 deposition, you've looked into how often the
 6 bathrooms are opened; is that right?
 7 A. Not really specifically, but I was there
 8 during passing time, and I did not see any aide doing
 9 that anymore. So perhaps there was not a need for
 10 it.
 11 Q. Okay. Did you check to see if the bathrooms
 12 were unlocked during the passing periods?
 13 A. No, no one was there. They wouldn't be.
 14 They would be locked. They should be.
 15 Q. Okay. Is it your understanding, then, that
 16 other than the bathrooms that you've testified to
 17 that are usually opened, the other student bathrooms
 18 are usually locked?
 19 A. That's my belief, yes.
 20 Q. Okay. Thanks.
 21 For the faculty bathrooms at Fremont, are
 22 those bathrooms accessible to faculty all day on
 23 school days at Fremont High School?
 24 A. Yes. We have a key. They are all locked.
 25 If they have a key, they can get in.

1 Q. Okay. Are those faculty bathrooms
2 accessible to students?
3 A. They are not supposed to be. Let's put it
4 that way.
5 Q. Because students don't have keys?
6 A. No.
7 Q. Thanks.
8 Have you received any complaints about the
9 bathrooms at Fremont since you have been an
10 administrator there?
11 A. Yes.
12 Q. What kind of complaints have you received?
13 A. I think I did testify to this earlier that
14 the students -- when we used to meet with students in
15 the council on a regular basis, that they said that
16 there wasn't any paper, and so that was the major
17 concern, that there wasn't paper.
18 Q. How recent was that concerned raised? How
19 recently was that concerned raised?
20 A. It was probably two years ago. That was
21 when we met with students and administrators to state
22 our concern with the plant manager, and the students
23 would state they needed paper in the bathrooms.
24 Q. Those meetings don't take place on campus
25 anymore?

1 A. We have the meetings, but the students are
2 not part of them anymore.
3 Q. Okay. Have teachers at Fremont discussed
4 the classroom temperatures with you?
5 A. Yes.
6 Q. Have they complained about the temperatures?
7 A. Sometimes.
8 Q. What are the complaints?
9 A. All kinds: too hot, too cold, the
10 air-conditioner doesn't work.
11 Q. Did you receive any complaints during the
12 2000/2001 school year?
13 A. Probably. It's not an unusual thing.
14 Q. What did you do when you got a complaint
15 about the school temperatures?
16 A. I called the plant manager.
17 Q. Have you received any complaints about the
18 classroom temperature during the 2001/2002 school
19 year?
20 A. Actually I don't remember any this year. I
21 guess everything is working. Body temperatures are
22 good. No, I don't remember it.
23 Q. Okay. Thanks.
24 Does each class at Fremont now meet in its
25 own classroom without sharing that classroom with

1 another class?
2 A. Okay. You are saying that a teacher -- like
3 no other teacher would use that room?
4 Q. Thanks for asking for the clarification.
5 What I'm asking about is, during the class,
6 if I'm in there and there's one class using a
7 classroom, are there any other classes using the
8 class at the same time?
9 A. I'm trying to think. The gym would be an
10 example perhaps, but I don't even know about that. I
11 can't think of any.
12 Q. Okay. Thanks.
13 You told me earlier today that there are
14 some intersession classes taking place -- or an
15 intersession class taking place in the cafeteria now;
16 is that correct?
17 A. That's correct.
18 Q. Are there any other classes at Fremont that
19 take place in classes that were not designed for
20 classroom instruction or rooms not designed for
21 classroom instruction?
22 MR. ROZWOOD: Asked and answered.
23 THE WITNESS: Not to my knowledge.
24 BY MS. LHAMON:
25 Q. Okay. Do all the science classes at Fremont

1 take place in laboratory classrooms?
2 A. I don't think so. I think there may be one
3 that does not have a lab. There might even be two.
4 Q. Why is it that you think there's one or
5 maybe two classes that don't have labs?
6 A. I've heard teachers say they don't have a
7 lab, and when they want to do a lab, they have to go
8 to another room, or their lab is --
9 In the bungalow I think they finally put
10 something in there, but it's not a complete science
11 lab. When the bungalows came, two of them were
12 supposed to be science lab bungalows, and only one
13 was. One had to be retrofitted, but it was too much
14 money, and there was one teacher in the building that
15 has to travel for a classroom for another lab.
16 Q. Does the whole class have to travel for that
17 lab?
18 A. Yeah, the whole class would have to go.
19 Q. You said one of the bungalows had to be
20 retrofitted, but it couldn't be completely
21 retrofitted; is that right?
22 A. That's correct.
23 Q. What couldn't be done to that bungalow to
24 retrofit it? Do you know?
25 A. No, I don't know.

1 Q. Okay. Do you know why there is one or
2 approximately two science classes that don't meet in
3 laboratory -- I'm sorry -- why there's one or
4 possibly two science teachers that do not meet in
5 laboratory class spaces?

6 A. Because we ran out of rooms that science --
7 science -- in, quote, "rooms" -- we don't have
8 enough.

9 Q. And you testified that at least one of the
10 teachers told you that that teacher has to move to a
11 lab room to be able to do labs for that class; is
12 that right?

13 A. Yes.

14 Q. Does that teacher have to displace another
15 science class to be able to use the lab room?

16 A. Yes.

17 Q. What does that science class do during that
18 time period?

19 A. They go to that teacher's room. The teacher
20 going there, they would go to that room.

21 Q. So they switch rooms?

22 A. Right.

23 Q. Do they have to coordinate schedules to
24 figure out who wants to do labs when?

25 A. Yes.

1 he was familiar with.

2 Q. And the computer teacher would leave -- if
3 the computer teacher does leave a lesson plan, it
4 would be a lesson plan that doesn't include lesson
5 plans for the use of computers?

6 A. Yes --

7 Q. What kind of --

8 A. -- something with reading that the teachers
9 make copies of that the students would have to do a
10 report on. Something like that.

11 Q. Okay. When did Fremont go on the multitrack
12 year-round calendar?

13 A. You asked me that before. I couldn't
14 remember the year, and I didn't look it up. So I
15 don't know.

16 Q. Okay.

17 A. It wasn't that long ago. About six years
18 ago.

19 Q. It was definitely during your tenure --

20 A. Oh, yes.

21 Q. -- at Fremont?

22 Do you know why Fremont went on the
23 multitrack-year calendar?

24 A. I assume a large part of the reason is
25 because we had too many students that needed to

1 Q. Do all computer classes at Fremont take
2 place in rooms that have computers in them?

3 A. Yes, with the exception of when a substitute
4 is there. It's common practice not to put a
5 substitute in a computer laboratory, based on
6 previous experience with damage to machines and that
7 type of thing.

8 Q. So if a computer teacher is sick or is going
9 to be absent from school for a day, what happens to
10 that teacher's class?

11 A. Okay. The class meets in a different
12 location. It either goes to the cafeteria, to the
13 library, or to a vacant room.

14 Again, they would have to travel, but we
15 have found it's not safe or productive to put a
16 noncomputer teacher in a computer lab.

17 Q. What do the students do during that day when
18 they are not in their computer room with the
19 substitute teacher?

20 A. Well, in the best of all possible worlds,
21 the teacher would have left a lesson plan with sub
22 finder or in the room or with the teacher.

23 I don't know that that always happens. In
24 that case the substitute would get some kind of
25 lesson from the business department or do something

1 attend our school; therefore, to accommodate more
2 students, we put the track system in.

3 Q. Why do you assume that?

4 A. Because our population is huge, and if we
5 were on single track, we would have to bus more
6 students out.

7 Q. Is the multitrack calendar in operation at
8 Fremont the Concept 6 calendar?

9 A. Yes.

10 Q. What do you understand Concept 6 to mean?

11 A. It's a way to describe a school calendar.
12 That's the name of it.

13 Q. Do you know how Concept 6 differs from other
14 multitrack calendars or if it does not?

15 A. Not offhand. I would have to compare them.

16 Q. Okay. Without operating on a multitrack
17 calendar, do you know how many students Fremont could
18 accommodate?

19 A. No, but that's a good question. I assume it
20 would be about a third less than what we accommodate
21 now. We have about 5,000 now. So we would probably
22 be close to 3,500.

23 Q. Okay. Am I correct that you do not
24 participate in the decision about which tracks
25 students should be assigned to? Is that right?

1 A. That's correct.
 2 Q. Which administrator does -- an administrator
 3 at Fremont makes that decision or supervises that?
 4 A. Yes.
 5 Q. Do you know which administrator it is?
 6 A. Yes.
 7 Q. Which administrator?
 8 A. Jauregui, J-a-u-r-e-g-u-i. Remember last
 9 time I said she had a hard name.
 10 Q. I do remember.
 11 A. Would you like her first name?
 12 Q. Sure.
 13 A. Guillermina, G-u-i-l-l-e-r-m-i-n-a. I
 14 really have to write it to see it. Does that look
 15 right?
 16 Q. Do you know what percentage of
 17 Ms. Jauregui's duties are spent on assigning students
 18 to the tracks at Fremont?
 19 A. No.
 20 Q. Okay. Do you know what criteria is used at
 21 Fremont to assign students to tracks?
 22 A. I know that right now we are looking at
 23 numbers. So the smaller tracks are getting the new
 24 students, whichever the small track is right now. I
 25 don't know.

1 Q. When you say "right now," you mean if a
 2 student were to try to enroll today, you would --
 3 A. Yes.
 4 Q. -- the school would look at which track had
 5 the fewest number of students?
 6 A. Yes.
 7 Q. Do you believe that there are any
 8 disadvantages to Concept 6 multitracking?
 9 MS. GODFREY: Objection. Vague and
 10 ambiguous, irrelevant.
 11 THE WITNESS: It's kind of broad.
 12 BY MS. LHAMON:
 13 Q. I'm going to ask if there are any
 14 advantages, next, by comparison with a traditional
 15 calendar.
 16 Do you believe that a Concept 6 multitrack
 17 calendar has any disadvantages?
 18 MR. ROZWOOD: Objection. Disadvantages as
 19 to who?
 20 I mean she already testified in her
 21 depositions there are disadvantages to the
 22 administration, and you are not making a distinction
 23 in your question.
 24 I think it's really confusing on whether you
 25 are referring to advantages or disadvantages to the

1 administration or some other group of people.
 2 BY MS. LHAMON:
 3 Q. You can answer the question.
 4 A. Are we talking year-round versus
 5 traditional?
 6 Q. I'm talking --
 7 A. I don't have a knowledge about the other
 8 year-round schedules.
 9 Q. Why don't we take the multitrack that you
 10 know about versus the traditional. Do you see any
 11 disadvantages?
 12 A. Are we talking about for teachers or
 13 students?
 14 Q. Well, any disadvantages. So if you think
 15 there's administrative disadvantages, I would like to
 16 hear about that. If you think there's faculty
 17 disadvantages, I would like to hear about that. If
 18 you think there's student disadvantages, I would like
 19 to hear about that. If you think there aren't any,
 20 that's fine.
 21 A. That's in addition to other ones. I talked
 22 about the communications problems. Because as far as
 23 I'm concerned, the largest one is communications, so
 24 we all have the same amount of knowledge at the same
 25 time.

1 Q. You are talking about communication among
 2 administrators?
 3 A. Or teachers. For example, remember you
 4 asked about what we do about the teachers that come
 5
 6 on later on other tracks. Well, then we have to go
 7 back and remember what they did or did not have. So
 8 that's another step.
 9 Q. Sure.
 10 A. It's the same kind of thing when we are
 11 setting up staff development, that type of thing.
 12 Q. Okay.
 13 A. That is one I deal with every day.
 14 Q. Okay.
 15 A. The other ones are kind of philosophical
 16 reasons and speculative. As far as student learning,
 17 there's research both ways on that. So I don't know.
 18 MS. GODFREY: I'm going to interpose a late
 19 objection because there's this going back and forth
 20 going on, but to the extent that Ms. Hines has
 21 already testified to disadvantages to the Concept 6
 22 calendar and multitrack calendars, the question has
 23 been asked and answered.
 24 MS. LHAMON: Okay.
 25 MS. GODFREY: Okay.

1 BY MS. LHAMON:
 2 Q. Have you completed your answer?
 3 I was asking about what are all the
 4 disadvantages that you believe exist as between a
 5 multitrack calendar and a traditional calendar. I
 6 wanted to make sure you completed your answer.
 7 MS. GODFREY: Other than what she already
 8 testified to.
 9 BY MS. LHAMON:
 10 Q. Other than what you just answered right now.
 11 A. Remember like about two times ago when we
 12 went over all those?
 13 Q. I do remember that.
 14 A. I can't remember all the things.
 15 Q. That's okay. You can tell me what you think
 16 right now.
 17 MR. ROZWOOD: You want her to go through
 18 this area again? We spent half a day talking about
 19 multitracking and --
 20 MS. LHAMON: You've made your objection.
 21 MR. ROZWOOD: You are interrupting me. I'm
 22 trying to make a statement for the record, and I'm
 23 concerned about Ms. Hines's time. She is a very busy
 24 person.
 25 She has been at the school for 14 years, and

1 this is her third day of deposition. This ground has
 2 been covered extensively.
 3 Because Mr. Friedman isn't here for today
 4 and Ms. Godfrey doesn't know what was testified to,
 5 you are taking --
 6 MS. LHAMON: That's inappropriate. I'm not
 7 doing that. I'm asking a question that's a
 8 legitimate question. I'm entitled to an answer.
 9 I appreciate the objection. Let's get the
 10 answer and not waste any more time.
 11 MR. ROZWOOD: Other than what you testified
 12 to.
 13 BY MS. LHAMON:
 14 Q. I'm not asking what you already testified
 15 to.
 16 I'm asking: Sitting here today, what are
 17 the disadvantages that you can think of between a
 18 traditional calendar school and a school on a
 19 multitrack calendar?
 20 MR. ROZWOOD: Objection. Asked and
 21 answered.
 22 MS. GODFREY: Same objections.
 23 BY MS. LHAMON:
 24 Q. You can answer.
 25 A. Okay. Well, as I said before, the major

1 thing was communication, administrating all the
 2 adults at the school and the students as well, as far
 3 as being on the same page at the same time and
 4 knowing what is going on.
 5 It's an organizational challenge, figuring
 6 out who said what. It's -- you just want to be fair
 7 to everyone, and you don't want to see any track or
 8 group of teachers not have what it is that they need.
 9 So that's the biggest thing that I can say
 10 at this particular point.
 11 Q. Okay. Thank you.
 12 When -- does school maintenance take place
 13 while students are on campus at Fremont High School?
 14 A. Okay. I think we talked about this one
 15 before too, and we said that there is always some
 16 ongoing maintenance going on. There has to be. I
 17 mean cleaning and so forth, but obviously when a
 18 teacher is conducting a class, you don't clean in a
 19 classroom at that time.
 20 Q. Does the school have to have some
 21 maintenance take place on Saturdays or after business
 22 hours to be able to do it when the students are not
 23 in classes?
 24 MR. ROZWOOD: Objection to form.
 25 THE WITNESS: I think they do it not

1 necessarily because that's when they have to do it
 2 but that's -- it's just part of the schedule.
 3 They work on Sundays. They work on
 4 Saturdays. They work after adult school leaves and
 5 in between adult school and day school, and I mean
 6 that's their schedule. So...
 7 BY MS. LHAMON:
 8 Q. Given that's their schedule, does the school
 9 not have to pay overtime for people to perform that
 10 work on Saturdays or Sundays or after school?
 11 A. It's my understanding that overtime is built
 12 into the schedule for those particular reasons.
 13 Q. Okay. Does Fremont offer remediation
 14 services to students?
 15 MS. GODFREY: Objection. Vague and
 16 ambiguous.
 17 THE WITNESS: Okay. You want to be a little
 18 more specific about remediation?
 19 BY MS. LHAMON:
 20 Q. Let's start with intersession. You told me
 21 there were some intersession classes taking place.
 22 Is intersession remediation, or is it like summer
 23 school?
 24 A. I know what you are saying. No, it's
 25 remediation. The classes are classes that the

1 students have not passed before. I mean they have
2 taken them but not passed them.

3 Q. And that's the only thing that is offered
4 during intersession? It's offered to students who
5 need to take a class they didn't pass?

6 A. That's correct. Although this year we did
7 try to offer the sewing class that you talked about
8 earlier, and the enrollment -- it didn't make
9 enrollment.

10 So it seems like with the students that
11 attend our school there's a greater need for them to
12 attend the classes toward graduation.

13 Q. Okay. Other than the intersession classes,
14 does Fremont offer any other types of remediation for
15 students who need extra help or haven't passed a
16 class?

17 A. We have tutoring programs. We have some
18 Saturday sessions that Title I offers. We have an
19 adult school on our campus. So one of the most
20 popular ways is for the student to stay on campus and
21 take adult school classes, and there are special
22 classes that are offered for our students to make
23 sure that they can pass those classes.

24 Some of the students go to skill centers --
25 Maxine Waters, that type of thing -- as a way of

1 intersession; is that right -- at Fremont High
2 School?

3 A. I think so.

4 Q. Okay. One intersession course. So during
5 one off-track session for a track, is Fremont able to
6 offer the equivalent of the entire course? So if a
7 student needs to make up algebra --

8 A. Uh-huh.

9 Q. If a B track student needs to take algebra
10 again when he is off track, is that student able to
11 get the full algebra class during the intersession
12 periods?

13 A. I think a student is -- I think a student
14 can take two classes. So I think the person could
15 take Algebra 1 A/B. I'm not absolutely positive of
16 that.

17 Q. Okay.

18 A. I know the student has opportunities to take
19 two classes.

20 Q. And the question I'm asking was maybe
21 unclear.

22 Is the course offered during the
23 intersession equivalent to a course that would be
24 offered in a semester during the regular part of the
25 school year? So not the intersession part of the

1 making up credits. It's possible to enroll in
2 community colleges as well.

3 There's lots of different paths that a
4 student can take to accumulate other credits.

5 Q. The skill centers and the work experience
6 and the community college options, those are not
7 options offered by Fremont; is that right?

8 A. Well, it's offered by L.A. Unified to go to
9 Maxine Waters, and they do have transportation and
10 it's really not that far from us. Sometimes they
11 actually offer academic classes at the skill center.
12 So it's possible for a student to do that.

13 This is based on three or four years ago.
14 To my knowledge, that still exists, that program.

15 Like I said, the biggest avenue is the adult
16 school on campus, and the adult school principal
17 works with the assistant principal counseling when he
18 offers the classes so that it services our students.

19 Q. Okay. For the intersession classes --
20 strike that.

21 Is intersession offered during every period
22 when one track is off track?

23 A. Yes.

24 Q. So if I'm on, let's say, track A, every time
25 I go off track, there's an opportunity for me to take

1 school year.

2 MS. GODFREY: I'm going to object as to the
3 term "equivalent." Are you talking about the amount
4 of credit?

5 MS. LHAMON: I'm talking about the same
6 amount of credit.

7 MS. GODFREY: Length of time would be
8 different?

9 MS. LHAMON: Right.

10 Q. But they have the equivalent quantity of
11 information given to the students during the
12 intersession. That's what I'm asking.

13 A. The first one. If a student is taking A/B,
14 that's ten hours. That's four hours of instruction
15 on intersession calendar or the equivalent of two
16 classes, which would be ten credits.

17 You are talking about a lot less time on
18 task, very condensed session, and I would be amazed
19 if it's equivalent to a whole semester's class.

20 In the case of Algebra A/B, that one year,
21 you are talking about taking it in less than two
22 months. To me, I don't see how that would be
23 equivalent education. That's my personal opinion.

24 Q. Okay. Thank you.

25 Is Fremont able to accommodate during

1 intersession all the students who need to make up a
2 course at Fremont High School, or does Fremont have
3 to turn some students away from intersession classes?

4 A. That's a pretty good question. I think
5 sometimes we have difficulty finding teachers, and in
6 that case, we are not able to offer the class.

7 I think, to me, though, we really need to
8 offer -- I mean more students need to be interested
9 in going to intersession.

10 In the end I think we service most of the
11 students that want to go to intersession, but not
12 enough really want to go.

13 The other issue at our school, if we
14 offered, say, ten classes in intersession, which we
15 probably couldn't fund anyway, there's no space. Any
16 time we are offering intersession, we are displacing
17 a classroom, and that's an extremely big issue that
18 we talked about earlier. It's difficult. That is a
19 challenge.

20 Q. Do you participate in the decision making
21 for which intersession courses will be offered at
22 Fremont?

23 A. No.

24 Q. Who does that?

25 A. The assistant principal counseling.

1 Q. And are the identical number of courses
2 offered on each track at the school?

3 A. It wouldn't be exact, no.

4 Q. So there might be, you know, more English
5 glasses offered on one track than on another?

6 A. Certainly, yeah. Yes.

7 Q. Why does that happen?

8 A. Again, it's based on what the students on a
9 particular track need, and we would always have
10 enough required classes for everyone, but you might
11 find students on one track actually getting into a
12 required class on a repeat basis, which we try to
13 avoid, but that could jam the numbers up in a
14 particular class, and that would cause perhaps more
15 English classes to be offered on a track.

16 I mean there are lots of different reasons.

17 Q. Why would a student on a given track get
18 into a required course on a repeated basis? Would
19 that be because they failed the class and need to
20 retake it?

21 A. Yes. If there's space, sometimes that
22 happens. Theoretically they are supposed to be
23 intersession or adult school when they repeat
24 classes. That's the policy. That may or may not be
25 in writing, but you'll find that, in practice, that

1 Q. Have you spoken to the assistant principal
2 counseling about that decision making at all?

3 A. No. She is really experienced, as is the
4 intersession coordinator, and my opinion would really
5 be superfluous on that issue.

6 Q. Okay. Thanks for letting me know.

7 A. Yeah.

8 Q. You testified that, any time an intersession
9 course is offered, that course would displace another
10 class that would be offered then; is that right?

11 A. Yeah. Theoretically, if we could offer as
12 many students as would show up. You would have to
13 have a location.

14 What would that location be? We already
15 have one in the cafeteria. But I don't think -- I'm
16 just guessing. I don't think that we even would have
17 funding to offer an unlimited number of intersession
18 classes.

19 I believe the district has nothing to do
20 with letting us know how many we can offer. It used
21 to be that way with summer school. So I don't know.

22 Q. Okay. Thanks.

23 Are the same classes offered on all three
24 tracks at the school?

25 A. In general, yeah.

1 doesn't always happen. You'll find students sitting
2 in the daytime ninth-grade English twice.

3 Q. Okay. Do you know how the decision is made
4 at Fremont to offer one course on one track but not
5 on another?

6 A. Again, the counselors take student requests,
7 and they make sure that they get their requirements
8 and turn in tallies to the assistant principal
9 counseling, and that's how she determines how many
10 sections are offered. So it would vary a little bit.
11 Not a great deal but a little bit.

12 Q. Does multitracking impact students' ability
13 to participate in extracurricular activities?

14 MS. GODFREY: Objection. Vague and
15 ambiguous.

16 MR. ROZWOD: Objection. Asked and
17 answered.

18 MS. GODFREY: Join.

19 THE WITNESS: We did talk about that a
20 little bit before. We talked about people coming
21 back from vacation to participate in sports, but in
22 general, the sports at Fremont are so good and
23 competitive that it's not particularly a problem.

24 The students do come for practice both in
25 instrumental and in athletic organizations when they

1 are off track.

2 Theoretically it could. I suppose there are
3 isolated instances where a student had to go to
4 Mexico during his off-track time, and that would
5 prevent him from marching with the band.

6 BY MS. LHAMON:

7 Q. Okay.

8 MR. ROZWOOD: That's a hypothetical you just
9 testified to, or it's an actual --

10 THE WITNESS: It's a hypothetical, but it
11 could happen.

12 BY MS. LHAMON:

13 Q. You mentioned on an earlier day of testimony
14 that Fremont buses students away from campus under
15 the CAP program; is that correct?

16 A. Yes.

17 Q. When did Fremont start busing students on
18 the CAP program?

19 A. I don't really know, but I would guess it's
20 ever since we have begun year-round that we bus
21 students out.

22 I think we have always been full.

23 Q. Is CAP a program designed to alleviate
24 overcrowding?

25 MS. GODFREY: If you know.

1 from whatever they tell us, the parents can choose.

2 Q. Do you know to which high schools -- or
3 which high school or high schools students --

4 A. No.

5 Q. -- are bused from Fremont now?

6 A. No.

7 Q. Do you know --

8 A. Sorry.

9 Q. That's okay.

10 Do you know which high schools or high
11 school students were bused last year for the
12 2000/2001 school year?

13 A. No, I really don't know with any accuracy.

14 I know they go to the Valley. They have in the past
15 gone to Canoga, but I don't know what year they went
16 to Canoga.

17 Q. Okay. Do you know if the students that were
18 bused away from Fremont always go to multitrack
19 schools when they are bused away?

20 A. No, not necessarily.

21 Q. They don't necessarily?

22 A. They don't necessarily go to multitrack
23 schools.

24 Q. Do you know why that is?

25 A. They go to schools where there is space.

1 THE WITNESS: Yeah. That -- I mean they
2 take students away because there's no room for them.
3 Yeah, it's a program to find another school for the
4 students that don't have enough space at their home
5 school.

6 BY MS. LHAMON:

7 Q. Do you know how it's decided who would be
8 bused away from Fremont and who will remain at
9 Fremont?

10 A. Yes, it's whoever is there the first day
11 actually gets a place. Then toward the end of the
12 week, we get full, and those students are bused or
13 put on a waiting list.

14 Q. Do you know how many students are being
15 bused away from Fremont now on the B and C tracks?

16 A. No.

17 Q. Do you participate in supervising the busing
18 at Fremont at all?

19 A. No.

20 Q. Who does?

21 A. Ms. Jauregui.

22 Q. Are the parents whose children are going to
23 be bused away from Fremont given a choice of which
24 schools their children should be bused to?

25 A. The district tells us which schools, and

1 Q. Okay. Do you know what time the buses leave
2 campus to take students to the schools who are bused
3 away from Fremont?

4 A. Yeah, it's between 6:00, 6:15, around that
5 area in the morning.

6 Q. Do you know what time those buses return to
7 campus?

8 A. Not really, no, I don't know.

9 Q. Okay. Do you believe that being bused to
10 school affects the students' learning?

11 MS. GODFREY: Objection. Vague and
12 ambiguous.

13 MR. ROZWOOD: Join.

14 THE WITNESS: Well, yeah, it's pretty broad,
15 but you could assume that a student would not get as
16 much sleep if they had to get up earlier to go on a
17 bus, and that could certainly affect student
18 learning, plus we feel we have a good educational
19 learning program at Fremont High School, and just in
20 terms of subjective reports from students, sometimes
21 we feel maybe we treat our students better than
22 perhaps some of the schools that they are bused to,
23 for whatever reason without making any allegations.
24 So...

25 BY MS. LHAMON:

1 Q. You've heard from some of the students bused
2 away that they would rather be at Fremont? Is that
3 what you are saying?

4 A. No, there just may be a little more
5 discrimination in different areas than they will find
6 at our school. I think that's unfortunate.

7 Another thing that happens, of course, the
8 students that are bused are probably not the stellar
9 students, and so, you know, they are not going to
10 maybe perform as well, and I think it's better that
11 they stay at home if they can.

12 Anyway, that's just a little editorial.

13 Q. The students -- you said that the students
14 who are going to be bused are probably not the better
15 students. Is that because those are the students
16 that register late and those are the students that
17 are less academically --

18 A. That's a generality. I imagine if the
19 student didn't get there by the end of -- the last
20 day of the first week of school, perhaps there is not
21 as much parental push towards getting a student
22 enrolled and caring as much.

23 Not always. It's a generalization, but with
24 the students that show up toward the end of the month
25 that seemed unaware that school started, that type of

1 I think you asked a question that you didn't
2 answer her directly. You asked what reports of
3 discrimination the students had informed her of, and
4 you responded what you heard from teachers and
5 administrators. So I want the record to be clear.

6 Have you heard any reports directly from
7 students of discrimination?

8 THE WITNESS: No one has come to my office
9 and said, "This has happened to me" and "That's
10 happened to me." That's not true.

11 It's like a global gestalt all these years
12 of talking to different people, but I couldn't give
13 you an incident where someone has come and said that.

14 If that happens, that's reported. If we
15 have a specific incident, we would report that. So I
16 don't have anything like that.

17 BY MS. LHAMON:

18 Q. Okay.

19 A. Maybe I'm talking my personal opinion.

20 Q. That's okay. I appreciate the
21 clarification.

22 A. Okay.

23 Q. I want to ask you if you know about any fees
24 being charged to students who participate in
25 educational activities at Fremont.

1 thing, they are not going to be your stronger
2 students.

3 Q. Okay. And you said that you hear from some
4 of the students who are bused away that there might
5 be different forms of discrimination at some of the
6 schools they are bused to.

7 A. That's right.

8 Q. What kinds of discrimination have they told
9 you about?

10 A. These are reports that I have read in the
11 media, have heard from other administrators, you
12 know, referring to not our students, that kind of
13 thing, that they don't really feel they belong when
14 they are sent so far away.

15 Some -- there are two types of students that
16 go to other schools too. You have some students that
17 are PWT that have attended school in the Valley their
18 whole entire career. These students are probably
19 really good students and are performing well. Then
20 you have the late ones.

21 I don't know what I'm saying. Go on. Ask
22 the next question.

23 Q. I want to ask you what "PWT" means.

24 A. Permit with transportation.

25 MS. GODFREY: I want to clarify.

1 Before I do that, I want to start by finding
2 out what you understand the term "school fees" to
3 mean so we can make sure we are talking about the
4 same thing.

5 MR. ROZWOD: Objection. Vague and
6 ambiguous.

7 THE WITNESS: Okay. You want to tell me
8 what you think "school fees" mean.

9 BY MS. LHAMON:

10 Q. I need to work with your definition if you
11 can tell me what you understand "school fees" to
12 mean.

13 MR. ROZWOD: Objection. You are using a
14 term without any context. You should ask her the
15 question, and she will answer.

16 Asking her to define a term in isolation is
17 not a definition --

18 BY MS. LHAMON:

19 Q. You can answer.

20 MS. GODFREY: Join.

21 THE WITNESS: I guess you could have a
22 charge to buy some wood to be in the wood shop class.
23 That kind of thing. That could be a school fee. Or
24 to buy an easel or something for an art class -- not
25 an easel but a pallet or brush or something or maybe

1 a fee to join the football team. Maybe something
 2 like that.
 3 BY MS. LHAMON:
 4 Q. Let's work with that.
 5 A. Okay.
 6 Q. Asking students to pay for something to
 7 participate in a school activity. Does that work?
 8 A. Okay. Sure.
 9 Q. Okay. Are you aware of any such school fees
 10 being charge to the students at Fremont High School
 11 since you've been an administrator there?
 12 A. No.
 13 Q. Do you know if any Fremont teachers ask
 14 students to pay money to take classes?
 15 A. No.
 16 Q. Do you know if any Fremont teachers ask
 17 students to purchase materials for class?
 18 A. No.
 19 Q. Do you know if any Fremont teachers ask
 20 students to pay money to take a field trip?
 21 A. No, huh-uh. That question has been asked of
 22 me because sometimes teachers don't know that. So if
 23 they do that, they were told not to. I don't think
 24 that's happened, no.
 25 MS. GODFREY: Can we take a short break for

1 a minute.
 2 MS. LHAMON: Sure.
 3 (Off the record.)
 4 BY MS. LHAMON:
 5 Q. Do you know if any of the athletic coaches
 6 at Fremont have asked students at Fremont to pay a
 7 fee to be able to participate in a sports team?
 8 A. No, no. I would be really surprised if that
 9 ever happened.
 10 Q. Does Fremont undergo an annual fiscal audit?
 11 A. I don't know.
 12 Q. Do you know if Fremont undergoes any fiscal
 13 audit?
 14 MR. ROZWOOD: Vague and ambiguous as to
 15 "fiscal audit."
 16 You mean one performed by the big district,
 17 L.A. Unified, or something performed by an outside
 18 internal audit consulting firm?
 19 BY MS. LHAMON:
 20 Q. I'm asking if you know about any. You can
 21 answer if you know about any.
 22 A. Yes, I believe we were audited, the finance
 23 records, about two years ago.
 24 Q. Do you know who performed that audit?
 25 A. No.

1 Q. Do you know who asked for the audit to be
 2 performed?
 3 A. Not really.
 4 Q. Okay. You say that you think the audit took
 5 place two years ago.
 6 A. I believe so. At the time they were
 7 auditing a lot of schools, and everyone knew about
 8 it. I think there was a districtwide thing.
 9 Q. When you say they were auditing a lot of
 10 schools, you mean the L.A. Unified was?
 11 A. Whoever "they" is. I don't know.
 12 Q. Did you participate in that audit at all two
 13 years ago?
 14 A. No.
 15 Q. Do you know when was the last time Fremont
 16 was reviewed as part of the coordinated compliance
 17 review?
 18 A. No, but I know we are scheduled next year.
 19 So whatever cycle they are on, I know that's the next
 20 one.
 21 Q. When you say you are scheduled next year, is
 22 next year going to be the year when Fremont does its
 23 self-review or when the CCR team comes to campus?
 24 A. I don't know.
 25 Q. How is it that you know that Fremont is

1 scheduled next year for a coordinated compliance
 2 review?
 3 A. Actually I drove the Title I coordinator
 4 back from the conference we went to last weekend, and
 5 she said she wasn't going to retire until the CCR was
 6 finished, and that was a year from now, which is the
 7 same year we are getting a WASC review, W-A-S-C.
 8 Q. It's a big year.
 9 A. Yes.
 10 Q. Have you -- I asked if you knew when the
 11 last CCR review had been at Fremont, and you said you
 12 did not remember.
 13 Do you remember participating in one at
 14 Fremont?
 15 A. Yes, but they are all kind of a blur. I
 16 have been in many of those, yes.
 17 Q. You say they are all kind of a blur. The
 18 WASC review, the CCR review, those all kind of go
 19 together for you?
 20 A. WASC doesn't blur because I'm more involved
 21 in organizing that as the administrator in charge.
 22 CCR goes through the Title I coordinator. She is
 23 administrating it, but which years are which, that's
 24 what I mean as a blur.
 25 Q. You are saying you are more intimately

1 involved with the WASC review. How are you involved
2 with the WASC review?

3 A. The last two or three I have been the
4 administrator in charge.

5 Q. Next year, which is the 2002/2003 school
6
7 year, would be the year WASC reviews Fremont; is that
8 right?

9 A. Yes.

10 Q. Will you be in charge of that review then?

11 A. I don't know. I'm in charge still this
12 year, but the new administrator may be in charge this
13 year because she actually loves accreditation. So we
14 will see.

15 Q. Have you found the WASC reviews helpful in
16 the past at Fremont?

17 MS. GODFREY: Objection. Vague and
18 ambiguous.

19 MR. ROZWOOD: Join.

20 THE WITNESS: To a certain extent. I like
21 the idea that the teachers meet together and talk
22 about instruction and ideas and making the school
23 better.

24 A lot of the courses are kind of pro formal
25 paperwork kinds of things that get in the way of

1 MS. LHAMON: My question speaks for itself.

2 Q. Go ahead and answer.

3 MR. ROZWOOD: Objection as to the use of the
4 term "State" as vague and ambiguous.

5 THE WITNESS: Well, there are two other
6 review teams that address issues at the school.
7 Whether they are coming from the State or from the
8 district, it's sometimes confusing for me.

9 Special ed is often special ed compliance.
10 I don't know where that's coming from. It could be a
11 district team.

12 Of course, we have bilingual compliance
13 also. Now, what the State's role is in either one of
14 those, it could be minimal or none. I don't know.

15 BY MS. LHAMON:

16 Q. Okay. Those are the only reviews that you
17 are aware of that are external to Fremont -- the
18 WASC, the CCR, the special ed compliance, and
19 bilingual?

20 MS. GODFREY: She testified to fiscal audit.

21 Are you excluding that on purpose or --

22 THE WITNESS: Yeah, the fiscal --

23 BY MS. LHAMON:

24 Q. Okay.

25 A. I think so.

1 other things you are supposed to be doing, but I find
2 the dialogue helpful.

3 BY MS. LHAMON:

4 Q. Have you -- after the last WASC review, did
5 Fremont change any of its practices as a result of
6 that review?

7 MS. GODFREY: Objection. Vague and
8 ambiguous.

9 THE WITNESS: Because of WASC, we did.

10 BY MS. LHAMON:

11 Q. What practices did you change?

12 A. One thing we are doing, I think, a better
13 job of doing is monitoring our action plan. I think
14 before, for a number of reasons, we did not
15 continually talk about our action plan, what are we
16 doing with this and what are we doing with that. So
17 I think we are doing a better job of that, and we
18 have actually answered some of the things, I think,
19 in a better way. I mean we put programs in place in
20 certain areas.

21 Q. Okay. Other than the WASC review and the
22 CCR review, are there any other State review
23 processes that you know about that Fremont undergoes?

24 MR. ROZWOOD: Objection. Other than what
25 she has already testified to in her deposition?

1 Q. Okay. Thank you.

2 How did you first hear about this case?

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

4 Q. Okay. Do you remember when you first heard
5 about the case?

6 A. No, because I probably heard little bits and
7 pieces, and then when I realized I was coming down, I
8 started figuring out what it was. Now I know the
9 name of it and so forth.

10 Q. Okay. Now you are intimately familiar?

11 A. Yes.

12 Q. Have you read any newspaper articles about
13 this case?

14 A. Yes.

15 Q. Which newspaper articles have you read?

16 MS. GODFREY: I'm going to object as to
17 relevance.

18 BY MS. LHAMON:

19 Q. You can answer.

20 A. Well, the last one I read was the "Breeze"
21 article that referenced your name and the art
22 teacher. I think it was an art teacher. It was a
23 teacher that stated how he felt, and he felt very
24 strongly about how he felt, and he was being
25 ostracized by the faculty members because he

1 supposedly trashed or dissed his school.
2 So I read that article, and that's the last
3 one I can remember or have a specific recollection
4 of.

5 Q. What did you think of that article?

6 A. It was a while ago. I read it in the
7 morning. I put a Post-it on it for my son and said
8 this is the one I'm doing. I think -- I thought it
9 was fairly well done for the "Breeze."

10 Q. Can you remember any other articles that
11 you've read about this case?

12 A. Not specifically.

13 Q. Have you had any discussions with any
14 teachers at Fremont or other administrators at
15 Fremont about this case?

16 A. No discussion that lasted longer than a
17 minute. Of course, Ms. Roland and I have talked
18 about it for more than a minute. Everyone else says,
19 "Oh, you have to do a deposition" --

20 Q. They are jealous.

21 A. -- not anything of substance.

22 Q. What did you say to Ms. Roland about this
23 case?

24 A. Well, we are dialoguing about what the
25 expectations were and in general the questions that

1 we looked it up.

2 He said, oh, yeah, he had about 40, but it
3 wasn't in an eleventh grade class. It was tenth
4 grade. Those students were eventually bounced out.
5 The tenth class is usually around 30. 10 is bad, but
6 it's not 20 over, and it was eventually taken care
7 of.

8 Q. Do you remember which class that was?

9 A. It was an English class, and the teacher was
10 Mr. Bell, B-e-l-l.

11 Q. Okay. After we filed this lawsuit, did you
12 receive any communication from anyone associated with
13 the State Board of Education regarding the
14 allegations at Fremont?

15 A. No.

16 Q. After we filed the lawsuit, did you receive
17 any communication from anyone at the California
18 Department of Education about the allegations in this
19 lawsuit?

20 A. No.

21 Q. Did you receive any communication from
22 anyone at the State Superintendent of Public
23 Instruction's office about the allegations in this
24 lawsuit?

25 A. No.

1 were asked, that type of thing. I haven't talked to
2 her about it.

3 Whoever went first, the other was asking:
4 What did they ask you? What did they want to know?
5 You should be prepared. Oh. That type of thing.

6 Q. Did you talk at all about the substance of
7 the case or whether the allegations in the case were
8 true or false?

9 A. Both of us didn't have a lot of knowledge
10 about some of the plant questions you are asking, and
11 I still don't have a lot of knowledge about it, but
12 we looked at some of those questions.

13 There was a question about the number of
14 students in the class which seem to me totally false.
15 So I investigated that a little bit and found that
16 that was kind of twisted, that information. So just
17 a couple of areas.

18 Q. And the information about the number of
19 students in the class you thought was twisted, what
20 information was that?

21 A. I believe it was in -- when a student said
22 there was -- in an eleventh-grade class there were 40
23 students, I just about fell over at that because that
24 is a class that could only be 20 or you are totally
25 out of compliance. I asked the teacher about it, and

1 You are meaning me personally?

2 Q. Right.

3 A. No.

4 Q. Are you aware of any communications with
5 anyone at Fremont High School?

6 A. No.

7 Q. Have you discussed this case with anyone at
8 O'Melveny & Myers other than in your deposition?

9 A. You mean with my attorneys?

10 Q. No, your attorneys are Lozano Smith.

11 A. Sorry about that.

12 Q. That's okay. It's not an insult.

13 Mr. Rozwood works at O'Melveny & Myers, and
14 they represent the State of California. It's the
15 place we are today.

16 Have you had any conversations with the
17 attorneys representing the State of California,
18 O'Melveny & Myers, separate from your deposition
19 itself?

20 A. No.

21 Q. You never met with Mr. Rozwood before the
22 deposition?

23 A. No.

24 Q. You haven't met with any other attorneys
25 with O'Melveny & Myers before the depositions?

1 A. No.
 2 Q. Or had any conversations over the phone with
 3 them?
 4 A. No.
 5 Q. Or received anything in the mail from them?
 6 A. No.
 7 Q. Okay. Have you given a declaration to
 8 anyone in this case?
 9 Do you know what a declaration is?
 10 A. No.
 11 Q. When we showed you -- on the first day of
 12 testimony, Mr. Rozwood showed you some statements
 13 Cindy Diego had made and Glauz Diego had made and
 14 they signed them and they were on numbered paper and
 15 it was their allegations about what happened at
 16 school for them. Those are declarations.
 17 Have you given any written statement like
 18 that to anyone in the case?
 19 A. You mean did I write anything about it and
 20 give it to them? No.
 21 Q. Okay. Thank you.
 22 For the time being, I'm done asking
 23 questions, but I do need to wait for those documents
 24 to be copied today, and we haven't received the full
 25 document production. But for the time being, I'm

1 done with my questions.
 2 I don't know if Mr. Rozwood has any
 3 follow-up.
 4 MR. ROZWOOD: Let's go off the record for a
 5 second.
 6 (Off the record.)
 7 BY MS. LHAMON:
 8 Q. We have received copies from Ms. Hines of
 9 maybe about a ten-year old resume from Ms. Hines. I
 10 appreciate it.
 11 I would like to mark that as Exhibit 12 to
 12 this deposition.
 13 (Document referred to above was
 14 marked as Defendants' Exhibit 12
 15 for identification by the reporter
 16 and is attached hereto.)
 17 MS. LHAMON: We also received 43 pages of
 18 different leadership council meeting minutes, some of
 19 which are not stapled together and some of which are
 20 stapled together, and they are dated, and I'll
 21 introduce all of those minutes together as Exhibit 13
 22 to this deposition.
 23 (Document referred to above was
 24 marked as Defendants' Exhibit 13
 25 for identification by the reporter

1 and is attached hereto.)
 2 MS. LHAMON: None of the minutes are Bates
 3 stamped, and they are produced for the first time
 4 today. We have spent the off-the-record time
 5 reviewing copies of the minutes which we appreciate
 6 your bringing today, Ms. Hines, and counsel for the
 7 State and for the plaintiffs have noted there are
 8 several pages that seem to be out of order and some
 9 of the minutes seem to be missing altogether.
 10 So counsel for L.A.U.S.D. has agreed to
 11 produce these documents with Bates stamps as part of
 12 the regular production and to take a look at them and
 13 see if we can get a cleaner copy, and if you can't,
 14 you can't.
 15 Is that correct?
 16 MS. GODFREY: My understanding of what was
 17 handed to you at the deposition is all that there
 18 are. So I can ask my client to go back and take a
 19 look again, but off the record we discussed and she
 20 has assured me what was produced is everything that
 21 was in her possession.
 22 So the district will be happy to look
 23 through the documents and try to re-order them if
 24 something looks out of order, but in terms of finding
 25 leadership council minutes, we believe that what has

1 been produced is all that there are.
 2 MS. LHAMON: I appreciate that.
 3 I do note Ms. Hines stated she thought there
 4 were more recent minutes --
 5 MS. GODFREY: I'm sorry. I didn't hear
 6 that.
 7 MS. LHAMON: -- that her secretary didn't
 8 give her. I think there were a few more recent
 9 minutes.
 10 MS. GODFREY: I would be happy to get those
 11 as well.
 12 MS. LHAMON: I'm not going to ask you any
 13 questions about these minutes. I'm just going to
 14 mark them.
 15 I understand Mr. Rozwood has more questions.
 16 I hope we won't need to call you back, but there's a
 17 possibility we will when we receive the final
 18 production of documents from your counsel.
 19 MS. GODFREY: I would like to make a
 20 statement for the record in light of Ms. Lhamon's
 21 representation.
 22 It's the district's position that the fact
 23 that plaintiffs believe there are additional
 24 documents to be produced in response to, I believe,
 25 your deposition subpoena --

1 MS. LHAMON: Business records.
 2 MS. GODFREY: -- business records
 3 subpoena -- excuse me -- that in and of itself is not
 4 grounds to reopen the depo or call Ms. Hines again.
 5 It depends on if there are more documents to be
 6 produced and what those documents are.
 7 And additionally the district has objected
 8 consistently, since plaintiffs have served those
 9 subpoenas, that they are open, broad, and vague and
 10 ambiguous and a host of other written objections that
 11 I can't recall for the record right now, and that you
 12 have had the opportunity to depose Ms. Hines, and as
 13 far as we are concerned, if you are done with your
 14 questions, the deposition is closed.
 15 If you want to later argue after you've
 16 received some documents that the deposition should be
 17 reopened, you are free to make that argument at that
 18 time, but as far as the district is concerned, this
 19 has been your time to depose Ms. Hines, and the
 20 deposition is closed.
 21 MS. LHAMON: I appreciate that statement,
 22 but it's my deposition --
 23 MR. ROZWOOD: Actually it's mine.
 24 MS. LHAMON: We both noticed it, and I'm not
 25 closing --

1 MR. ROZWOOD: I'm sorry. Who is paying for
 2 the --
 3 Clearly we met pursuant to the deposition
 4 notice that the State served on the district for
 5 Ms. Hines to appear, and that's the nature of this
 6 particular deposition.
 7 If you noticed a separate deposition, that
 8 never proceeded. This deposition has been conducted
 9 pursuant to the State's notice.
 10 And just for the record, the State would
 11 also reserve its rights to seek to reopen this
 12 deposition in the event that the added documents
 13 produced responsive to previously served discovery
 14 are relevant to issues that we addressed in this
 15 deposition, and we also take the position that the
 16 deposition has not been concluded.
 17 MS. LHAMON: I want to make really clear
 18 that I'm not making a representation we would seek to
 19 reopen the deposition. We are not closing the
 20 deposition. So it's not an effort to reopen. It's
 21 not completed.
 22 MS. GODFREY: I'm not saying, if there's a
 23 reason you want to argue to the district later, that
 24 we aren't willing to consider it, but nobody -- you
 25 are free to depose somebody in a lawsuit when you

1 want to, and as I said, the district has made
 2 appropriate objections to plaintiffs' subpoena
 3 consistently throughout.
 4 There's no instruction not to answer.
 5 There's no outstanding dispute within this
 6 deposition, so to speak, and you've made the decision
 7 to depose this deponent at this time, as has the
 8 State, and again, for the record, the district's
 9 position is that, you know, we will consider or
 10 entertain a request to depose Ms. Hines at a later
 11 date, but if you are done with your questions, then
 12 you've had your opportunity to depose this witness.
 13 MS. LHAMON: You and I vigorously disagree
 14 about that, and we have noted you expressed in
 15 writing a continuing willingness to produce
 16 documents, and it's very clear that the document
 17 production is not complete, and your position has
 18 been that you will continue to produce documents.
 19 MS. GODFREY: Whether or not the district
 20 has agreed to produce documents has nothing to do
 21 with concluding this deposition, and again, I think
 22 I've made my statement for the record. We will have
 23 to agree to disagree.
 24 MS. LHAMON: Okay.
 25 MR. ROZWOOD: Ms. Hines is having so much

1 fun in this deposition.
 2 THE WITNESS: Yes.
 3 MS. LHAMON: You want to switch places?
 4 MR. ROZWOOD: No, it's just a short series
 5 of questions.
 6
 7 EXAMINATION
 8 BY MR. ROZWOOD:
 9 Q. You said there was one class -- intersession
 10 class being taught in the cafeteria currently.
 11 A. Yes.
 12 Q. What class is that?
 13 A. It's a mathematics class.
 14 Q. Do you know which math class?
 15 A. No, but I assume that it's an algebra-level
 16 class because that's mainly what we teach, Algebra 1,
 17 in intersession.
 18 Q. Did you receive any complaints from teachers
 19 or students that the cafeteria is an inadequate
 20 environment in which to teach math class?
 21 A. Not personally. I have not received those
 22 complaints.
 23 Q. Do you think the fact that that intersession
 24 class is being held in the cafeteria interferes with
 25 the students' ability to learn the subject matter?

1 A. If it were my choice, I would put the class
2 in a classroom because there is other traffic around
3 the cafeteria outside and we also have to spend time
4 cleaning up the cafeteria a little bit after
5 nutrition. You have a rolling chalkboard.

6 So I think the environment could be better.
7 Let's put it that way.

8 Q. Do you think it interferes with the
9 students' ability to learn the subject matter?

10 A. I don't know. I really don't know if
11 there's a direct interference. I could say there
12 certainly could be a direct interference.

13 Q. You mentioned -- in the context of busing
14 and the example of late enrollees, you mentioned the
15 parental role that is played sometimes in causing a
16 student to be a late enrollee and they are the
17 students that get bused outside of Fremont.

18 Do you recall that testimony generally?

19 A. Yes.

20 Q. Do you think that -- why don't you tell us
21 what you think the role of the parent is generally in
22 the students' education.

23 A. Now, that's a really broad question, but as
24 a parent and as an educator, I would hope that the
25 parents would know the subjects that the student is

1 her PE credits in swimming because she was a
2 competitive swimmer and, therefore, the State might
3 look at that as a repeat class and not count it as --
4 each time she took swimming to count it for the PE
5 that she would need for the credential.

6 Q. So if you were to hire her because you
7 thought she was an excellent teacher, you would be
8 forced to hire her without a full credential;
9 correct?

10 A. She would come in -- I could hire her as a
11 substitute teacher, which is one of the things I was
12 planning to do.

13 Considering everything is equal, she has not
14 had a complete interview yet. I have that scheduled
15 for Monday. She has had a mini interview and a
16 personal reference. Both of those things were
17 positive.

18 If I do hire her, yes, she would come in at
19 first perhaps as a substitute and work as an
20 emergency credentialed physical education teacher.

21 Q. Do you think the fact she might come in as
22 an emergency credentialed teacher would have any
23 impact on her ability to be an effective PE teacher
24 at Fremont?

25 A. It's certainly possible. I really won't

1 taking; would have a general knowledge of what the
2 student needs for graduation; would have a knowledge
3 of the school calendar, when a track starts and a
4 track goes off; know the teachers' names that a
5 student has; and have an idea of the student's
6 progression toward graduation. That's a really
7 general answer.

8 Q. It's a general question. So it's a fair
9 response.

10 With respect to the hiring of teachers for
11 unfilled positions, you mentioned that there was one
12 candidate for the PE position that was excellent even
13 if the State said that she wasn't qualified formally
14 for the position.

15 I think that you were referring to the
16 summer -- excuse me -- the swimming teacher
17 candidate; is that correct?

18 A. Yes.

19 Q. What did you mean when you said the State
20 might describe her as not officially qualified?

21 A. In order to get a credential in physical
22 education, you need to have a certain number of units
23 in PE, and the way she described it and the way it
24 was described to me on the phone from someone down in
25 the downtown office was that she had taken a lot of

1 know.

2 For example, the person that I hired that is
3 still a substitute and will be a substitute until the
4 end of the month is outperforming many fully
5 credentialed teachers right now, and this is her
6 second month of teaching.

7 Q. What subject is that?

8 A. English.

9 Q. What is her name?

10 A. [REDACTED]

11 Q. You've mentioned two other teaching
12 candidates that you had interviewed that would be
13 excellent, I believe were your words, in English.

14 Do you recall the two interview candidates
15 you were referring to?

16 A. Yes.

17 Q. Why did you describe those candidates as
18 excellent candidates?

19 A. The first one I really saw a passion for
20 being around students and caring about helping
21 students be successful in reading and writing. She
22 also showed a love for literature, and she was just
23 really innervating. That was the first one.

24 The second was a young lady with a heritage
25 similar to our students. She is a Latino young lady,

1 Stanford graduate. She had a passion for writing.
 2 I asked her, "Did you look at the writing
 3 our students were doing? What would you do about
 4 it?"
 5 She made some judgments and conversation at
 6 that point that showed me she was willing to look at
 7 work and evaluate and would know what to do as a
 8 beginning teacher.
 9 I was impressed -- totally impressed by
 10 those two young ladies.
 11 Q. Both of those candidates, if they were hired
 12 at Fremont, would have to come in on emergency
 13 credentials; correct?
 14 A. They come in as district intern
 15 credentialed, which actually is looked at a little
 16 bit different.
 17 They are evaluated on a probation form.
 18 They are termed G-1. And so yes and no, they are
 19 emergency. I guess it depends on how you look at it.
 20 The district doesn't call it emergency. They call
 21 them district interns.
 22 Q. District interns are not fully credentialed;
 23 correct?
 24 A. That's correct. They are getting
 25 credentialed through the district intern program.

1 Q. So in the case of these two candidates for
 2 the English classes, you think it would be a good
 3 idea to hire teachers that were -- that are not fully
 4 credentialed with respect to these two candidates?
 5 A. Yeah, I think either one of them would be
 6 fine. I really do.
 7 Q. Okay. Now, you also testified earlier about
 8 donations, the fact that the school sometimes
 9 receives donations.
 10 I want to get an understanding of how the
 11 school benefits from the donations. Let me ask it
 12 this way.
 13 Is it the case that donated supplies, for
 14 example, free up money which would otherwise be used
 15 to purchase those supplies, or is it different, that
 16 is, like you get things you don't really need above
 17 and beyond -- for example, let's take the paper you
 18 said you got this year, the legal pads.
 19 Is that something that allowed you to spend
 20 dollars reserved for purchasing paper on something
 21 else at Fremont?
 22 MS. LHAMON: Objection. Compound and
 23 incomplete hypothetical.
 24 THE WITNESS: It probably would depend on
 25 the situation.

1 For example, I took some of those legal pads
 2 myself, and I actually do buy legal pads with school
 3 district money; whereas, a teacher may have taken
 4 some, but that teacher would have never had an idea
 5 or want for those.
 6 So it probably would vary on the situation.
 7 BY MR. ROZWOOD:
 8 Q. On the whole for the school year 2000/2001,
 9 the donations that Fremont received, did that have
 10 any impact on the amount of money that -- strike that
 11 question. I'm trying to --
 12 In your opinion, did the donations Fremont
 13 received during the 2000 -- strike that.
 14 In your opinion, did the donations Fremont
 15 received during the 2000/2001 school year free up any
 16 money reserved for other purposes in the budget?
 17 A. Free up any money reserved for other
 18 purposes? Okay. But if it was for other purposes,
 19 it would have been for other purposes.
 20 Q. I'm asking a very poorly --
 21 A. Yeah.
 22 Q. -- phrased question.
 23 A. What you want to know is did we have more
 24 money to spend on something else because we got those
 25 donations.

1 Q. Yes. Thank you. I'm glad I'm deposing an
 2 English teacher.
 3 A. But I'm trying to think of the answer to
 4 that question.
 5 You know, I think that actual physical
 6 donations that I'm aware of probably minimally made a
 7 difference in the amount of money, but any time we
 8 get the book donations -- and I know that was so much
 9 last year with the donation of Steve Harvey -- that's
 10 going to help.
 11 I mention that only because that's a big
 12 chunk there, but that's not stuff. That's money for
 13 books, but the stuff donations are probably
 14 minimal -- minimal impact.
 15 Q. You testified earlier that there was certain
 16 components of the accreditation review process that
 17 required you to fill out paperwork and that was a
 18 little burdensome; is that correct?
 19 A. That's correct.
 20 Q. Can you describe that a little bit more so I
 21 get a better understanding of what you were referring
 22 to.
 23 A. Yeah. A lot of the courses I'm going --
 24 when we have committee meetings, obviously there
 25 needs to be minutes and documentation turned in that

1 the committees actually did meet, and we need to
2 harass the committee chairs to return those to us.

3 The biggest task actually comes with
4 preparing the document, the actual booklet you
5 prepare of all the reports together, just the
6 pagination itself and the dividers, and you can see
7 an example of the clerical support that we get. It
8 really pulls the credentialed teachers' time to help
9 prepare these in a way that is presentable for a WASC
10 review. So those are a couple of examples.

11 Q. So it takes the time of credentialed
12 teachers to complete the WASC review?

13 A. Okay. Do it -- doing some of the paperwork
14 tasks, the credentialed teachers do have to take a
15 large amount of the responsibility for. That's
16 fairly burdensome.

17 Q. Is that true as well with the special ed
18 compliance review you referred to earlier?

19 A. I'm not as familiar with all the
20 documentation that needs to go into that, but I know
21 that is probably just as much paperwork because I
22 think you have to make sure all the IEP's are
23 organized and done and accessible and in order.

24 There are lots of components to that. I'm
25 sure that would take time.

1 review from your perspective as an administrator at
2 Fremont?

3 A. Yes, I think one of the burdens of that lies
4 upon the three resource teachers in the Title I
5 program, and I think that they assume a lot of the
6 responsibilities for the paperwork and coordination
7 of that.

8 They are funded through that program, but
9 the major portion of their day is supposed to be
10 assisting in the lab and assisting teachers with
11 instruction in the labs.

12 I'm sure when that time comes around, they
13 will be checking, collating, and things like that.

14 Q. Did you have any involvement in the fiscal
15 audit that took place last year?

16 A. No, I didn't. It seems like I did
17 something. I didn't really do auditing. I think I
18 told the finance manager that it was happening, that
19 he was already aware of it because the managers all
20 talk to each other, but I think the whole district
21 was audited that way.

22 Q. Do you think the whole district -- all the
23 schools in the district should be audited that way
24 every year?

25 A. I'm not knowledgeable enough to know if

1 Q. All the IP's --

2 A. IEP, individual education program plan.
3 It's a piece of paper. So...

4 MS. GODFREY: I think, just for the record,
5 the witness was referring to an education program,
6 and the acronym is IEP.

7 MR. ROZWOOD: Thank you.

8 Q. Does this paperwork that we have been
9 discussing, does that also take time away from an
10 administrator's normal duties at Fremont in addition
11 to the credentialed teachers' time?

12 A. In general the burden lies on the assistant
13 principal counseling, and that is one of her major
14 responsibilities. So in a way it's not really taking
15 away because that's one of her responsibilities, but
16 again, she probably has a clerical staff similar to
17 mine. So you do have to continually monitor and make
18 sure everything is in place.

19 Q. How about for the bilingual compliance
20 review you referred to earlier? Is there significant
21 paperwork components to that that impinges upon
22 credentialed teachers' and administrators' time?

23 A. I am not as familiar with that one, but I
24 would assume that that would be a fair assumption.

25 Q. And how about the coordinated compliance

1 that's necessary. I think something certainly does
2 need to be in place to make sure things are done
3 fairly and correctly, especially when taxpayers'
4 money is concerned.

5 Q. Do you think that the coordinated compliance
6 review process should be done annually or more often
7 than annually?

8 A. I don't have --

9 MS. LHAMON: She testified to not being
10 knowledgeable about that.

11 Go ahead.

12 THE WITNESS: I just said I don't have a
13 good opinion for that or I don't have a firm opinion
14 on that.

15 BY MR. ROZWOOD:

16 Q. Do you think the teacher evaluation process,
17 as you described in your deposition, would be
18 improved with additional scrutiny from State
19 officials involved in the process?

20 A. Not necessarily.

21 Q. What do you mean "not necessarily"?

22 A. I think it's always helpful to have
23 classrooms open and more people aware of what is
24 going on in the classroom, but I really think that we
25 are open more to department chairs and other people

1 at the site and other colleagues. I think that would
2 have a significant impact.

3 I think if someone comes from an outside
4 agency, it probably seems like it's an outside
5 agency, and you may not see the real thing, but if
6 you have something in place ongoing, I think it could
7 be a lot more effective.

8 Q. How about if the outside agency didn't
9 announce their intent to come and did a surprise
10 visit? Would you be an advocate of something like
11 that?

12 A. It wouldn't really bother me, but how it's
13 received is not as positive as something that comes
14 from a colleague or something that is ongoing and
15 something that's understood because -- I don't know.
16 The teachers rationalize and say they saw me on a bad
17 day or they don't know what it is about or have a
18 concept of a Concept 6 school. So they rationalize
19 what they said didn't mean anything when it may have
20 or may not have. I think more valid is someone at
21 the site.

22 Q. So you think there is some validity to the
23 teachers' concern that a person familiar with the
24 local environment at Fremont be part of the
25 evaluation process?

1 but again, I think anytime you are talking outside
2 agency, it's difficult.

3 If the State wants to get involved, maybe
4 they can hire someone that is actually in the
5 district already or they could fund a position at a
6 school so that it would be part of the community
7 already, but that would just be funded by a different
8 source rather than someone traveling around and
9 taking notes on your school.

10 Q. At a previous session in your deposition, we
11 reviewed some L.A. Unified District policies, and you
12 testified that Fremont was in compliance with them
13 except for the incidents in which you specifically
14 noted the school wasn't.

15 Do you recall that?

16 A. Yes.

17 Q. Can you think of any other district policies
18 by subject matter or area covered that are in place
19 at Fremont High School --

20 MS. LHAMON: Objection --

21 BY MR. ROZWOOD:

22 Q. -- from the Los Angeles Unified School
23 District?

24 MS. LHAMON: Objection. Assumes facts not
25 in evidence, vague and ambiguous as to which

1 A. Absolutely.

2 Q. Do you think it would improve Fremont's
3 current textbook inventory control procedures to have
4 additional scrutiny from an outside source, say, from
5 the State Department of Education in Sacramento?

6 MS. LHAMON: Objection. Vague as to
7 "improve" and as to the "current textbook inventory
8 control procedures" to the extent they exist.

9 THE WITNESS: Actually I don't think we have
10 a problem in that area. I think, as I've testified
11 before, we have such an excellent textbook clerk that
12 we are probably head and shoulders in the inventory
13 system.

14 The only thing we are lacking is the
15 computerized system that I think would improve it. I
16 think we are fine in that area. I really do.

17 BY MR. ROZWOOD:

18 Q. Do you think it would be a waste of
19 taxpayers' money to make sure your textbook clerk was
20 doing her job?

21 A. I don't know if I would characterize it as a
22 waste, but I don't think it's necessary. So maybe
23 you could go on from that and say it's a waste.

24 Q. It's not necessary?

25 A. No, not at our school. It may be at some,

1 policies, compound, and lack of foundation.

2 There's no evidence she knows anything about
3 these policies.

4 THE WITNESS: Well, it's certainly very
5 general, and there are certainly a lot of policies.
6 I wouldn't know where to begin.

7 BY MR. ROZWOOD:

8 Q. Let's go by subject matter.

9 A. Okay.

10 Q. Can you think of any other -- you've been at
11 Fremont for 14 years; correct?

12 A. Correct.

13 Q. You have regular dealings with L.A. Unified
14 and Local District I; correct?

15 A. What do you mean by "regular"?

16 Q. Well, periodic. Once in a while you are a
17 person that has had dealings with the Los Angeles
18 Unified School District personnel.

19 A. They are my employers.

20 Q. They are your employers.

21 I'm interested in -- let's just start with
22 textbooks.

23 Other than the policies we have already
24 covered in your deposition, can you think of any
25 other L.A. Unified School District policies relating

1 to textbooks?
 2 A. Not offhand, no.
 3 Q. Can you think of any other L.A. Unified
 4 School District policies relating to teacher
 5 credentialing?
 6 A. I'm trying to think if I even received
 7 anything like that lately.
 8 I think we had a bulletin about preinterns,
 9 stating what they were and how they were handled, but
 10 it's not normally -- we get very little documentation
 11 about credentialing at the school. Sometimes --
 12 Well, let me see. I need a while to think
 13 about this stuff.
 14 There was some bulletins about who could
 15 teach life skills, who could teach computers because
 16 these are areas of concern; bulletins about who could
 17 teach health.
 18 I couldn't quote what they said, but I know
 19 where they were and can pull them out.
 20 Q. Is life skills the new name for the service
 21 classes, or is that --
 22 A. No, that's a name for educational career
 23 planning.
 24 Q. Educational career planning?
 25 A. The bulletins -- just so you know, the

1 arrival to the school?
 2 A. Okay. It doesn't go to the teachers. It
 3 goes just to the administrators, and it's the job of
 4 the administrative assistant to download the bulletin
 5 each day and copy it and give it to the
 6 administrators.
 7 Q. And with respect to the ability of
 8 administrators to access bulletins through that
 9 computer connection, is there a formal training
 10 program for new administrators to use that computer?
 11 A. I don't think so for that specific piece of
 12 it. There could be.
 13 I have gone to so many trainings, but I
 14 think what we normally do, if we want a bulletin, is
 15 tell the administrative assistant, but I believe in
 16 the last ALA newsletter there were specific
 17 instructions if I want a news bulletin.
 18 A-L-A.
 19 MS. LHAMON: Is that an acronym?
 20 THE WITNESS: Yes, association of
 21 Administrators of Los Angeles. We referred to that
 22 one before.
 23 MS. LHAMON: We did.
 24 THE WITNESS: Yes.
 25 BY MR. ROZWOOD:

1 bulletins are mainly on line. If we want a bulletin,
 2 we are supposed to know what we want and go on line
 3 and get it.
 4 Q. Is that at the L.A. Unified School
 5 District's web site?
 6 A. Actually some may be there, but I think
 7 where most of them are is in the computer system.
 8 It's not the one that's IFS, but there are two or
 9 three stations at the school that connect on line
 10 with the district.
 11 So what the district does is download
 12 information each day, which is supposed to be shared
 13 with the administrators, and often those bulletins
 14 will refer to a specific bulletin or policy.
 15 So if we are not knowledgeable in that area
 16 or if we want to look it up, there's a way to go to
 17 that computer and access that bulletin. So we are
 18 not getting as much paper as we used to, which is
 19 probably a good thing.
 20 Q. When was that computer connection with L.A.
 21 Unified School District established, if you know?
 22 A. I don't know for sure, but it hasn't been
 23 very long. Maybe five years. Four, five years.
 24 Q. And how did the teachers and administrators
 25 at Fremont become aware of this resource upon their

1 Q. How else does L.A. Unified School District
 2 communicate its policies to staff at Fremont High
 3 School?
 4 A. Well, communication of the -- communication
 5 now is through the district office.
 6 Q. The local district office?
 7 A. Uh-huh. District I. So most of the things
 8 I see as an actual document come from District I
 9 personnel. The other ones are usually copies. I
 10 very rarely get a direct bulletin. So it's a copy of
 11 something Ms. Roland has received or it's just a
 12 reference to something on line.
 13 The ALA newsletter is quite helpful, but you
 14 don't have to be a member of ALA, obviously, to be an
 15 administrator in Los Angeles, but most of us are. So
 16 we have that as a resource.
 17 Q. Can you think of any other ways in which
 18 L.A. Unified School District communicates its
 19 policies to Fremont staff?
 20 MS. GODFREY: Other than what she has
 21 already testified to?
 22 MR. ROZWOOD: Yes.
 23 THE WITNESS: Okay. We have organizational
 24 meetings. For example, SHAPO, S-H-A-P-O, Senior High
 25 Assistant Principals Organization, and Ms. Roland has

1 senior high principals organizations. So these are
2 meetings that are districtwide that are held in one
3 location, and at that meeting there would be speakers
4 that would talk about policies that are in effect.

5 We also have local District I meetings. We
6 will have them when the traditional schools come
7 back.

8 This is another example of that
9 communication, as an aside, because we don't have
10 those meetings before the traditional schools come
11 back. Anyway, we have already been in operation for
12 two months.

13 MS. LHAMON: Just so I understand your
14 testimony. They don't have the meetings until right
15 before the traditional schools come back?

16 THE WITNESS: We have no SHAPO meetings --
17 actually, no assistant principal District I meetings
18 yet either, but the principals have been meeting,
19 even though it's just the year-round, but not the
20 assistant principals.

21 MS. LHAMON: Thank you.

22 BY MR. ROZWOOD:

23 Q. You testified earlier that there were a
24 number of different reform paths, I think you
25 referred to.

1 Q. Do you know what the problems were that
2 existed at Fremont that gave rise to the sanction?

3 A. The sanction?

4 Q. You said there were a number of schools that
5 were sanctioned by L.A. Unified School District and
6 were required to take one of these reform paths.
7 Isn't that what happened?

8 A. I don't think I used that word, that we were
9 "sanctioned." It was just my understanding the
10 programs were sanctioned.

11 Q. Oh, okay. I misunderstood.

12 A. The programs that we had to -- maybe I used
13 the word incorrectly.

14 Q. Was it every school in L.A. Unified that had
15 to take one of these ten?

16 A. I don't think so. I'm not sure.

17 Q. Do you know how the schools were selected
18 for one of these ten reform paths?

19 A. No, but you know, I'm going to think about
20 this for a while, but if you had shared decision
21 making, if you were -- this is so long ago.

22 If you were a certain type of school, you
23 did not have to select one because that was one of
24 the reform paths. I can't remember the term for it.
25 Shared decision making isn't school-based management.

1 A. Yes.

2 Q. What are you referring to when you used
3 "reform paths"?

4 A. Actually that was referenced in one of these
5 minutes. There were about ten of them. I can't call
6 out all the names.

7 Groups that receive some sanction from L.A.
8 Unified -- and this was about four years ago when
9 this started -- each school was required, to my
10 knowledge, to choose one of those paths. And some of
11 the money, I believe, came from the State; some came
12 from the district. And I'm foggy on money sources,
13 but it's my understanding that we had to choose one
14 of those or develop our own, write it up, and send it
15 in and get approval. Co-nect was one of those.

16 About half of them were elementary programs.
17 So we didn't really have that much to choose from.
18 We probably ended up with about four to choose from,
19 and this was the one that the faculty at Fremont
20 chose.

21 Q. And can you describe for us the basic
22 features of the Co-nect program?

23 A. Probably not any more than I already did
24 because none of us have gone to a specific week-long
25 training like we are supposed to.

1 If you were a school-based-management
2 school, you didn't have to select one of those, but
3 we never selected to go school-based management, I
4 think. I know we didn't select that, but I think --
5 I'm kind of vague about this subject.

6 Q. That's fine.

7 A. I need to do more research.

8 Q. That's a fair answer.

9 Sounds like a question better directed to
10 the big district anyway.

11 Do you agree?

12 A. They would certainly have more knowledge
13 than I do about it, yes.

14 Q. Can you look at Exhibit 13, at the minutes
15 we produced today. The very first set of minutes we
16 have dated March 12th, 2001.

17 A. Yes.

18 Q. Do you see where it says "Student K. Rosales
19 and C. Leon," L-e-o-n? Are those the student
20 representatives that sit on the leadership council at
21 Fremont?

22 A. Yes, those were two of the track presidents.
23 And the way that was set up is that the track
24 president was always supposed to be there, at least
25 one of them, and that day we were fortunate enough to

1 have two of them there. So they were the presence of
2 two different tracks.

3 Q. Do you see where it says:
4 "Calendar. ...Leadership voted to
5 stay with Concept 6 calendar"?

6 A. Yes.

7 Q. Do you recall what alternatives were
8 considered by the leadership council?

9 MS. GODFREY: Okay. I'm going to have to
10 object. I don't think you laid a foundation. I'm
11 not even sure that this witness was at this meeting.

12 BY MR. ROZWOOD:

13 Q. Did you attend this meeting?

14 A. No, but I can answer that question.

15 Q. Actually it says at the "last meeting,
16 leadership voted to stay with the Concept 6
17 calendar." It does show you attended the January 8th
18 meeting, but that may not have been the last meeting.

19 A. This is true.

20 Q. Generally speaking, did the Fremont school
21 leadership council consider an alternative to the
22 Concept 6 multitrack calendar?

23 A. Yes.

24 Q. What were the alternatives considered?

25 A. To my recollection, it was the four-track

1 that reduction in student tardies?

2 A. I believe what that's referring to is the
3 first period tardies, and I would imagine that they
4 stepped up the patrol with -- we have a number of
5 campus aides whose responsibility it is to make sure
6 that students go to class.

7 I imagine they modified that program to some
8 extent. I know that was something that Mrs. Roland
9 was totally shocked about when she came, that there
10 were so many students being retained in the covered
11 dean area being kept out of first period, and she
12 said this is going to stop, and she met with
13 Mr. Hooker, who, I assume, was the assistant
14 principal at that time, and devised a plan.

15 Whatever they did, that actually happened.
16 There are not as many people under the covered dean
17 area.

18 Q. Do you have any idea why so many students
19 were tardy before Ms. Roland arrived at Fremont?

20 MS. LHAMON: Objection. Calls for
21 speculation.

22 MS. GODFREY: Join.

23 THE WITNESS: No.

24 BY MR. ROZWOOD:

25 Q. Was it something that Fremont administrators

1 calendar, and I don't know the name for that, but
2 there's one that has a D track on it as well, and
3 that was a requirement.

4 This wasn't something that they looked at or
5 brought up or anything, but Mrs. Roland said that we
6 were obligated every year to decide if we wanted to
7 stay where we were. So they brought this other
8 calendar, and I believe it was the one that has four
9 tracks on it.

10 Q. Do you recall what the objections were to
11 switching to the four-track calendar?

12 A. No, no one really had anything to say. We
13 all just said, "Fine. We will stay where we are."

14 There might have been a third calendar, but
15 they were all year-round calendars and schedules. So
16 you know, unless someone makes a case for moving to
17 one of those others and really there wasn't anyone
18 speaking to any of the other calendars at all. So we
19 said we will stay where we are.

20 Q. Do you see on page 2 of the March 12th
21 minutes where it states:

22 "Student tardies are down from 400
23 to 200"?

24 A. Yes.

25 Q. Do you have any idea how Fremont achieved

1 caused?

2 MS. LHAMON: Objection. She just testified
3 that she didn't know or had any idea.

4 THE WITNESS: No.

5 BY MR. ROZWOOD:

6 Q. What was your answer, Ms. Hines?

7 A. No, we didn't cause them to be late.

8 Q. Do you know if the teachers at Fremont
9 caused the students to be tardy to their first period
10 class?

11 MS. LHAMON: Objection. Calls for
12 speculation.

13 THE WITNESS: What they are referring to is
14 students coming on campus after the bell rings.

15 BY MR. ROZWOOD:

16 Q. Whose fault is that is what I'm asking.

17 MS. LHAMON: Objection. Calls for
18 speculation.

19 THE WITNESS: I don't know whose fault it
20 is.

21 BY MR. ROZWOOD:

22 Q. Is it the fault of someone at Fremont?

23 MS. LHAMON: Objection. Calls for
24 speculation.

25 THE WITNESS: I doubt it.

1 BY MR. ROZWOOD:

2 Q. Do you think it interferes with the
3 students' ability to learn the subject matter if they
4 come to class after the bell rings?

5 A. Yes.

6 Q. Why is that?

7 A. I think everyone, first of all, needs to
8 learn to be punctual. I have a thing about that.
9 But secondly, I think that you need to be in class to
10 receive the instruction the minute the bell rings.

11 I think the excellent teachers have their
12 students there when the bell rings, and they provide
13 instruction for them.

14 Q. Can you turn to the next set of minutes
15 dated January 8th, 2001.

16 I'll note for the report it doesn't appear
17 we have received a February 2001 set of minutes.

18 Do you have the January 8th minutes there?

19 A. Yes.

20 Q. Do you see in the first paragraph, the last
21 line where it says "No students were present"?

22 A. Yes.

23 Q. Is it your understanding that the -- what
24 you said were the class track presidents -- strike
25 that.

1 Q. Two student members of the school leadership
2 council?

3 A. Yes.

4 Actually I think -- correction. I think
5 there is only one. I would have to look at the
6 composition of that, which may actually be here
7 somewhere, but I've always invited as many students
8 as wanted to be there. I think there's really only
9 one actual member.

10 Q. Okay. In addition to the one actual member,
11 are other students permitted to attend the school
12 leadership council meetings?

13 A. Absolutely.

14 Q. How do the students at Fremont become aware
15 of the dates and times, locations of the periodic
16 school leadership council meetings?

17 A. There is a schedule, and they are in the
18 bulletin every day. We have a daily bulletin. So
19 each -- and we have that a week ahead each time. So
20 it's in there at least four days in advance. So they
21 would know there's a meeting. It's listed when we
22 meet. If they are at that meeting, they know when
23 the next scheduled meeting is.

24 It's part of the responsibility of the
25 leadership sponsor also to make sure that students

1 Is it your understanding that a student
2 representative is always invited to the school
3 leadership council meetings at Fremont?

4 A. Absolutely. They are a member. That's one
5 of the constituencies of the group. There are
6 student members. That's part of it. So they have to
7 be there.

8 In fact, I typed those minutes myself. I
9 recognize that. I put that on there to make a point.

10 Q. What point?

11 A. You need -- I was trying to make a point:
12 "I need you here, students."

13 In addition to talking about it, I put it in
14 writing and put it in every teacher's box.

15 Q. So the students that are members of the
16 school leadership council are the track presidents
17 from -- the class presidents from each of the three
18 tracks; correct?

19 A. Correct.

20 Q. But only two are in session at a given time?

21 A. Correct.

22 Q. At any given school leadership council
23 meeting, there should be two students present;
24 correct?

25 A. Yes.

1 are in attendance. So those are the different ways.

2 Q. The bulletin you referred to, is that a
3 bulletin that the Fremont staff prepares and
4 distributes to the student body?

5 A. The guy in the office prepares it.

6 Q. And distributes it to the student body at
7 Fremont?

8 A. No, it's distributed to each teacher and
9 referenced in homeroom and part is read on the PA and
10 the rest is in all staff boxes every day.

11 Q. Do you see on the January 8th minutes under
12 "Calendar," the second full paragraph, the second
13 line, where it says:

14 "The homeroom time is designed to
15 be time to work on test-taking and
16 literacy skills"?

17 A. Yes.

18 Q. Is the homeroom a new feature of the master
19 calendar at Fremont High School?

20 A. It was newly instituted. We have gone from
21 homeroom to not homeroom. We have gone back and
22 forth over the years, but we were a couple of years
23 without a homeroom during the regular part of the
24 school day.

25 We have always had homeroom at the beginning

1 of the year, and for a while, we had it as part of
2 period 2 and a longer period 2. So we have done it a
3 number of ways over the period of years, but this was
4 new last year.

5 This came as a result of District I saying
6 all schools were to have a designated homeroom. So
7 we received a directive from the district at that
8 point.

9 Q. Did that lengthen the school day?

10 A. No.

11 Q. Did that take time away from classes?

12 A. Yes, and I think we also took a minute or so
13 off of lunch too. Yeah, I think a minute off of each
14 class and lunch.

15 Q. But the length of the school day remained
16 the same?

17 A. Yes.

18 Q. Did that reduce the total number of
19 instructional minutes for academic classes over the
20 school year?

21 A. Well, the homeroom is considered
22 instructional minutes. So I guess it depends on how
23 you look at it.

24 If you are looking at just as those four
25 courses like the district, then it is going to take

1 THE WITNESS: In this meeting normally the
2 normal -- normally business is conducted. When they
3 appear, they have a calendar item, and that's usually
4 why they come. They hardly ever come to complain
5 about anything. They come because they want to have
6 an event, and they want it calendared.

7 So that actually occurs very rarely. There
8 was another meeting that they were in they talked
9 about the bathrooms, and that was an extended
10 administrative staff meeting that one of the other
11 principals had where the students were part of.

12 BY MR. ROZWOOD:

13 Q. But at the school leadership meetings the
14 students have an opportunity to place items on the
15 agenda; correct?

16 A. They can, but I don't think plant is one of
17 the areas that's considered. The school safety,
18 discipline, calendar, budget, and whatever else is
19 left -- equipment, but actually, when the kids want
20 to say anything, we let them talk. Because they are
21 so seldom there and have so little to say, we
22 encourage them to talk. We may cut the teachers off
23 but not the kids.

24 Q. Do you consider the school leadership
25 council one of the forums of which the students can

1 at least four minutes from those four courses, but
2 the district or maybe the State, I guess, assumes
3 that homeroom is instructional -- are instructional
4 minutes. I think that's State.

5 Q. Do you attend the school leadership council
6 meetings?

7 A. Yes, most of the time.

8 Q. And you testified that they currently occur
9 once a month; correct?

10 A. Correct.

11 Q. And some time ago they were twice a month.
12 Do you remember when the switch occurred?

13 A. Right after Ms. Roland said she wanted to do
14 once a month. Whenever that was.

15 Q. She arrived --

16 A. That was one of those minutes. It was
17 sometime last spring or fall.

18 Q. Okay.

19 A. Probably last fall.

20 Q. Over the period of time in which you've
21 attended the school leadership council meetings, have
22 any students appeared to express their concerns with
23 respect to the facilities or the condition of the
24 school's facilities?

25 MS. LHAMON: Objection. Asked and answered.

1 express concerns about --

2 A. Yes.

3 Q. What other forms are there that they can
4 express concerns?

5 A. There is site council, and I believe site
6 council has students on it. That's a council I don't
7 go to. That's administrative staff.

8 Although the students aren't on that, I
9 suppose a student in charge could -- an administrator
10 in charge of student activities who is part of that
11 staff -- administrative staff at that point could
12 bring up something that's a student concern that the
13 administrator could deal with.

14 Q. Can you turn to the December 11th, 2000,
15 minutes.

16 A. (Complies.)

17 Q. It shows a class schedule with a homeroom
18 from 9:50 A.M. to 10:10 A.M., 20 minutes; correct?
19 Do you see the homeroom line in the schedule?

20 A. Yes.

21 Q. To your knowledge, is the homeroom being
22 used to help students improve their study or learning
23 skills or test-taking skills?

24

25

1 A. I would say, when this was adapted, we did
 2 do the Kaplan program, and they have excellent test
 3 prep materials that all the student receive.
 4 Since school has come back on track in July,
 5 some of the classrooms are using those materials.
 6 Some are not.
 7 We met as a staff probably two weeks ago and
 8 talked about what we wanted to do this year, if we
 9 wanted to continue the Kaplan or wanted to do some
 10 type of SSR and which grade levels wanted to do that.
 11 We formulated a plan, and I believe the
 12 decision was to begin that plan with A track full
 13 force.
 14 Q. During the homeroom --
 15 A. Yes.
 16 Q. -- periods; correct?
 17 A. Yes.
 18 Q. What is the SSR plan?
 19 A. Sustained silent reading.
 20 Q. And can you describe that for me.
 21 A. Okay. In general, it's a program where the
 22 student reads material. There can be some
 23 restrictions on what they read or not, and the
 24 guidelines for Fremont really have not been drawn up,
 25 but it's everyone reads quietly.

1 Q. How does that help the students achieve
 2 their academic objectives?
 3 A. It has to do with the idea the more the
 4 student reads text, the more familiar he is with
 5 text, the more conversant he is with words and
 6 vocabulary to help literacy.
 7 Q. Did you prepare the December 11th minutes?
 8 A. Looks like my fonts, yeah.
 9 Q. What font is that?
 10 A. Comic Sans.
 11 Q. It says no students were present. Does that
 12 indicate that no students attended the December 11th
 13 meeting?
 14 A. Yes.
 15 Q. Can you turn to the next one dated November
 16 13, 2000. Did you prepare these minutes?
 17 MS. GODFREY: Hold on a second. You can use
 18 mine. Yours seem to be --
 19 THE WITNESS: Sometimes I just type them up.
 20 Because I didn't -- I prepared them by typing them,
 21 but the secretary here was Alfredo Giddens. So
 22 either I or my secretary typed these.
 23 BY MR. ROZWOOD:
 24 Q. Okay. And is it fair to conclude that no
 25 students were present at the November 13th, 2000,

1 meeting --
 2 A. Yes.
 3 Q. -- of the school leadership council?
 4 A. Yes.
 5 Q. Is that because it states no students were
 6 present?
 7 A. Yes.
 8 MS. GODFREY: I'm sorry. I need a point of
 9 clarification.
 10 Were you at that meeting?
 11 THE WITNESS: Yes.
 12 BY MR. ROZWOOD:
 13 Q. Can you turn to the next set of minutes
 14 which are October 9th, 2000.
 15 MS. LHAMON: I have September 11 next.
 16 MS. GODFREY: You could --
 17 MS. LHAMON: I don't have an October 9.
 18 MS. GODFREY: I have one.
 19 MS. LHAMON: Okay. I believe you that there
 20 is one.
 21 MS. GODFREY: I'm saying maybe in your
 22 pile --
 23 Do you have one?
 24 (Off the record.)
 25 MR. ROZWOOD: Back on the record.

1 Q. Do you have a set of the October 9th, 2000,
 2 minutes before you?
 3 A. Yes.
 4 Q. Did you attend this meeting?
 5 A. Yes.
 6 Q. Did you prepare these minutes?
 7 A. Alfredo Giddens prepared them, and either me
 8 or my secretary typed them.
 9 Q. Is it correct to conclude that no students
 10 attended this leadership council meeting?
 11 A. Yes.
 12 Q. And do you see page 2?
 13 A. Yes.
 14 Q. Whose handwriting is that?
 15 A. Alfredo Giddens.
 16 Q. Very good.
 17 A. That's why we type them up.
 18 Q. Okay. The next one I have is the
 19 September 25th, 2000, set of minutes. It says
 20 "student: Kathilda Rosado?"
 21 A. Yes.
 22 Q. Do you know who Ms. Rosado is?
 23 A. Yes, that's Kathy.
 24 Q. Is she a class president from a particular
 25 track?

1 A. Yes.
 2 Q. Which track is that?
 3 A. I don't know.
 4 Q. Did you attend this meeting?
 5 A. Yes.
 6 Q. And did you prepare these minutes?
 7 A. No, Debby Barkin did those minutes.
 8 Q. And either you or your secretary typed them
 9 up?
 10 A. Actually Debby can type. So she may have
 11 done those, or I may have done them. I really don't
 12 know.
 13 Q. Okay. The next set of minutes I have is
 14 September 11th, 2000. I want to ask you about the
 15 portion of the minutes marked "Student Report" on the
 16 third page. It's the first side of the second page.
 17 I note there are two pages with two sides of text.
 18 Do you see where it says:
 19 "Ms. Kathy Rosado reported that the
 20 students are working on
 21 beautification of the school"?
 22 A. Yes.
 23 Q. Did you attend this meeting?
 24 A. I don't think so.
 25 Q. Do you have any idea what that is referring

1 to?
 2 A. No, not really.
 3 Q. Do you recall in the fall of 2000 the
 4 students participating in a beautification effort at
 5 the school?
 6 A. I don't remember.
 7 Q. Okay. On the fourth -- on the back of the
 8 second page, on the fourth page of the minutes, dated
 9 September 11th, 2000, it says:
 10 "Ms. Rowland informed the council
 11 about the superintendent's
 12 mandates."
 13 Is that the local district superintendent?
 14 MS. LHAMON: Objection. She didn't write
 15 these, and she wasn't at the meeting.
 16 BY MR. ROZWOOD:
 17 Q. If you know.
 18 A. I think it's District I.
 19 Q. Okay.
 20 A. That would be my educated guess.
 21 Q. Do you see where it says:
 22 "Administrators are supposed to
 23 spend 50% of their day on
 24 instruction"?
 25 A. Yes.

1 Q. Do you have any idea what that refers to?
 2 A. I think it refers to visiting classes or at
 3 least dialoguing with teachers about what you
 4 observed in the classroom.
 5 Q. Is that part of the evaluation process or
 6 something separate?
 7 A. It's part of it.
 8 Q. And do you see the next line where it says:
 9 "There will be" --
 10 Actually it says:
 11 "There will at least 10 classroom
 12 visits per week."
 13 A. Yeah.
 14 Q. I didn't say you typed this.
 15 A. Yes.
 16 Q. Is that part of the administrator's
 17 evaluation of classroom teachers' performance?
 18 A. It's probably both because -- I don't think
 19 I mentioned this, but when the district put in place
 20 the program to visit the unsatisfactory teachers,
 21 those visits were not to be evaluated, and the
 22 instruction was to tell the teachers that we were not
 23 or could not evaluate them on those visits; so
 24 therefore, some of these could be those
 25 district-mandated unsatisfactory teacher visits which

1 cannot by the district be used for evaluation, and
 2 some could be our regular stroll visits.
 3 Q. Okay. I don't have any more questions about
 4 that set.
 5 Do you see the leadership council minutes
 6 dated July 31st?
 7 MS. GODFREY: Wait. You want to skip to
 8 there?
 9 MR. ROZWOOD: Yes. I'm jumping to July 31st
 10 of 2000.
 11 Q. At the bottom of the first paragraph, it
 12 says "student: Carlos Leon." Is that the C. Leon we
 13 were referring to earlier?
 14 A. Yes.
 15 Q. That's another class president on a given
 16 track?
 17 A. Yes.
 18 Q. Do you recall which track?
 19 A. No.
 20 Q. Mr. Leon was elected by the student body;
 21 correct, on his track?
 22 A. I think so.
 23 Q. Okay. That's all I have.
 24 Can you turn to July 17th leadership council
 25 minutes. July 17th, 2000.

1 MS. GODFREY: That's just for your
2 reference.
3 MR. ROZWOOD: Oh.
4 MS. GODFREY: You had asked question earlier
5 about that.
6 MR. ROZWOOD: Thank you.
7 Counsel for the district pointed out that,
8 on the back page of the July 31st, 2000, minutes:
9 "Ms. Roland asked about meeting
10 monthly instead of every two weeks.
11 She expressed that today she was
12 merely a listener and would share
13 her views in the future."
14 It seems like right around this period of
15 time Ms. Roland made the request to go from bimonthly
16 to monthly.
17 Is this about the time Ms. Roland arrived at
18 Fremont High School, July of 2000?
19 A. Yes.
20 Q. Okay. Can you look at the July 17th, 2000,
21 minutes. At the bottom of the first paragraph, it
22 says "students: Claire Arias" -- A-r-i-a-s -- "and
23 Carol Mazariegos," M-a-z-a-r-i-e-g-o-s.
24 Do you recognize those names?
25 A. No, I don't.

1 Q. Is it possible that those students were
2 presidents of their tracks?
3 A. Well, if they are, then they would be
4 co-presidents because we have already got Carlos and
5 Kathy for that same year.
6 Q. Is this an instance in which students other
7 than the track class presidents attended this school
8 leadership council meeting?
9 A. I would assume so because one could be a
10 president but the other one is not unless they are
11 co-presidents on a track.
12 Q. It shows that you attended this meeting on
13 the fourth line of the first page; is that correct?
14 A. Yes.
15 Q. Did you attend this meeting?
16 A. Yes.
17 Q. Do you recall any of the statements that the
18 students made at this meeting?
19 MS. GODFREY: Give her a chance to read the
20 document if you are going to ask her.
21 BY MR. ROZWOOD:
22 Q. That's fine. You can refresh your
23 recollection.
24 MS. GODFREY: Yeah, that may help.
25 THE WITNESS: So you are looking under "New

1 Business" that "The students brought up projects and
2 fund-raisers"? Is that what you are talking about?
3 BY MR. ROZWOOD:
4 Q. I'm wondering if you recall any of the
5 statements that the students made at this meeting.
6 If that helps you refresh your recollection, that's
7 fine.
8 A. I don't remember anything more specifically.
9 Q. Do you recall that the topic of student
10 achievement recognition was raised at this meeting?
11 A. No, I don't recall.
12 Q. Okay. I would like you to turn to the
13 May 22nd, 2000, minutes. Skip those. It indicates
14 that you attended as a representative of the
15 administration; is that correct?
16 A. Yes.
17 Q. And it also indicates that there were no
18 students present. Is that correct as well?
19 A. Yes.
20 Q. Did you prepare these minutes?
21 A. Probably -- I mean probably. It's my font.
22 It's the font I use, and there's no indication a
23 secretary did it.
24 MS. LHAMON: For point of clarification,
25 when you ask if it indicates there are no students

1 present and then you ask is that correct, is it
2 correct it indicates that, or are you asking, on
3 May 22, 2000, is it her memory that no students were
4 present?
5 MS. GODFREY: I'm asking about her memory.
6 I'm asking if students were present.
7 MS. LHAMON: Based on what the document
8 says, I think we are wasting time. The document
9 speaks for itself. It says --
10 MS. GODFREY: We are asking if she prepared
11 the minutes, whether or not she attended --
12 MS. LHAMON: But the document --
13 MS. GODFREY: -- and conclude from the
14 minutes that the students were not present.
15 MS. LHAMON: Then you are asking about her
16 memory. I don't think it's clear that she does, in
17 fact --
18 MS. GODFREY: If you are concluding --
19 MS. LHAMON: I have an objection to the form
20 of the question and wasting the witness's time and
21 all of our time, frankly.
22 BY MR. ROZWOOD:
23 Q. Looking at the April 24th, 2000, minutes.
24 A. Okay.
25 Q. Did you prepare these minutes?

1 A. Possibly -- probably, but for certain, I
2 don't know.
3 Q. And did you attend this meeting on April 24,
4 2000, based upon --
5 A. Yes.
6 Q. -- these minutes?
7 Is it correct to conclude that no students
8 attended this meeting?
9 MS. LHAMON: Okay. The document speaks for
10 itself. It is from April 24th, 2000, which is well
11 in excess of a year ago, if you are talking about
12 memory.
13 THE WITNESS: According to the minutes, it
14 says no students were present, and I have no
15 knowledge otherwise.
16 BY MR. ROZWOOD:
17 Q. Do you have any reason to assume students
18 attended this meeting?
19 A. No.
20 Q. You see, under the "Safety Committee," that
21 17 campus aides were hired? It's on the fourth line.
22 A. Yes.
23 Q. Were those the campus aides you referred to
24 earlier with respect to the tardiness problem?
25 A. They are assigned to different shifts. So a

1 certain amount of them are assigned first period and
2 before school. So some of those people may have been
3 deployed in an area that would get students to class
4 better. That's a possibility.
5 Q. Do you see where it says:
6 "The current construction of iron
7 gates should cause supervision
8 improvement"?
9 A. Yes.
10 Q. Do you think that is referring to the gate
11 surrounding the perimeter of Fremont itself?
12 MS. LHAMON: Calls for speculation.
13 She doesn't remember if she wrote this.
14 MS. GODFREY: But she was at the meeting.
15 MS. LHAMON: But it was in excess of a year
16 ago, and she says she doesn't have any memory.
17 MS. GODFREY: She did not said that.
18 MR. ROZWOOD: She didn't say that. Stop
19 testifying for the witness.
20 MS. LHAMON: I am not testifying. I'm
21 objecting for the record.
22 MS. GODFREY: She said she didn't testify
23 to --
24 MS. LHAMON: She has --
25 MS. GODFREY: -- that.

1 Maybe we can ask this witness the question
2 that you just posed.
3 I don't want to go back and argue about the
4 objections that have been made before, but with
5 respect to the question that's pending, I think it
6 was whether that last line is referring to a gate
7 around the perimeter of the school.
8 Do you have any independent knowledge other
9 than what is in the minutes as to whether or not the
10 iron gate is around the perimeter of the school.
11 THE WITNESS: Well, no, I really don't.
12 From the way it's written, it looks like it refers to
13 the sentence before.
14 It's not really my area of -- that's not one
15 of my assignments to do plant. So I don't have a lot
16 of independent memory other than what's on here, but
17 the way it's written it looks like it's referring to
18 the sentence before.
19 BY MR. ROZWOOD:
20 Q. And the sentence before is:
21 "The pool and Towne gates currently
22 are weak spots."
23 What does that sentence refer to?
24 A. Refers to two gates, one that's by the pool
25 and one that's by Towne Avenue.

1 Q. What does it mean when it says "weak spots"?
2 A. It means that the gates are the kind that
3 are made out of something other than iron, that kind
4 of bendy metal that looks like chicken wire but not
5 exactly chicken wire.
6 Q. I think I know what you mean.
7 The next sentence refers to the construction
8 of iron gates in place of that chicken wire-type
9 fence?
10 A. That's what I'm assuming from reading this.
11 Q. You don't have any independent recollection
12 of what happened at this meeting?
13 A. No.
14 Q. Okay. Do you have any reason to believe
15 these minutes are inaccurate in any way, the ones you
16 produced today?
17 A. No.
18 Q. Can you describe the process by which the
19 minutes are reduced to typewritten form as we have
20 them before us?
21 A. Okay.
22 MS. LHAMON: I'm going to interpose a late
23 objection. Also we established that the minutes are
24 inaccurate to the extent there are some pages that
25 don't go with the date on them, but beyond that --

1 MS. GODFREY: I think -- for clarification,
2 I think that Mr. Rozwood was referring to the
3 contents of what is on the pages.

4 Is that your understanding of the question
5 he just asked you?

6 THE WITNESS: Yes.

7 They are good faith documents. I mean they
8 were produced with no intent to deceive anyone. So
9 they were distributed to the entire faculty. Someone
10 may have corrections to the minutes and there might
11 not be any corrections. In general they are
12 corrections related to the spelling.

13 One of them had Ms. Roland's name misspelled
14 throughout the document. That was taken by another
15 person. Other than that, I don't really have reason
16 to believe --

17 The process is that someone takes minutes at
18 the meetings. If that person is computer literate, I
19 have that person transcribe them. If they are not,
20 they end up with either me or my secretary, depending
21 on who is around at the time.

22 We actually type them up from what someone
23 else wrote. Once in a while, I take the minutes
24 myself if no one appears to be doing it or if someone
25 forgot, but they are published for the entire faculty

1 the principal and the UTLA person have always been in
2 charge in conducting meetings.

3 There's a place for only one administrative
4 member. I'm the administrative alternate.

5 Q. Okay. I just have a couple more questions,
6 and the next question relates to the minutes dated
7 October 12th, 1998. I don't expect you'll have
8 strong independent recollection of that meeting.

9 MS. GODFREY: Hold on a second.

10 BY MR. ROZWOOD:

11 Q. It does indicate you attended on the
12 "Present" portion of the minutes.

13 What I wanted to ask you was about the
14 single line under the "Old Business" category, and it
15 refers to Senate bill -- or "SB 1882" and refers to
16 "monies should be here in October or December."

17 Do you have any knowledge as to what
18 "SB 1882 monies" refers to?

19 A. Yes.

20 Q. Can you tell us what that is.

21 A. It's staff development fund.

22 Q. Is that something that was provided above
23 and beyond the normal allocation to the school for
24 staff development?

25 A. Yeah, it's earmarked for staff development

1 or people there.

2 If there were any serious errors, we would
3 know about it, and it would appear in the next group
4 of minutes if we had them.

5 BY MR. ROZWOOD:

6 Q. Thank you.

7 A. You are welcome.

8 Q. Is it fair to say that you supervise
9 directly or indirectly the preparation of these
10 minutes?

11 A. Yes.

12 Q. And you did that in the ordinary course of
13 your duties as assistant principal at Fremont High
14 School?

15 A. Yes. I may say that I'm not really even a
16 member of this council. Mrs. Roland is the official
17 member for the administration, but I do make sure
18 there are minutes because I think it's important some
19 kind of institutional --

20 I've forgotten half of this stuff. Not
21 half.

22 Q. Prior to Ms. Roland's arrival in the summer
23 of 2000, were you an official member of the
24 leadership council?

25 A. No, I've never been a member. It's always

1 and used for professional development, sending
2 teachers to conferences, covering classes so they can
3 visit or observe another teacher, curriculum
4 meetings, occasionally off-track curriculum meetings.
5 Occasionally -- once in a while we buy supplies out
6 of it for professional reasons, but usually it's
7 funding programs for teachers.

8 Q. Is that funding source continued in the
9 current budget for Fremont?

10 A. Yes.

11 Q. Can I ask you to turn to the leadership
12 council minutes dated September 14th, 1998.

13 A. (Complies.)

14 Q. It indicates that you were present at this
15 meeting. Is that correct, to the best of your
16 knowledge?

17 A. Yes.

18 Q. Do you see under "Budget" it refers to:
19 "The 1998-99 Rodriguez budget for
20 Fremont is \$343,116"?

21 A. Yes.

22 Q. Is that the Rodriguez budget money you were
23 referring to earlier in today's deposition?

24 A. Yes.

25 Q. Is that a funding source that continues to

1 be available at Fremont in its budget?
 2 A. I really don't know. I had heard rumors it
 3 was going to be discontinued for this school year,
 4 but Mrs. Roland says she had not received any of the
 5 budgets yet. So I don't know.
 6 Q. Okay. And the last set of meeting minutes
 7 we have from your production today are dated
 8 April 6th, 1998.
 9 And it appears you attended this meeting as
 10 well; is that correct?
 11 A. To the best of my recollection, yes.
 12 Q. And under the "Budget" item, it states that:
 13 "Ms. Hines reminded the council
 14 that all departments need to spend
 15 their IMA allocation by
 16 April 15th."
 17 A. Yes.
 18 Q. Why do all departments have to spend their
 19 IMA allocation by April 15th?
 20 A. That was the administrative philosophy at
 21 that time, that the money should be expended for that
 22 school year, and then if the department did not have
 23 a need for it, it should go into some general school
 24 needs.
 25 It's a school decision how that is, and

1 leadership felt that was appropriate. So that was
 2 what was in existence then.
 3 Different principals have different
 4 philosophies about that, and that was in place at
 5 that time.
 6 Q. And it goes on to state:
 7 "All money that is not spent for
 8 specific department needs will be
 9 used to purchase school furniture,
 10 with most of the money going for
 11 school desks."
 12 Do you see that?
 13 A. Yes.
 14 Q. Was there a shortage of school furniture,
 15 student desks at or about the time of this meeting at
 16 Fremont?
 17 A. I would assume so, yes.
 18 Q. Do you know the nature or extent of that
 19 shortage?
 20 A. No.
 21 Q. Do you know if departments' IMA allocations
 22 were actually spent on school furniture or student
 23 desks?
 24 A. My best guess would be that they were.
 25 Since this is absolutely in writing, that probably

1 did happen, and the teachers are well aware they need
 2 student desks. And I don't have to justify it, but
 3 I'm sure that something like that did happen since
 4 it's in writing.
 5 Q. At the time this meeting took place, is it
 6 the case -- was it the case that unused IMA
 7 allocations could be rolled over or carried over to
 8 the next school year and used in the subsequent
 9 school years by the departments?
 10 A. Almost every year the IMA funds carry over,
 11 but it's an administrative and leadership council
 12 decision as to what actually happens to that
 13 rolled-over money, if it stays in the departments or
 14 if it's in essence given to the school in general to
 15 fund student needs.
 16 So in this particular year, the philosophy
 17 was the money is then given over to the whole school
 18 needs. Some years it's different, depending on the
 19 principal.
 20 Q. Now, IMA is an acronym; correct?
 21 A. Yes.
 22 Q. For instructional materials account?
 23 A. Yes.
 24 Q. This is money that is allocated to specific
 25 departments for their purchase of instructional

1 materials as needed; correct?
 2 A. The money is allocated to the school, and
 3 then the direct allocation is determined by the
 4 school leadership council.
 5 Q. And this refers to specific departmental
 6 allocations by the school leadership council;
 7 correct?
 8 A. Right. The school had allocated probably,
 9 if that was a normal year, about half of the money
 10 for administration and the other half was divided to
 11 the departments based on enrollment in the
 12 departments.
 13 Some departments spend the money. Other
 14 departments didn't spend it for whatever reason, and
 15 if there's still a large amount of money in the pot
 16 in April from that school year which is almost
 17 ending, we get new money in May.
 18 The determination of the administration that
 19 year is can we use this money to buy desks, and that
 20 was agreed upon.
 21 Q. You say it was the administration's policy
 22 to use unspent IMA allocations for the general school
 23 benefits at that time; correct?
 24 A. Well, the administration with the sanction
 25 approval of the leadership council because really

1 that's one of their prerogatives, one of their
2 decision-making capabilities how that money should be
3 spent. The administration is also part of the
4 leadership council. So...

5 Q. This was a decision or policy adopted by the
6 school leadership council; correct?

7 A. Yes.

8 MS. GODFREY: I don't believe there was a
9 policy. There was a decision made, to the best of
10 your recollection.

11 THE WITNESS: The decision was made to have
12 that be the policy that particular year or that
13 particular administration.

14 BY MR. ROZWOOD:

15 Q. Do you know if that policy continues to
16 exist at Fremont High School?

17 A. No, I don't think it does exist. I think
18 that the money now stays with the departments.

19 Q. When did that change? Take your time.

20 A. With Mr. Herrera, I believe. Mr. Herrera
21 had a whole new plan, but then he left, and that plan
22 was abandoned, and Mrs. Roland came in, and she
23 needed to learn.

24 So it's my understanding right now that
25 unspent money in the departments does roll over to

1 MS. LHAMON: Are you --

2 BY MR. ROZWOOD:

3 Q. -- in the last school year, 2000/2001?

4 A. Between -- close to 4,500, I would guess.
5 That's an estimate.

6 Q. And you mentioned before that science has a
7 larger budget; correct?

8 A. That's correct.

9 Q. Can you estimate what it was for the
10 2000/2001 school year in that department?

11 MS. LHAMON: Objection. Asked and answered.

12 MS. GODFREY: Join.

13 THE WITNESS: It's probably close to between
14 6- and \$8,000. I'll probably give you a different
15 estimate every time. It is the largest one. The
16 science department gets more than any other
17 department.

18 Is it in there?

19 BY MR. ROZWOOD:

20 Q. You said it was about 10,000 for this school
21 year; correct?

22 A. Yeah, but I think it's a little less.

23 Q. Okay.

24 A. I just don't remember numbers very well.

25 MR. ROZWOOD: Okay. Well, I'm going to

1 the departments.

2 Q. And the departments use their IMA
3 allocations to purchase things like supplies that
4 they might use in class, for example; correct?

5 A. Correct.

6 Q. Like lab equipment in science classes?

7 A. Yes.

8 Q. Paint in art classes, for example?

9 A. Yes.

10 Q. And does that also include a source of funds
11 for textbooks?

12 A. You could buy textbooks out of IMA.

13 Q. And do departments at Fremont sometimes use
14 their IMA allocations to purchase textbooks?

15 MS. LHAMON: Objection. Asked and answered.
16 We have been over this testimony at length
17 on earlier days.

18 THE WITNESS: That's true, we have discussed
19 that, and I think the response at that time was the
20 textbooks are so expensive that really you could only
21 buy a few textbooks out of our IMA account.

22 BY MR. ROZWOOD:

23 Q. Do you know approximately how much money is
24 allocated to the English department for instructional
25 materials in their IMA account --

1 reserve my right on behalf of my client to ask
2 follow-up questions raised by documents that have not
3 been produced but are responsive to outside
4 discovery, but as of now, I have no more questions.

5 MS. GODFREY: I'm going to reiterate the
6 same statement I made on the record earlier when
7 Ms. Lhamon concluded her questions for today.

8 And do you have more questions today,
9 Ms. Lhamon?

10 MS. LHAMON: I don't now, but thank you very
11 much for your time. We appreciate it.

12 MS. GODFREY: I have some questions.

13 MS. LHAMON: I'm sorry.

14 MS. GODFREY: That's okay. I want to clean
15 some things up, due to the pace at which we have gone
16 through the documents today that, I guess, encompass
17 Exhibit 13.

18
19 EXAMINATION

20 BY MS. GODFREY:

21 Q. When Mr. Rozwood was asking you questions
22 about the minutes dated April 6th, 1998, I heard you
23 answer the question differently than he asked it. So
24 I want to go back over that.

25 Where it says at the bottom that "All money

1 that is not spent for specific department needs will
2 be used to purchase school furniture, with most of
3 the money going for student desks," Mr. Rozwood asked
4 you whether the money was spent on student desks, and
5 I thought I heard you say that you assumed that it
6 was.

7 As you sit here today, do you know where
8 this money -- excuse me -- whether the money was
9 spent on student desks or not?

10 A. No.

11 Q. With respect to all the leadership council
12 minutes that have been produced as part of
13 Exhibit 13, generally how long was the leadership
14 council meeting, if there was a general time frame
15 for them?

16 A. They are usually an hour to an hour and a
17 half in length.

18 Q. Okay. So is it fair to say that these
19 minutes are an abbreviated version of what happened
20 at those meetings?

21 A. Yes.

22 Q. And with respect to questions that might
23 come up as part of what has been produced and what
24 hasn't been produced, to your knowledge, when did the
25 leadership council meetings start at Fremont High

1 It sometimes has the attachments in a
2 separate place, and it also has the assignment
3 sheets, and those are tagged, and they are by year,
4 and they are in different locations in the outer
5 office.

6 Q. To your knowledge, are you the only person
7 at Fremont High School that maintains these meeting
8 minutes?

9 A. Yes.

10 Q. And there has been some note in the record
11 that some months or some weeks of meetings are not
12 here.

13 To your knowledge, does that mean Fremont
14 High School does not have a copy of minutes for those
15 meetings?

16 MS. LHAMON: Well, objection. She has
17 testified she believes there's a copy of the more
18 recent meeting --

19 MS. GODFREY: I'm going to get there.

20 Q. I'm talking about missing dates, not ones
21 that --

22 MS. LHAMON: Before the most recent --

23 BY MS. GODFREY:

24 Q. -- come before the most recent one.

25 A. [REDACTED]

1 School?

2 A. Do you mean the time?

3 Q. Yeah -- well, I didn't mean the time of day
4 that the meetings were held, but the earlier minutes
5 that we have are dated April 6th, 1998.

6 Is that when these meetings started, to your
7 knowledge?

8 A. You mentioned '88?

9 Q. Did I say '88? I meant '98.

10 A. No, I'm sure they were in existence before
11 that.

12 Q. These are the documents you had related to
13 council leadership meetings?

14 A. Yes.

15 Whoever was principal in 1998 or whatever
16 started asking my office to keep notebooks of them.
17 Sometimes that's a difficult thing with the staff I
18 have, but we have been attempting to do that.

19 Q. So how are these documents gathered,
20 Exhibit 13, that were brought here today? Can you
21 describe the process by which you gathered these
22 documents?

23 A. We have a notebook for each year that's
24 indicated "Leadership Council," and it has the
25 minutes in it.

1 [REDACTED] So there may be.

2 MR. ROZWOOD: On the record. Ouch.

3 THE WITNESS: On the record.

4 Well, I have to say I did not check myself,
5 and I have to be honest. So no, I don't know for
6 sure.

7 BY MS. GODFREY:

8 Q. You don't know for sure that you have gotten
9 all the documents?

10 A. No, I know that I don't have some of the
11 recent ones because we just ran them off, and they
12 are sitting on top of the file cabinet, and she
13 didn't pick them up.

14 Q. Okay. And there are meeting minutes that
15 are in existence that date later than March 12th,
16 2001?

17 A. I'm absolutely sure of that.

18 Q. Do you know where those are?

19 A. Yes.

20 Q. And you are going to get those and submit
21 them to me; correct?

22 A. Sure.

23 Q. Okay. And you will also check to see
24 whether or not the missing meeting minutes are in the
25 notebooks and produce those as well; correct?

1 A. Yes.
 2 MS. GODFREY: Okay. I'm done.
 3 MS. LHAMON: Now I thank you very much for
 4 your time.
 5 MR. ROZWOOD: Ms. Hines, thank you very,
 6 very much.
 7 (Off the record.)
 8 MS. GODFREY: Counsel has agreed off the
 9 record with Ms. Hines that the court reporter will
 10 messenger an original of the deposition transcript to
 11 her at Fremont High School on or before August 17th
 12 and overnight a certified copy to my office, and then
 13 Ms. Hines will have until August 31st --
 14 MS. LHAMON: That's right.
 15 MS. GODFREY: -- to review the transcript
 16 and make changes, and then the transcript will be
 17 overnighted to Ms. -- the original will be sent to
 18 Ms. Lhamon's office on August 16 --
 19 MR. ROZWOOD: Actually my office.
 20 Any changes will be communicated to all
 21 counsel.
 22 MS. GODFREY: Correct.
 23 MS. LHAMON: Communicated on August 31st and
 24 not later; is that correct?
 25 MS. GODFREY: Yeah.

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 _____, _____.

9 _____
 10 SIGNATURE OF THE WITNESS

1 MR. ROZWOOD: In lieu of a signature, we
 2 will be able to use a signed deposition transcript
 3 for all purposes in this litigation.
 4 MS. LHAMON: We can relieve the court
 5 reporter of her responsibilities.
 6 MR. ROZWOOD: So stipulated.
 7 MS. LHAMON: So stipulated.
 8 MS. GODFREY: So stipulated.
 9 THE REPORTER: Would you like a copy?
 10 MS. GODFREY: Yes.
 11 MS. LHAMON: Yes.
 12 (TIME NOTED: 4:41 P.M.)
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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 17th day of August, 2001.

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RICKI Q. MELTON, CSR No. 9400, RPR No. 45429

1 DEPOSITION EXHIBITS
2 MARCIA HINES

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NUMBER	DESCRIPTION	IDENTIFIED
11	School Accountability Report Card.	594
12	Resume of Qualifications of Marcia E. Meyer Hines.	650
13	Minutes of Leadership Council meetings.	650

1 INDEX
2 VOLUME III

3
4 FRIDAY, AUGUST 10, 2001

5
6 WITNESS EXAMINATION

7
8 MARCIA HINES

9
10 (By Ms. Lhamon) 419, 594
11 (By Mr. Rozwood) 656
12 (By Ms. Godfrey) 720

13
14
15
16
17
18
19
20
21
22
23
24
25