

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

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

5 Plaintiffs,)

6 v.)

7 STATE OF CALIFORNIA;)

8 DELAINE EASTIN, State)

9 Superintendent of Public)

10 Instruction; STATE)

11 DEPARTMENT OF EDUCATION;)

12 STATE BOARD OF EDUCATION,) VOLUME III

13 Defendants.) Pages 437 - 676

14)

15
16
17 DEPOSITION OF:

18 LLOYD HOUSKE

19 FRIDAY, JULY 20, 2001

20 9:30 A.M.

21
22 Reported by:

23 C. JANE HARMAN

24 CSR No. 5266

25

1 Deposition of LLOYD HOUSKE, the witness,
2 taken on behalf of DEFENDANT STATE OF CALIFORNIA, at
3 9:53 A.M., FRIDAY, JULY 20, 2001, at 400 South Hope
4 Street, Fifteenth Floor, Los Angeles, California,
5 before c. jane harman, CSR No. 5266.

6
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12 ALSO PRESENT:

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1 INDEX
2 WITNESS EXAMINATION PAGE
3 LLOYD HOUSKE
4 BY MR. VILLAGRA 441, 662, 671
5 Afternoon session 542
6 BY MS. STRONG 625, 668
7
8

9 EXHIBITS
10 (None)
11

12 INSTRUCTED NOT TO ANSWER

13 Page 479 Line 9
14 Page 622 Line 4
15 Page 622 Line 9
16 Page 622 Line 24
17 Page 623 Line 7
18 Page 624 Line 8
19 Page 624 Line 18
20
21

22 INFORMATION REQUESTED
23 (None)
24
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1 LOS ANGELES, CALIFORNIA
2 FRIDAY, JULY 20, 2001
3 9:53 A.M.
4 -oOo-
5

6 LLOYD HOUSKE,
7 having been re-sworn, was
8 examined and testified further as follows:
9

10 EXAMINATION RESUMED

11
12 BY MR. VILLAGRA:

13 Q. Good morning, Mr. Houske.
14 A. Good morning.
15 Q. We've already gone through two days of
16 deposition, and there has been some instructions
17 that we've provided in the past.
18 Do you recall those instructions?
19 A. No. You better tell me again.
20 Q. Okay. If you'd like to take a break at any
21 point, please let me know and we'll stop and take a
22 break.
23 Do you understand that?
24 A. Yes, I do.
25 Q. If you don't understand a question, please

1 ask me. If you understand, the assumption will be
 2 that you understood the question and that you're
 3 providing a full and truthful answer.
 4 A. Correct.
 5 Q. I think that's about it.
 6 A. Good.
 7 Q. We left off last time and we were talking
 8 about what happens when teachers are going off
 9 track.
 10 A. Yes.
 11 Q. And correct me if I'm wrong, but my
 12 understanding was that as teachers and their classes
 13 are preparing to go off track, books are collected.
 14 Is that correct?
 15 A. That's correct.
 16 Q. Do you know when in relation to the
 17 last day of class before a track ends books are
 18 collected?
 19 A. It's usually the week before.
 20 Q. So a full week before?
 21 A. That's right.
 22 Q. And --
 23 A. Well, starting in -- the schedule starts
 24 in. Now, that doesn't mean everyone turns it in
 25 that ... but over that period of five days, everyone

1 will get the books in.
 2 Q. Okay. So over the course of each day
 3 during that week --
 4 A. That's right.
 5 Q. -- books are being collected?
 6 A. That's right.
 7 Q. So is it fair to say that for some kids
 8 they will be without textbooks during those last
 9 five days?
 10 A. Not all textbooks are collected. It has
 11 more to do with reading series. And there will
 12 still be other ... science and math things that will
 13 still probably be left in the room.
 14 Q. Okay. And then those will be --
 15 A. Depending upon -- excuse me. Depending
 16 upon who's going in the room next. If it is the
 17 same grade level, then there's not ...
 18 Q. And then those other books that remain,
 19 like science books, would be collected as well over
 20 the course of that week?
 21 A. Some of those books are not collected.
 22 Q. Okay. Which are the books that are not
 23 collected?
 24 MR. FERNOW: Objection. Calls for
 25 speculation.

1 MS. STRONG: Join.
 2 THE WITNESS: Well, again, it depends upon
 3 the teacher. If the teacher is using a different
 4 series and the next teacher is not using it, then
 5 they're sent back. Sometimes there is a change in
 6 grade where there may be a combination grade and
 7 that combination grade would want a higher level
 8 book. So it depends.
 9 But there is a period of time where they
 10 have to be without books, no doubt about that.
 11 BY MR. VILLAGRA:
 12 Q. And supplies are collected as well, as
 13 teachers and their classes prepare to go off track;
 14 is that correct?
 15 A. No, they are not.
 16 Q. And how is it that you know that books are
 17 collected over those -- over that last week before
 18 teachers go off track?
 19 A. Because it's not an easy thing to get
 20 accomplished, and so that teachers don't always
 21 follow the schedules, and so that I'm involved in
 22 helping people to remember that.
 23 Q. What do you mean by, it isn't easy to get
 24 that done?
 25 A. Well, they're supposed to send them in at a

1 certain time during the day so the textbook clerk is
 2 checking them in. And when you're a classroom
 3 teacher, schedules are not always that easy to
 4 follow.
 5 Q. And we talked last time about vacations on
 6 the Concept 6 calendar. They last for approximately
 7 two months; is that correct?
 8 A. That's correct.
 9 Q. Do you believe that there can be memory
 10 loss in those two-month vacations that students get
 11 on the Concept 6 calendar?
 12 MS. STRONG: Objection. Vague and
 13 ambiguous. Calls for speculation. May call for
 14 expert testimony. And outside the scope of what the
 15 witness is able to testify to. And to the extent
 16 that it's asking for his personal opinion testimony,
 17 it's irrelevant to this case.
 18 MR. FERNOW: Join.
 19 BY MR. VILLAGRA:
 20 Q. You can answer.
 21 MR. FERNOW: Do you remember the question?
 22 THE WITNESS: I remember the question.
 23 Well, I think that, you know, this is, I
 24 think one of the pluses for year-round schedules is
 25 that the vacation isn't as long. I do think the

1 memory loss was greater when they had the full
2 summer off, that textbooks were designed to have
3 lots of review in the beginning.

4 And so that I instruct teachers in the
5 school that we don't need to spend as much time
6 on -- in the beginning of textbooks because it's
7 basically review because of that fear.

8 BY MR. VILLAGRA:

9 Q. Uh-huh.

10 So you believe the memory loss was greater
11 when it was the full summer?

12 A. Traditional year, yes.

13 Q. But I take it by that that you believe that
14 there is still some memory loss in the two-month
15 vacation?

16 A. That is correct.

17 MS. STRONG: Objection. Same objections as
18 I stated before.

19 MR. FERNOW: Join.

20 MS. STRONG: And vague and ambiguous.

21 BY MR. VILLAGRA:

22 Q. And why do you believe that?

23 MR. FERNOW: Same objections.

24 MS. STRONG: Join.

25 THE WITNESS: Well, I guess it's sort of

1 pages, anyway, if not more.

2 BY MR. VILLAGRA:

3 Q. Is this a requirement that you have imposed
4 on teachers at Cahuenga, that they give out these
5 packets over the vacations?

6 A. Encouraged.

7 Q. And how is it that you've encouraged that?

8 MS. STRONG: Objection. Vague and
9 ambiguous. And compound to the extent it's asking
10 how he's encouraged each of the teachers at
11 Cahuenga. That may vary.

12 MR. FERNOW: Join.

13 THE WITNESS: I suppose about -- bragging
14 about the people when they first started doing it.
15 And, you know, people like to hear praise. And so
16 more and more people wanted to hear the praise so
17 they started doing it. And they now -- they now --
18 rather than doing it individually, some grade levels
19 do it as a grade level so all the teachers pitch in
20 and contribute to it.

21 BY MR. VILLAGRA:

22 Q. And this is done in an effort to reduce
23 or minimize the opportunity for memory loss?

24 A. Absolutely -- yes.

25 Q. Is there anything else that teachers do,

1 like an intuitive thing that you feel that when
2 you're away from something, you forget. And that
3 was why we make homework packets to send home during
4 the off-track time so that children will have that
5 material, so they won't have as much opportunity to
6 forget.

7 BY MR. VILLAGRA:

8 Q. And when you refer to "opportunity to
9 forget," you're referring to what the students had
10 learned before they went on vacation?

11 A. That's correct.

12 Q. And that's what you understand --

13 understood me to be referring to when I referred
14 to memory loss?

15 A. Yes.

16 Q. How large are those homework packets that
17 you give out over the vacations?

18 MS. STRONG: Objection.

19 MR. FERNOW: Objection. Vague and
20 ambiguous.

21 MS. STRONG: Vague and ambiguous. And
22 compound to the extent you're asking about more than
23 one type of homework packet.

24 THE WITNESS: They vary in size. And --
25 but most of them I would say are close to 35 to 40

1 to your knowledge, at Cahuenga to try to reduce or
2 minimize the opportunity for memory loss over the
3 vacations?

4 MS. STRONG: Objection. Calls for
5 speculation. Vague and ambiguous.

6 THE WITNESS: No --

7 MR. FERNOW: Join.

8 THE WITNESS: We have the -- the librarian
9 from the public library comes to the school and she
10 goes through every classroom and motivates the
11 children for going to the library. And so we
12 encourage that.

13 BY MR. VILLAGRA:

14 Q. Which are the grades where they've got --
15 where the teachers have gotten together to develop a
16 consistent homework packet? If that's -- if that's
17 a correct statement of your testimony.

18 MR. FERNOW: Objection. Calls for
19 speculation.

20 THE WITNESS: First and third. And others
21 may, I just may not be aware of it.

22 BY MR. VILLAGRA:

23 Q. But you're aware of that --

24 A. That's right.

25 Q. -- for first and third?

1 A. (Nods head.)
 2 Q. Have you seen the homework packet for first
 3 grade?
 4 A. Yes.
 5 Q. Could you describe what it consists of.
 6 A. It's --
 7 MS. STRONG: Objection. Vague and
 8 ambiguous.
 9 THE WITNESS: It -- it's composed of a lot
 10 of math problems. There are phonic kinds of drills
 11 in there. They have writing journals in there.
 12 And I don't remember the others, but I know
 13 they had the packet of the mimeographed materials.
 14 And there are three packets of writing paper which
 15 had different usage, but I don't recall what the
 16 other two were.
 17 BY MR. VILLAGRA:
 18 Q. Anything else that you recall?
 19 A. No, that's basically it.
 20 Q. Are the packets for the different grades
 21 similar? I mean, obviously there are differences
 22 for variance in grade level, but are they generally
 23 the same as what you described for the first grade?
 24 MS. STRONG: Objection. Vague and
 25 ambiguous. And compound.

1 MR. FERNOW: Calls for speculation.
 2 THE WITNESS: No, it differs because of the
 3 grade level and -- but basically they're -- they
 4 have a great deal of similarity.
 5 BY MR. VILLAGRA:
 6 Q. And you've seen packets for the various
 7 grades at Cahuenga?
 8 A. Yes.
 9 Q. And I know we talked previously about the
 10 topic of intervention services.
 11 A. Uh-huh.
 12 Q. And we talked about how they are generally
 13 remedial in nature; is that correct?
 14 A. That's right.
 15 Q. What students are eligible to participate
 16 in intervention services? Is it limited to children
 17 who are below grade level and need help getting up
 18 to grade level?
 19 MR. FERNOW: Objection. Calls for
 20 speculation.
 21 MS. STRONG: Join.
 22 MR. FERNOW: Incomplete hypothetical.
 23 MS. STRONG: Join.
 24 THE WITNESS: It -- well, one of them is
 25 for remediation, which would be -- meaning the

1 youngster needs extra help.
 2 And then another one is a two-week course
 3 that everyone from first grade to fifth grade has,
 4 which is sort of a test preparation, extra class to
 5 learn how to bubble in and do those kinds of things.
 6 BY MR. VILLAGRA:
 7 Q. Are the remediation intervention services
 8 offered when students are off track during their
 9 intersession break?
 10 MR. FERNOW: Objection. Calls for
 11 speculation.
 12 THE WITNESS: Yes, they are.
 13 BY MR. VILLAGRA:
 14 Q. And I believe you testified previously that
 15 some are offered after school?
 16 A. That's correct.
 17 Q. And others are offered on Saturdays?
 18 A. That's correct.
 19 The one offered on Saturday is -- well, the
 20 one on Saturday is sometimes intervention but also
 21 there is one where it's for families and children
 22 who have been in the country for less than two
 23 years. And so that it's language development and
 24 other things for those youngsters. And parents also
 25 take part in it.

1 Q. Okay. But some of the Saturday sessions
 2 are for remediation?
 3 A. Yes.
 4 Q. Okay. Now, specifically talking about the
 5 remediation sessions that go on after school, what
 6 are the hours that those are offered?
 7 MS. STRONG: Objection. Vague and
 8 ambiguous. Compound. And calls for speculation.
 9 MR. FERNOW: Join.
 10 THE WITNESS: It -- it usually runs an
 11 hour. Sometimes it's an hour and a half.
 12 BY MR. VILLAGRA:
 13 Q. Does it run from 3:00 to 4:30, say --
 14 A. Yes.
 15 Q. -- is there a set time?
 16 A. Yes.
 17 MS. STRONG: Same objections. Compound.
 18 BY MR. VILLAGRA:
 19 Q. Is that correct?
 20 A. That's correct.
 21 Q. And how do you know that?
 22 A. Because we're the ones that organize it.
 23 Q. And the Saturday remediation services, what
 24 times are those offered?
 25 MS. STRONG: Objection. Compound and calls

1 for speculation.
 2 THE WITNESS: It may vary.
 3 BY MR. VILLAGRA:
 4 Q. Why are these remediation sessions offered
 5 after school and on Saturday --
 6 MS. STRONG: Objection.
 7 MR. FERNOW: Objection. Compound and calls
 8 for speculation.
 9 MS. STRONG: Join.
 10 THE WITNESS: I forgot the question.
 11 (Laughs.)
 12 BY MR. VILLAGRA:
 13 Q. Why are the remediation sessions offered on
 14 Saturdays and after school?
 15 MR. FERNOW: Same objections.
 16 MS. STRONG: Join.
 17 THE WITNESS: Because that's the time when
 18 class space is available.
 19 MS. STRONG: You know what, just for the
 20 record, I think it might be easier, I would like to
 21 state that whenever you make an objection that we
 22 can stipulate that I'll join in that objection, I
 23 don't need to state it throughout the entire
 24 deposition transcript. Maybe it will make the
 25 interruptions less.

1 MR. VILLAGRA: So you're going to stipulate
 2 that you'll join in every objection?
 3 MS. STRONG: Correct.
 4 MR. FERNOW: Do you want to go off for just
 5 a second?
 6 Do you want to go off?
 7 MR. VILLAGRA: Sure.
 8 MR. FERNOW: Can we talk for a second?
 9 MS. STRONG: Sure.
 10 (Conference held off the record
 11 between Ms. Strong and Mr. Fernow.)
 12 MS. STRONG: Okay. So is that agreed by
 13 you, Mr. Villagra, that I join in the objections
 14 that are made by him?
 15 MR. VILLAGRA: Absolutely. I have no
 16 problem with that.
 17 MS. STRONG: Okay.
 18 And "him" being Mr. Fernow. I'm sorry.
 19 MR. FERNOW: That's all right.
 20 BY MR. VILLAGRA:
 21 Q. And I believe, Mr. Houske, before we went
 22 off the record you said the remediation sessions are
 23 offered after school and on Saturdays because that's
 24 when the classroom space is available?
 25 A. That is right.

1 Q. And is that because on the Concept 6
 2 calendar, classrooms are in use all year long?
 3 A. Yes.
 4 Q. Do some students at Cahuenga who are in
 5 need of remediation services get bused to other
 6 schools so they can receive those services?
 7 MR. FERNOW: Objection. Calls for
 8 speculation.
 9 THE WITNESS: Yes, they do.
 10 BY MR. VILLAGRA:
 11 Q. How do you know that?
 12 A. Because you -- we just did -- just did
 13 it this year. And we -- and the reason we did it
 14 was we didn't have enough children that needed
 15 remediation and so we wouldn't qualify for a
 16 teacher. So we had to send them to another
 17 location.
 18 BY MR. VILLAGRA:
 19 Q. How many do you bus out to receive
 20 remediation services at another school?
 21 MS. STRONG: Objection. Calls for
 22 speculation.
 23 MR. FERNOW: Join.
 24 THE WITNESS: Approximately seven.
 25 /// ///

1 BY MR. VILLAGRA:
 2 Q. Do they all go to the same school?
 3 A. Yes.
 4 MR. FERNOW: Same objection.
 5 MS. STRONG: Same objections.
 6 BY MR. VILLAGRA:
 7 Q. And how do you know that?
 8 A. One bus comes.
 9 Q. If you had classroom space available, would
 10 you be offering remediation services after school
 11 and on Saturdays?
 12 MS. STRONG: Objection. Incomplete
 13 hypothetical. Calls for speculation. Vague and
 14 ambiguous.
 15 MR. FERNOW: Join.
 16 THE WITNESS: I might have to because it's
 17 very hard to get teachers to come in to do an hour
 18 or an hour-and-a-half program. And while it's not
 19 difficult to get a teacher who is already teaching
 20 to spend an hour and a half after school.
 21 BY MR. VILLAGRA:
 22 Q. Do you know when on the traditional
 23 calendar remediation services are offered?
 24 MS. STRONG: Objection. Calls for
 25 speculation to the extent it's asking whether yes

1 or no.

2 MR. FERNOW: And it's vague and ambiguous.
3 Do you mean at other schools? You are assuming
4 facts, so it lacks foundation that other schools
5 offer the remediation programs.

6 THE WITNESS: I don't know.

7 BY MR. VILLAGRA:

8 Q. In your opinion, are all students at
9 Cahuenga who are in need of remediation able to take
10 advantage of the intervention services offered?

11 MS. STRONG: Objection. Vague and
12 ambiguous. Calls for speculation. Assumes facts.

13 MR. FERNOW: Join.

14 MS. STRONG: And may call for expert
15 testimony.

16 THE WITNESS: I think the word "able," I'm
17 not sure exactly. Sometimes we offer classes for
18 children and then parents decide not to send them.
19 And -- but other than that, I would say that most of
20 our youngsters take advantage of it.

21 BY MR. VILLAGRA:

22 Q. Do you have any idea of what the -- what
23 the percentage is?

24 A. No, I do not.

25 MR. FERNOW: Objection. Calls for

1 have to reorganize the school more.

2 BY MR. VILLAGRA:

3 Q. Any other way in which the administration
4 of the Concept school -- Concept 6 school is
5 different?

6 MS. STRONG: Same objections.

7 THE WITNESS: Remember, I've been doing
8 this for probably 25 years now, so it doesn't --
9 it's kind of hard to remember what it was like
10 before.

11 BY MR. VILLAGRA:

12 Q. This is how the world is now?

13 A. This is how the world is and so I've grown
14 accustomed to it.

15 Q. How long did it take for you to grow
16 accustomed to the Concept 6 calendar?

17 MS. STRONG: Objection. Vague and
18 ambiguous.

19 MR. FERNOW: As to "grown."

20 MS. STRONG: Overbroad.

21 MR. FERNOW: Join.

22 THE WITNESS: I'm not sure what you mean by
23 "accustomed."

24 BY MR. VILLAGRA:

25 Q. You said that it was something that you had

1 speculation.

2 MS. STRONG: Join.

3 BY MR. VILLAGRA:

4 Q. We talked way back when on the 14th about
5 your prior experience running a school on a
6 traditional calendar.

7 Do you recall that?

8 A. I do.

9 Q. Is the administration of a Concept
10 school -- Concept 6 school different than the
11 administration of a school on a traditional
12 calendar?

13 MR. FERNOW: Objection. Vague and
14 ambiguous. It could call for speculation.

15 THE WITNESS: Yes.

16 BY MR. VILLAGRA:

17 Q. How so?

18 A. It's more complex.

19 MS. STRONG: Same objections.

20 MR. FERNOW: Join.

21 I'm sorry. Go ahead.

22 THE WITNESS: It's -- it's just more
23 complex. You have -- you have people coming in and
24 leaving at different times and so you're -- your
25 professional development has to be repeated, and you

1 to grow accustomed to.

2 A. I suppose to learn the tricks. And how
3 long does it take you to learn the tricks? I
4 suppose you're always learning the tricks. It's a
5 never-ending process.

6 Q. What are you referring to when you refer to
7 "the tricks"?

8 A. Well, as I said, professional development
9 is certainly one; that most professional
10 developments that I do in my school, I have to do
11 twice. And in the beginning that was -- was
12 difficult, but now I find that it's kind of -- I
13 find that by the time I do it the second time, I
14 really kind of change it and I sometimes think it's
15 better.

16 And certainly it's difficult to explain to
17 parents the track system.

18 Q. Any other tricks?

19 A. I'm sorry I used that word.

20 MR. FERNOW: That may call for privileged
21 information, I'm not sure that we can ...

22 (Laughter.)

23 MR. VILLAGRA: I'm not sure whether I'm
24 deposing Mr. Houske or Felix the Cat.

25 THE WITNESS: He told me to watch out for

1 you.
 2 BY MR. VILLAGRA:
 3 Q. Well, you're the one with the bag of
 4 tricks.
 5 Anything else that you can think of?
 6 A. Not really.
 7 Remember, I said about the teachers
 8 developing, it's like polishing a stone and it's --
 9 each swipe, you know, that you refine your skills.
 10 And I don't -- I don't think it's that easy to
 11 pinpoint it.
 12 Q. Okay. I believe on the 14th you mentioned
 13 that it takes a complex organization to run
 14 intervention services.
 15 A. Yes.
 16 Q. Describe that complex organization, if you
 17 could.
 18 A. Well, the major one is -- is -- getting the
 19 teachers available to do it and so that sometimes
 20 teachers want to change days, or change the hours.
 21 And the district is offering several different
 22 programs, and so each one of them have different
 23 kind of mandates.
 24 Q. And is the complex organization required by
 25 the fact that you have the three different tracks?

1 available during the school day?
 2 A. No.
 3 MR. FERNOW: Objection. Asked and
 4 answered.
 5 BY MR. VILLAGRA:
 6 Q. You mentioned that professional development
 7 is one of the ways in which Concept 6 is more
 8 complex.
 9 A. Yes.
 10 Q. Why is it more complex?
 11 MS. STRONG: Objection. May call for
 12 speculation to the extent that he doesn't know the
 13 details of all of the complexities involved.
 14 MR. FERNOW: Join.
 15 THE WITNESS: Well, it's because you have
 16 to repeat it. It isn't a one-time job.
 17 BY MR. VILLAGRA:
 18 Q. I take it that on a traditional calendar
 19 you could run your professional development just
 20 once?
 21 A. That's correct.
 22 MS. STRONG: Objection. Calls for
 23 speculation. Incomplete hypothetical.
 24 BY MR. VILLAGRA:
 25 Q. Is communication with teachers made more

1 MS. STRONG: Objection. Vague and
 2 ambiguous.
 3 MR. FERNOW: Join.
 4 And incomplete hypothetical.
 5 THE WITNESS: I don't really think so. I
 6 think I would probably have just as much problem if
 7 I only had one track. And it's -- it has more just
 8 to do with the people, you know, getting parents to
 9 understand, getting the mayor... and finding --
 10 finding the space.
 11 BY MR. VILLAGRA:
 12 Q. Is finding the space made more difficult by
 13 the fact that you have three tracks?
 14 MS. STRONG: Objection. Incomplete
 15 hypothetical.
 16 MR. FERNOW: Join.
 17 MS. STRONG: Vague and ambiguous.
 18 THE WITNESS: No, it ... it has more to do
 19 with teachers who want to work after school. And so
 20 that sometimes their classroom, we can't use it,
 21 because that teacher wants to stay. So of course we
 22 honor that, so we have to look around for other
 23 classroom space at the school.
 24 BY MR. VILLAGRA:
 25 Q. But you don't have classroom space that's

1 complex by the Concept 6 calendar?
 2 MR. FERNOW: Objection. Vague and
 3 ambiguous. Calls for speculation.
 4 THE WITNESS: It's difficult -- difficult
 5 for me? No, I would not say it's difficult for me
 6 to have communication with them.
 7 BY MR. VILLAGRA:
 8 Q. So it's not made more difficult by the fact
 9 that at any given point one-third of the teachers
 10 are on vacation?
 11 MS. STRONG: Objection. Incomplete
 12 hypothetical. Vague and ambiguous.
 13 THE WITNESS: Well, it -- it -- it -- it
 14 gets, I suppose, difficult when you have one class
 15 at a certain point, because when a new track comes
 16 on, because we have one track going off at the end
 17 of August and we have a new track coming on. And so
 18 for that new track coming on in September, that
 19 means that they're -- they're starting off as a
 20 fresh student, day one, and so that this other group
 21 is ahead of them.
 22 And -- but again, as what comes with
 23 experience, it isn't as much of a communication
 24 problem for me as it may be for the teachers that
 25 are grade level.

1 BY MR. VILLAGRA:
 2 Q. And why is it a problem for the teachers,
 3 to your knowledge?
 4 A. Because they're not starting off fresh.
 5 The other teachers have already done eight weeks of
 6 teaching and so they're not at that beginning stage
 7 anymore.
 8 MS. STRONG: Calls for speculation, by the
 9 way.
 10 BY MR. VILLAGRA:
 11 Q. Have teachers ever complained to you about
 12 that?
 13 MS. STRONG: Objection. Vague and
 14 ambiguous.
 15 MR. FERNOW: As to "that." Join.
 16 THE WITNESS: Not really.
 17 MS. STRONG: Incomplete hypothetical.
 18 BY MR. VILLAGRA:
 19 Q. And when you hold staff meetings, it's for
 20 the teachers who are on track at the time; is that
 21 correct?
 22 A. That's correct.
 23 Q. You also testified previously about network
 24 meetings where all the teachers in a particular
 25 grade level get together and meet.

1 A. That's correct.
 2 Q. And you talked about how that was a very
 3 powerful learning tool for new teachers because they
 4 get a chance to hear from experienced teachers and
 5 share ideas.
 6 Is that correct?
 7 A. That's correct.
 8 Q. And at those network meetings, are those
 9 attended by the teachers who are on track at that
 10 time --
 11 A. That --
 12 MR. FERNOW: Objection. Calls for
 13 speculation.
 14 THE WITNESS: That's correct.
 15 BY MR. VILLAGRA:
 16 Q. Do you ever attend these network meetings?
 17 A. Yes --
 18 MS. STRONG: Asked and answered.
 19 THE WITNESS: Yes, I do.
 20 BY MR. VILLAGRA:
 21 Q. So you know who attends the network
 22 meetings?
 23 A. Yes, I do.
 24 Q. Is it important to you as principal of the
 25 school to ensure that there is a consistent teaching

1 philosophy or methodology employed by teachers?
 2 A. Yes.
 3 MS. STRONG: Objection.
 4 MR. FERNOW: You have to give us a second.
 5 THE WITNESS: Okay.
 6 MS. STRONG: Vague and ambiguous and it may
 7 call for -- to the extent it's calling for his
 8 personal opinion testimony, it's not relevant to
 9 this suit.
 10 MR. FERNOW: Join.
 11 THE WITNESS: Yes.
 12 BY MR. VILLAGRA:
 13 Q. Is it more difficult, in your opinion, to
 14 ensure that on the Concept 6 calendar --
 15 MS. STRONG: Objection. Vague and
 16 ambiguous --
 17 MR. VILLAGRA: I'm sorry. If I could get a
 18 chance to finish the question --
 19 MS. STRONG: Oh, I'm sorry.
 20 MR. VILLAGRA: -- it would help me, too.
 21 MS. STRONG: Sorry.
 22 BY MR. VILLAGRA:
 23 Q. Is it more difficult to ensure a consistent
 24 teaching philosophy and methodology on the Concept 6
 25 calendar than on the traditional calendar?

1 MS. STRONG: Vague and ambiguous.
 2 MR. FERNOW: Join.
 3 Calls for speculation. Could call for an
 4 expert opinion.
 5 THE WITNESS: It doesn't seem to, to me
 6 anyway.
 7 BY MR. VILLAGRA:
 8 Q. Why not?
 9 A. Well, at school they call me the vision
 10 keeper, and I keep the vision and I share the
 11 vision. And so it -- it emulates from me. And I
 12 have contact with all the teachers and so that there
 13 is a consistency.
 14 Q. So let's take a network meeting, for
 15 example, among teachers in first grade --
 16 A. Uh-huh.
 17 Q. -- how is what's conveyed at a particular
 18 meeting -- how is that conveyed to the one-third of
 19 teachers in the first grade who are not on track
 20 when the meeting occurs?
 21 MS. STRONG: Objection. Vague and
 22 ambiguous. Calls for speculation. And compound
 23 to the extent that you're asking for a variety of
 24 circumstances in which information may be conveyed.
 25 MR. FERNOW: Join.

1 THE WITNESS: I'm not really -- I'm not
2 really sure I can give you an answer to that. I'm
3 not sure. They go back and they review with the new
4 track coming on what has gone on before.

5 And sometimes the network meeting is not
6 just all first grades, but sometimes the network
7 meeting will be just all those on one track together
8 and so that they're sharing things.

9 And in my school, don't forget, we have the
10 different language programs. And so sometimes the
11 teachers who have the dual-language program, they
12 meet as a -- as a network. And they're all on the
13 track at the same time.

14 And so that it varies so much, it's hard to
15 answer.

16 BY MR. VILLAGRA:

17 Q. But there is always going to be a
18 limitation at a network meeting about who can attend
19 because only particular teachers are on track at
20 that time; is that correct?

21 MS. STRONG: Objection. Incomplete
22 hypothetical. And --

23 THE WITNESS: Your finger helped that time.
24 He waved the finger.

25 MS. STRONG: The pause for the objection.

1 If that's true, there will be a prize later.

2 MR. FERNOW: It is vague and ambiguous as
3 to "time off." Do you mean a vacation, or do you
4 mean --

5 MR. VILLAGRA: Yes, vacation.

6 THE WITNESS: I take a three-week vacation
7 in the summertime. And I take several days off at
8 Christmastime.

9 BY MR. VILLAGRA:

10 Q. The three-week summer vacation is a regular
11 occurrence?

12 A. Yes.

13 Q. Is someone designated as principal when
14 you're away from the school?

15 A. Yes.

16 Q. Who is that?

17 A. The assistant principal.

18 Q. And is someone brought in to be assistant
19 vice principal while she's taking on your
20 responsibilities during your vacation?

21 A. No.

22 Q. Is there a school nurse at Cahuenga?

23 A. Yes.

24 Q. To your knowledge, does she take a vacation
25 during the school year?

1 MR. FERNOW: You know what's coming.

2 THE WITNESS: I forgot the question.

3 MR. VILLAGRA: Would you please read the
4 question back.

5 THE WITNESS: You forgot, too.

6 MR. FERNOW: And I'll object as vague and
7 ambiguous and join in Sabrina Strong's objections.

8 (The record was read as follows:

9 Question: But there is always going
10 to be a limitation at a network
11 meeting about who can attend because
12 only particular teachers are on track
13 at that time; is that correct?)

14 THE WITNESS: Yes.

15 MS. STRONG: Same objections.

16 BY MR. VILLAGRA:

17 Q. When did you last take time off from
18 school?

19 MS. STRONG: Objection. Assumes facts.

20 MR. FERNOW: That's very true. And I think
21 it's vague and ambiguous.

22 You mean --

23 BY MR. VILLAGRA:

24 Q. I hope I'm not assuming that in the last
25 20 years you haven't taken a vacation from Cahuenga.

1 A. Yes.

2 MS. STRONG: Objection. Calls for
3 speculation.

4 BY MR. VILLAGRA:

5 Q. And when the school nurse is on vacation,
6 is he or she substituted for?

7 A. Yes.

8 MR. FERNOW: Objection. Calls for
9 speculation. If you know.

10 THE WITNESS: You didn't use your finger.

11 MR. FERNOW: I used the pen (indicating).

12 THE WITNESS: Okay.

13 BY MR. VILLAGRA:

14 Q. And how is that substitution for the school
15 nurse accomplished?

16 MS. STRONG: Objection. Calls for
17 speculation.

18 THE WITNESS: The district provides it.
19 And they do that automatically for us.

20 BY MR. VILLAGRA:

21 Q. And does that come out of the Cahuenga
22 operating budget?

23 MS. STRONG: Objection. Calls for
24 speculation.

25 MR. FERNOW: Join.

1 THE WITNESS: No.
 2 BY MR. VILLAGRA:
 3 Q. It does not?
 4 A. (Shakes head.)
 5 Q. How do you know that?
 6 A. Because I don't -- I don't pay for the
 7 nurse.
 8 Q. Okay. Does each track have its own
 9 schedule for taking the Stanford 9?
 10 MS. STRONG: Objection. Compound. Vague
 11 and ambiguous. May be calling for speculation to
 12 the extent you don't know.
 13 THE WITNESS: Well --
 14 MR. VILLAGRA: It's a speculative objection
 15 about calling for speculation.
 16 THE WITNESS: One track has a different
 17 schedule and two tracks have the same.
 18 BY MR. VILLAGRA:
 19 Q. What is the schedule?
 20 MS. STRONG: Objection. Vague and
 21 ambiguous as to which track you're asking about.
 22 THE WITNESS: True.
 23 BY MR. VILLAGRA:
 24 Q. What's the schedule for A track?
 25 A. It varies from year to year.

1 Q. Do you know the schedule for this year?
 2 A. We have not given it yet.
 3 Q. What was it for last year?
 4 A. Now you know how I am about dates.
 5 Q. Approximately --
 6 A. It was in the spring.
 7 Q. Now, they're on vacation in January and
 8 February on the A track; is that correct?
 9 A. That's correct.
 10 Q. Would it have been in March or April?
 11 MS. STRONG: Objection. Calls for
 12 speculation. He already testified he doesn't know.
 13 MR. FERNOW: Join.
 14 THE WITNESS: True, I don't -- I wouldn't
 15 want to testify. I would have to look at a
 16 schedule.
 17 BY MR. VILLAGRA:
 18 Q. Okay.
 19 A. That's not one of the things I remember.
 20 Q. And there are printed schedules for the
 21 testing schedule?
 22 A. Absolutely.
 23 Q. Do you remember the testing schedule for
 24 track B?
 25 A. No. I treat all tracks equally. I don't

1 remember that.
 2 Q. Equal opportunity memory loss.
 3 In your opinion, is the administration
 4 of the Stanford 9 more difficult on a Concept 6
 5 calendar than on a traditional calendar?
 6 MS. STRONG: Objection. Vague and
 7 ambiguous.
 8 THE WITNESS: Yes.
 9 MS. STRONG: Calls for speculation.
 10 BY MR. VILLAGRA:
 11 Q. Why?
 12 A. One track comes back and they have to
 13 take the test as soon as they get back almost.
 14 They're -- it's getting better with it now, but
 15 they still are -- they don't have enough chance
 16 to review.
 17 Q. Which track is that?
 18 A. Red track.
 19 Q. Does that correspond to B track?
 20 A. It -- I just use colors. (Laughs.)
 21 MS. STRONG: If you don't know, just tell
 22 us that.
 23 THE WITNESS: I just can't say it.
 24 BY MR. VILLAGRA:
 25 Q. Do you know when --

1 A. Careful.
 2 Q. -- red track is on vacation?
 3 A. Again, I would have to look at the
 4 calendar.
 5 Q. Okay. You testified that they don't have
 6 enough time to review before they take the test on
 7 this particular track, red track.
 8 A. That's correct.
 9 MS. STRONG: Objection. Vague and
 10 ambiguous.
 11 BY MR. VILLAGRA:
 12 Q. How long is it that they have to review
 13 when they come back on track before they take the
 14 Stanford 9 on red track?
 15 MS. STRONG: Objection. Vague and
 16 ambiguous. And calls for speculation. And compound
 17 to the extent it varies for students per class.
 18 THE WITNESS: I'd have to -- I'd have to
 19 look at the schedule. I wouldn't be able to give
 20 you a definite answer.
 21 BY MR. VILLAGRA:
 22 Q. And how do you know that the students on
 23 red track don't have enough time when they come back
 24 on track to review for the Stanford 9?
 25 A. Because of the teachers' concern on red

1 track.

2 Q. And what have teachers -- what concern have
3 teachers expressed to you about the testing schedule
4 for the students on red track?

5 A. They felt that it wasn't fair.

6 Q. When was the last time that a teacher on
7 red track expressed the concern about the unfairness
8 of the testing schedule to you?

9 A. Last spring.

10 Q. The last time the test was administered?

11 A. Correct.

12 Q. How many teachers expressed the concern
13 about the unfairness of the testing schedule?

14 A. Two.

15 Q. Do you recall what specifically the
16 teachers said to you?

17 MR. FERNOW: Objection. Compound.

18 MS. STRONG: Join.

19 THE WITNESS: Just that -- that they didn't
20 think the children should take the test so soon as
21 they got back.

22 BY MR. VILLAGRA:

23 Q. I believe you testified on the 14th about
24 a particular teacher who brought -- came back when
25 they were supposed to be off track to help prepare

1 MR. VILLAGRA: You are?

2 MR. FERNOW: I am.

3 MS. STRONG: And for point of
4 clarification, I think that the witness testified
5 that it is an example of exemplary behavior, but the
6 witness is not testifying as to whether or not that
7 particular teacher is an exemplary teacher. There's
8 a difference in what's been testified to, and I
9 think --

10 MR. VILLAGRA: And I would --

11 MS. STRONG: -- that might help with this.

12 MR. VILLAGRA: I would also add in this
13 that I don't think we've ever named the teacher, I
14 don't know what revelation of privacy rights --

15 MS. STRONG: But there is still a concern
16 that you can identify --

17 MR. FERNOW: There is a concern that you
18 can identify who that person is.

19 MS. STRONG: So it is just an example of
20 exemplary behavior that --

21 MR. VILLAGRA: So you would draw the line
22 even on that?

23 MR. FERNOW: Right.

24 MS. STRONG: You wouldn't permit, either?

25 MR. FERNOW: No.

1 his or her class for the Stanford 9.

2 Do you recall that?

3 A. Yes, I do.

4 Q. Did that happen last year?

5 A. Yes, it did.

6 Q. It did.

7 Was it a teacher on red track?

8 A. Yes, it was.

9 ^^ Q. And you considered that to be a teacher
10 who was exemplary for going above and beyond their
11 duties; is that correct?

12 MR. FERNOW: I'm going to object and
13 instruct the client not to answer as it relates to
14 the performance of a particular teacher. We're
15 taking the position that that -- the employees are
16 entitled to their right to privacy.

17 MR. VILLAGRA: We've already had testimony
18 on it to this extent.

19 MR. FERNOW: Okay.

20 MR. VILLAGRA: And I don't think I'm going
21 any further than the testimony that -- that was
22 given previously.

23 MR. FERNOW: Okay. Well, if it's been
24 given, it's been given, but I'm going to instruct
25 him not to answer now.

1 Do you want to go off -- off the record for
2 a second?

3 (Discussion held off the record.)

4 MR. VILLAGRA: Back on the record.

5 BY MR. VILLAGRA:

6 Q. Some tracks, Mr. Houske, on the Concept 6
7 calendar, do not have vacations that correspond with
8 the summer; is that correct?

9 A. That's correct.

10 Q. Do parents ever complain to you about their
11 children not having vacations that correspond to the
12 summer?

13 MS. STRONG: Objection. Vague and
14 ambiguous.

15 THE WITNESS: Yes.

16 BY MR. VILLAGRA:

17 Q. And what do they say?

18 MS. STRONG: Objection. Compound to the
19 extent you're asking about more than one parent.

20 THE WITNESS: Well, they're -- they really
21 are saying they want a traditional year. It isn't
22 so much the vacation as it is they want not a
23 year-round calendar.

24 BY MR. VILLAGRA:

25 Q. And why don't -- strike that.

1 Do you recall the last time a parent
2 complained to you about wanting a traditional
3 schedule?
4 A. This month.
5 Q. When was it?
6 A. A week or so ago.
7 Q. And do you recall the parent's name?
8 A. No, I do not.
9 Q. Did you meet with this parent in your
10 office?
11 A. Yes, I did.
12 Q. And what did this parent complain about, if
13 anything?
14 MR. FERNOW: Objection. Asked and
15 answered.
16 THE WITNESS: I think it had to do really
17 with having another child in a high school that
18 maybe was not on a year-round calendar and she
19 wanting to have both children on the same schedule.
20 BY MR. VILLAGRA:
21 Q. For child care purposes?
22 MS. STRONG: Objection. Calls for
23 speculation. Incomplete hypothetical.
24 MR. FERNOW: Join.
25 /// ///

1 BY MR. VILLAGRA:
2 Q. Did the parents say?
3 A. They didn't say.
4 Q. And did the parent complain specifically
5 about not having their child on vacation over the
6 summer?
7 A. Not about vacation. It was more the
8 calendar.
9 Q. Okay. What specifically about the calendar
10 did she complain about?
11 A. About she wanted her traditional year,
12 which would imply you would have summer vacation,
13 but that wasn't seemingly the issue at the time.
14 Q. Do you get complaints like that every year?
15 MS. STRONG: Objection. Vague and
16 ambiguous.
17 MR. FERNOW: And asked and answered.
18 THE WITNESS: Maybe one or two.
19 BY MR. VILLAGRA:
20 Q. Does Cahuenga offer swimming lessons?
21 A. Sometimes.
22 Q. Have you offered them this school year?
23 A. No, we have not.
24 Q. What about last year?
25 A. No.

1 Yes, I think we did last year. Yes.
2 Q. And when did you offer them?
3 A. In the summer.
4 Q. And what are you referring to when you
5 refer to "the summer"? What months?
6 A. Probably July and part of August.
7 Q. And were the swimming lessons offered
8 during the school day?
9 A. Yes, they were.
10 Q. Who was eligible to participate in the
11 swimming lessons that you offered last year during
12 July and August?
13 A. It was limited to a grade level.
14 Q. Do you recall what grade level?
15 A. I believe it was third grade, but I'm not
16 positive.
17 Q. Was it further limited to students on
18 tracks B and C?
19 MR. FERNOW: Objection. Calls for
20 speculation.
21 THE WITNESS: Yes, it was.
22 BY MR. VILLAGRA:
23 Q. Because students on track A were on
24 vacation?
25 MR. FERNOW: Objection. Calls for

1 speculation.
2 THE WITNESS: Yes.
3 BY MR. VILLAGRA:
4 Q. And how do you know that?
5 A. They weren't there.
6 MR. FERNOW: I'll also object as vague and
7 ambiguous as to the last question.
8 MS. STRONG: Join.
9 BY MR. VILLAGRA:
10 Q. And before last year, when was the last
11 time that Cahuenga offered swimming lessons?
12 MR. FERNOW: Objection. Calls for
13 speculation.
14 THE WITNESS: You get the -- you get the
15 pool program very seldom. Maybe every six or seven
16 years. It's on a rotational basis.
17 BY MR. VILLAGRA:
18 Q. Is it fair to say it's rotated through
19 Cahuenga a few times?
20 MS. STRONG: Objection. Vague and
21 ambiguous.
22 THE WITNESS: Has been? Yes.
23 BY MR. VILLAGRA:
24 Q. When it has rotated through Cahuenga, has
25 it always been limited to a particular grade?

1 MR. FERNOW: Objection. Calls for
2 speculation.
3 MS. STRONG: Yeah. Vague and ambiguous and
4 compound.
5 THE WITNESS: Yes.
6 BY MR. VILLAGRA:
7 Q. Is the pool program a district program?
8 A. Yes.
9 Q. Are you expecting to offer the pool -- the
10 swimming lessons this year?
11 A. No.
12 MS. STRONG: You know what, could we take a
13 quick break?
14 MR. VILLAGRA: Sure.
15 (Recess taken from 10:45 to 11:00.)
16 BY MR. VILLAGRA:
17 Q. Mr. Houske, I believe it was on the 14th
18 you testified that you would rather not have three
19 tracks at Cahuenga.
20 Do you recall that?
21 A. No.
22 Q. Would you rather not have three tracks?
23 MR. FERNOW: Objection. Vague and
24 ambiguous.
25 MS. STRONG: Join.

1 THE WITNESS: No, I really can't say that I
2 would rather not have three tracks.
3 BY MR. VILLAGRA:
4 Q. And I know I'm going to get into the
5 problem of colors versus the lettering, but is
6 track B a track that has a short transition period
7 between students, when students graduate from one
8 grade to the next?
9 MS. STRONG: Objection. Vague and
10 ambiguous --
11 BY MR. VILLAGRA:
12 Q. Is that correct?
13 MS. STRONG: I'm sorry. Objection. Vague
14 and ambiguous.
15 MR. FERNOW: Join.
16 THE WITNESS: One of them does.
17 MS. STRONG: One of the tracks?
18 THE WITNESS: One of them does. (Laughs.)
19 MS. STRONG: You don't know which one. I
20 just want to make sure it's clear for the record.
21 Is that correct?
22 THE WITNESS: That's true.
23 BY MR. VILLAGRA:
24 Q. One of the tracks ends in June, late June,
25 and then starts the next year in early July?

1 A. That's correct.
2 Q. Do parents ever complain to you about the
3 short time that their students -- that their
4 children have between the time that they graduate
5 one year and start the next on that track?
6 MS. STRONG: Objection. Vague and
7 ambiguous.
8 THE WITNESS: No.
9 BY MR. VILLAGRA:
10 Q. To your knowledge, what -- what do teachers
11 have to do as they prepare for a new school year?
12 MR. FERNOW: Objection. Vague.
13 MS. STRONG: Objection. Calls for
14 speculation. And compound to the extent it's
15 referring to more than one teacher, because
16 teachers may prepare differently.
17 BY MR. VILLAGRA:
18 Q. Generally.
19 A. I suppose they do the same thing that I do.
20 And I think one of the things that amazes
21 me so is how enthusiastic and excited I am about the
22 new school year even though just the Friday before
23 we were just closing.
24 Q. Do teachers, to your knowledge, generally
25 review the files of their incoming students?

1 MS. STRONG: Objection. Vague and
2 ambiguous. And it calls for speculation. And
3 again, compound.
4 MR. FERNOW: Join.
5 THE WITNESS: I would say most don't.
6 BY MR. VILLAGRA:
7 Q. Do you believe that they should?
8 MS. STRONG: Objection. Calls for
9 speculation. Irrelevant. Vague and ambiguous.
10 THE WITNESS: No.
11 BY MR. VILLAGRA:
12 Q. Why not?
13 A. Because I always feel that each year is a
14 fresh new year. And if teachers look at the records
15 of children, sometimes they take what another
16 teacher has said about this child and it prejudices
17 them against the child.
18 And so I like children to have a clean
19 slate when they come in and each one is evaluated
20 freshly.
21 MS. STRONG: Sounds like school, clean
22 slates.
23 BY MR. VILLAGRA:
24 Q. Do teachers on this particular track with
25 the short transition time ever complain to you about

1 the short transition time between one grade and the
 2 next?
 3 A. No.
 4 Q. And correct me if I'm wrong, you testified,
 5 I believe on the 14th, about maintenance being done
 6 sometimes during the school day and sometimes after
 7 school or on weekends; is that correct?
 8 A. That is correct.
 9 Q. Who decides when maintenance will be done,
 10 if you know?
 11 MS. STRONG: Objection. Vague and
 12 ambiguous.
 13 THE WITNESS: It is scheduled by the
 14 maintenance branch.
 15 BY MR. VILLAGRA:
 16 Q. Of the district?
 17 A. Of the district.
 18 Q. Do you play any role in the scheduling of
 19 maintenance?
 20 A. I okay --
 21 MS. STRONG: Objection. Vague and
 22 ambiguous.
 23 THE WITNESS: I okay the schedule.
 24 BY MR. VILLAGRA:
 25 Q. And when maintenance is done, does that

1 come out of your budget at Cahuenga?
 2 MS. STRONG: Objection. Calls for
 3 speculation. Again, vague and ambiguous as to what
 4 maintenance schedules we're talking about.
 5 MR. FERNOW: Join.
 6 THE WITNESS: Yes, it does.
 7 BY MR. VILLAGRA:
 8 Q. How do you know that?
 9 MS. STRONG: Objection. Calls for
 10 speculation to the extent, again, there is
 11 maintenance that comes from different budgets,
 12 there's different types of maintenance. I'm not
 13 sure that that's clear.
 14 THE WITNESS: We're given the opportunity
 15 of either selecting the maintenance service from
 16 the district or having our own staff do it.
 17 BY MR. VILLAGRA:
 18 Q. And what sort of maintenance are you
 19 referring to?
 20 A. Deep cleaning.
 21 Q. If deep cleaning is done after school or on
 22 Saturdays, is there overtime pay involved; do you
 23 know?
 24 MS. STRONG: As to "if deep cleaning," I'm
 25 sorry. I didn't get the question. Can you repeat

1 the question, please.
 2 (The record was read as follows:
 3 Question: If deep cleaning is done after
 4 school or on Saturdays, is there
 5 overtime pay involved; do you know?)
 6 MS. STRONG: And objection. Calls for
 7 speculation to the extent that you don't know.
 8 THE WITNESS: I don't believe so.
 9 BY MR. VILLAGRA:
 10 Q. Apart from deep cleaning, do you play any
 11 role in the scheduling of any maintenance?
 12 MS. STRONG: Objection. Vague and
 13 ambiguous.
 14 THE WITNESS: Only as far as approving
 15 schedules.
 16 BY MR. VILLAGRA:
 17 Q. And what is your role specifically
 18 with respect to the approving of schedules for
 19 maintenance other than deep cleaning?
 20 MS. STRONG: Objection. Compound to the
 21 extent that it may vary.
 22 THE WITNESS: Basically the schedules are
 23 made by the plant manager for the employees. And
 24 then he submits them to me and then we look at them.
 25 But basically it is the responsibility of the plant

1 manager.
 2 The maintenance section has a
 3 responsibility for okaying the schedules as well.
 4 And the deep cleaning -- the crew that comes in,
 5 that schedule is done by them. I only schedule the
 6 time period.
 7 BY MR. VILLAGRA:
 8 Q. And when it comes to that maintenance
 9 that's being done by -- or scheduled by your plant
 10 manager, is there overtime pay that's involved for
 11 after school or Saturday cleaning?
 12 MS. STRONG: Objection. Vague and
 13 ambiguous, again, as to exactly what maintenance.
 14 Compound to the extent you're talking about
 15 different types of maintenance.
 16 THE WITNESS: Yes, there is.
 17 BY MR. VILLAGRA:
 18 Q. How do you know that?
 19 A. Because I have to sign the paper -- every
 20 time overtime is given, it has to be approved.
 21 Q. And when is overtime triggered for
 22 maintenance other than deep cleaning?
 23 MS. STRONG: Objection. Vague and
 24 ambiguous.
 25 MR. FERNOW: Calls for speculation.

1 THE WITNESS: It depends upon the number of
2 hours an employee has worked. When they -- when
3 they get to a certain point, a number of hours that
4 they've worked, they're entitled to overtime. So
5 Saturday is usually considered overtime. We seldom
6 use overtime on the school days, just on Saturdays.
7 For the most part.

8 BY MR. VILLAGRA:

9 Q. Because Saturday is normally considered
10 overtime, do you try to avoid scheduling Saturday
11 maintenance?

12 MS. STRONG: Objection. Vague and
13 ambiguous.

14 THE WITNESS: No, I do not, because this
15 money -- I get extra money if we have intervention
16 classes or other classes on a Saturday that the pay
17 is already written into it, so it doesn't come out
18 of my budget.

19 BY MR. VILLAGRA:

20 Q. I just want to draw your attention to some
21 other testimony from the 14th. I believe you
22 testified that there are seven bungalows at Cahuenga
23 with 14 classrooms.

24 Is that correct?

25 A. Yes.

1 Q. Are those bungalows set down on what used
2 to be playground space at Cahuenga?

3 MR. FERNOW: Objection. Calls for
4 speculation.

5 THE WITNESS: Yes.

6 BY MR. VILLAGRA:

7 Q. How do you know that?

8 A. They weren't there when I came, some of
9 them.

10 Q. Do you know how much playground space you
11 have at Cahuenga?

12 A. No, I do not.

13 Q. Do you know whether you have more or less
14 than other elementary schools in LAUSD?

15 MS. STRONG: Objection.

16 MR. FERNOW: Vague and ambiguous.

17 MS. STRONG: And calls for speculation.

18 THE WITNESS: Less.

19 BY MR. VILLAGRA:

20 Q. And how do you know that?

21 MS. STRONG: Objection. Calls for
22 speculation. Compound to the extent you're
23 referring to -- a comparison of different types
24 of elementary schools.

25 THE WITNESS: Observation.

1 BY MR. VILLAGRA:

2 Q. What elementary schools have you observed,
3 if you can recall?

4 MR. FERNOW: Objection. Vague and
5 ambiguous as to a whole host of factors, including
6 time.

7 THE WITNESS: Looking at some of the newer
8 schools, Leo Poletti, Esperanza, L.A., that because
9 they're new and the standards have changed, so I
10 know that they have a larger playground than I do.

11 BY MR. VILLAGRA:

12 Q. Do you know whether there are -- let me
13 start over.

14 You testified about new standards; is that
15 correct?

16 A. Yes.

17 Well, I believe they're new.

18 Q. Okay. Do you know whether there were
19 standards previously --

20 A. I'm sure that there were --

21 MS. STRONG: Objection. Vague and
22 ambiguous as to what standards we're talking about.

23 BY MR. VILLAGRA:

24 Q. With respect to playground space.

25 A. In -- when I have observed schools in

1 the Valley, their playgrounds are very large in
2 relationship to the ones that I have. So I'm
3 assuming that that -- that's a state standard. And
4 I have heard that my playground space is small
5 compared to what it should be.

6 Q. Who have you heard that from?

7 A. People that visit the school at the
8 district level.

9 Q. Do you recall any of them by name?

10 A. No, I do not.

11 Q. Do you recall how many folks from the
12 district have visited and told you that your
13 playground is smaller than what it should be?

14 MS. STRONG: Objection. Misstates
15 testimony. He never said it was smaller than what
16 it should be.

17 THE WITNESS: Well, they never came out
18 for that as the purpose, it was just sort of like an
19 idle comment, "Oh, you have a small playground."
20 And it wasn't, you know, labeling it, just it was a
21 comment.

22 BY MR. VILLAGRA:

23 Q. Uh-huh.

24 You testified, again, I believe on the
25 14th, that there is a teacher's aide who is in

1 charge of taking orders from teachers for textbooks.
 2 Is that correct?
 3 A. Yes.
 4 Q. And I believe you also testified where
 5 you have experienced the situation where books are
 6 ordered and they are coming but they haven't reached
 7 the school yet.
 8 Is that correct?
 9 A. That's correct.
 10 Q. Do you recall when the last time was that
 11 that happened?
 12 MR. FERNOW: Objection. Vague.
 13 MS. STRONG: Join.
 14 MS. STRONG: And I'd like to also object in
 15 that I believe it misstates his testimony in that he
 16 said it was something that could have happened. I
 17 don't if he actually recalled a time where it did in
 18 fact happen.
 19 THE WITNESS: You know, whenever you order
 20 books, there's always -- there's always a chance
 21 that they don't come in as quickly as you like.
 22 I'm thinking about my -- the condition of
 23 my school right now. I have so many boxes of books
 24 that I still need to unpack. And I -- there may be
 25 even some now that haven't come in, but I sure can't

1 miss them.
 2 BY MR. VILLAGRA:
 3 Q. And these boxes that you just referred to
 4 that you have to unpack --
 5 A. Uh-huh.
 6 Q. -- those are boxes of textbooks?
 7 A. Yes.
 8 Q. And are those boxes that need to be
 9 unpacked for kids who started school in early July?
 10 MS. STRONG: Objection. Vague and
 11 ambiguous. Calls for speculation.
 12 MR. FERNOW: Join.
 13 MS. STRONG: It may be compound.
 14 THE WITNESS: Some of them.
 15 BY MR. VILLAGRA:
 16 Q. How do you know that?
 17 A. It's an assumption I make that we wouldn't
 18 order the books unless they were needed.
 19 Q. Can you give me an estimate of how many
 20 boxes of textbooks it is that are still left to be
 21 unpacked?
 22 MS. STRONG: Objection. Vague and
 23 ambiguous to the extent that you're referring to
 24 those that he's identified as what was intended to
 25 be used for the school year or later. It's just

1 vague and ambiguous as to what you're referring to
 2 or would like answered in that question.
 3 THE WITNESS: There may be 25 boxes or even
 4 a few more. And part of the reason that they're not
 5 unpacked is that the district this year has mandated
 6 that every -- before -- before we used to use the
 7 textbooks, they would be returned, and then they
 8 would -- the next track would use them. And now
 9 every child is going to have a textbook. And so
 10 that has compounded the unpacking problems.
 11 And then we've gone into a system where
 12 everything is on a computer, so books are much more
 13 difficult to process because you have to put those
 14 electronic labels into them. And so that some of
 15 those books may really be for the next coming in,
 16 I'm not so -- I'm not aware. But I'm not hearing
 17 teachers complain of any shortage of books.
 18 BY MR. VILLAGRA:
 19 Q. And I believe you testified that the
 20 district has mandated for this year that every child
 21 have a textbook; is that correct?
 22 A. Even when they're not on track, yes.
 23 Q. Oh, okay.
 24 And that's a new mandate?
 25 A. Yes.

1 Q. Do you know how long it takes to process
 2 textbooks as they come into the school and put the
 3 electronic labels on them?
 4 MS. STRONG: Objection. Calls for
 5 speculation. And compound to the extent it varies
 6 with the type of books you're dealing with and
 7 materials.
 8 THE WITNESS: No, I really don't.
 9 BY MR. VILLAGRA:
 10 Q. Who is in charge of processing the
 11 textbooks?
 12 A. That -- that teacher's assistant.
 13 Q. And do you know whether that teacher's
 14 assistant completed -- has completed processing
 15 textbooks for the two tracks that started school in
 16 early July?
 17 MS. STRONG: Objection --
 18 MR. FERNOW: Objection. Vague and
 19 ambiguous.
 20 MS. STRONG: Join.
 21 THE WITNESS: Yes, she has.
 22 BY MR. VILLAGRA:
 23 Q. How do you know that?
 24 A. Because teachers would let me know if they
 25 didn't have their books.

1 Q. So you're assuming she's completed it?
2 A. That's correct.

3 Q. Do you meet regularly with the teacher's
4 assistant to get updates on the processing of
5 textbooks or the -- let's limit it to the processing
6 of textbooks.

7 MS. STRONG: Objection. Vague and
8 ambiguous.

9 MR. FERNOW: Join.

10 THE WITNESS: I see her daily. I don't --
11 we don't always have that conversation, but I see
12 her daily.

13 BY MR. VILLAGRA:

14 Q. Do you talk with her -- I assume it's a
15 she?

16 A. Yes, it is.

17 Q. Do you talk with her daily to discuss
18 textbooks?

19 A. Yes.

20 Well, not -- almost daily.

21 MS. STRONG: And objection. Incomplete
22 hypothetical.

23 BY MR. VILLAGRA:

24 Q. Do you ask her whether orders are
25 outstanding?

1 MS. STRONG: Objection. Again, vague and
2 ambiguous to the extent as to what the inventory is.
3 And there may be more than one inventory.

4 MR. VILLAGRA: That's why I'm asking the
5 number.

6 MS. STRONG: Well, different types of
7 inventory may be --

8 THE WITNESS: There's a formal inventory
9 and then there are the informal inventories that you
10 do. The informal one is where teachers come up and
11 they express a need to you. And the formal one is
12 where you really do a large order for books for the
13 coming year.

14 BY MR. VILLAGRA:

15 Q. When is the formal inventory done?

16 A. The springtime.

17 Q. Is there one inventory for all three
18 tracks? One formal inventory for all three tracks?

19 A. Yes.

20 Q. And how does that inventory work, to your
21 knowledge?

22 A. Well, it -- it's checking on the number
23 of books that -- that are currently on -- on the
24 campus, and then projecting your need for the coming
25 year and then ordering it.

1 A. Yes.

2 Well, by that I mean that, "Have you
3 delivered the books to the -- to the teachers?" And
4 never at this time of the year but sometimes later
5 on in the year I ask, "Are we running out of books,
6 and do I need to reorder some?" They're consumable.

7 Q. Are there any other issues that you
8 discussed with her regarding textbooks?

9 MS. STRONG: Objection. Vague and
10 ambiguous.

11 MR. FERNOW: Join.

12 THE WITNESS: Not really.

13 BY MR. VILLAGRA:

14 Q. And I know that we talked about the
15 ordering at some length on the 14th, so I'm going to
16 ask you apart from that, does anyone at the school
17 conduct an inventory to determine teachers' need for
18 books?

19 MS. STRONG: Objection. Vague and
20 ambiguous.

21 MR. FERNOW: Join.

22 THE WITNESS: Yes, we do.

23 BY MR. VILLAGRA:

24 Q. How often, or -- I'm sorry, how many times
25 in a school year is an inventory conducted?

1 Now, there's a lot of consumable books that
2 have to be reordered every year. And then there are
3 meetings held with the teachers to talk about
4 whether or not they want to continue on with this --
5 with a particular series of books.

6 As an example, this year we have a
7 completely new math series, and yet we have one math
8 portion of a program that they really like, so we
9 ordered that. So that they actually have more books
10 in that area.

11 Q. Is there anything else, to your knowledge,
12 that goes on with respect to the formal inventory of
13 textbooks?

14 MS. STRONG: Objection. Vague and
15 ambiguous.

16 THE WITNESS: Well, there's an evaluation
17 done as to how children are performing and then
18 projecting, you know, the levels of books that we
19 need for the following year.

20 BY MR. VILLAGRA:

21 Q. Anything else?

22 A. That's about it.

23 Q. What are the consumable books that need to
24 be replaced?

25 A. There are workbooks; they provide guided

1 independent practice for children after they've
2 learned a skill.
3 MS. STRONG: Just objection, vague and
4 ambiguous as to they need to be replaced.
5 THE WITNESS: They write in these, so that
6 they have to be ...
7 BY MR. VILLAGRA:
8 Q. In terms of projecting the need for
9 textbooks at this formal inventory --
10 A. Uh-huh.
11 Q. -- the projection only happens with respect
12 to the grade levels or levels that children will be
13 at?
14 MR. FERNOW: Objection. Vague.
15 MS. STRONG: Join.
16 THE WITNESS: I'm not quite sure.
17 BY MR. VILLAGRA:
18 Q. Okay. You were asking -- or you testified
19 about having to project the need for the upcoming
20 year for textbooks?
21 A. Right.
22 Q. What is it that you're projecting exactly?
23 A. Well, you're projecting two things. Like
24 this year we changed over to Open Court, and so you
25 had to do a complete whole new series.

1 Next year when we take a look at what we
2 need to order, we'll evaluate whether or not the
3 children were working at a high enough level, or if
4 they need to be placed into a higher level book.
5 Then you might determine at what school workbook
6 grade level. So you constantly have to take a look
7 at where the children are.
8 Q. And as you look at where the children are,
9 does it become necessary during the school year to
10 make further orders of books?
11 MS. STRONG: Objection. Vague and
12 ambiguous. Compound.
13 THE WITNESS: In very few cases.
14 BY MR. VILLAGRA:
15 Q. So the textbooks that you have for a given
16 year, is it fair to say that they are generally the
17 books that you've projected a need for?
18 A. That's correct. We order books up to sixth
19 grade level, even though we only have fifth grade
20 children.
21 Q. And what happens if a projection
22 underestimates the need for textbooks for a given
23 year?
24 MS. STRONG: Objection. Calls for
25 speculation.

1 MR. FERNOW: Join.
2 THE WITNESS: We order them. We order them
3 or we borrow them from another school.
4 BY MR. VILLAGRA:
5 Q. Are those -- those rare instances in which
6 you would make a further order during the school
7 year?
8 A. It's very seldom.
9 Q. Okay. When's the last time you had to do
10 that?
11 MS. STRONG: Vague and ambiguous.
12 THE WITNESS: It was last year.
13 BY MR. VILLAGRA:
14 Q. And what was the reason for that?
15 A. Because we knew that we were going to be
16 changing series in reading books and so we tried to
17 be prudent and not over order.
18 MR. FERNOW: Objection. Calls for
19 speculation, to the last question.
20 BY MR. VILLAGRA:
21 Q. And how do you know that?
22 MR. FERNOW: Go ahead.
23 THE WITNESS: Oh, your hand motion.
24 MR. FERNOW: I'm sorry.
25 MS. STRONG: Random motions.

1 MR. VILLAGRA: We're going to have to add
2 stage directions, I think, to the transcript.
3 THE WITNESS: Because the teachers came to
4 me and requested the books.
5 BY MR. VILLAGRA:
6 Q. Are there any records that are made of the
7 formal inventory of textbooks in the spring?
8 MS. STRONG: Objection. Vague and
9 ambiguous. Calls for speculation.
10 MR. FERNOW: Join.
11 THE WITNESS: No.
12 BY MR. VILLAGRA:
13 Q. Is there any inventory during the school
14 year to determine whether students have assigned
15 textbooks?
16 MR. FERNOW: Objection. Vague.
17 MS. STRONG: And calls for speculation, to
18 the extent that he's aware of what each individual
19 teacher does in his or her classroom. And compound
20 in that regard as well.
21 THE WITNESS: No.
22 BY MR. VILLAGRA:
23 Q. To your knowledge, no such inventory is
24 done?
25 A. That's correct.

1 Q. You mentioned an informal inventory process
2 where teachers ask the TA for more textbooks, if
3 they need them; is that correct?

4 A. That's correct.

5 Q. Are -- to your knowledge, are teachers
6 surveyed during the course of the school year to
7 find out whether they have enough textbooks for
8 their kids?

9 MS. STRONG: Objection. Vague and
10 ambiguous.

11 MR. FERNOW: Join.

12 THE WITNESS: No, we consider it the
13 responsibility of the teacher to alert us if they
14 don't have textbooks. And when we go into
15 classrooms, the other two assistant principals and
16 myself, we're observing children to see where
17 they're working. And if we notice them without
18 books, we certainly would do something about it.

19 BY MR. VILLAGRA:

20 Q. Have you ever seen that problem, that kids
21 are working without textbooks in your classroom
22 visits?

23 MR. FERNOW: Objection. Vague and
24 ambiguous.

25 THE WITNESS: No.

1 BY MR. VILLAGRA:

2 Q. Do you know whether this one teacher who
3 is using an older series of textbooks has enough of
4 that older series for each student in his or her
5 class?

6 MS. STRONG: Objection. Calls for
7 speculation.

8 THE WITNESS: Yes, he does.

9 BY MR. VILLAGRA:

10 Q. How do you know that?

11 A. Because he's a very fine teacher and he
12 would -- he would switch over to the new Spanish
13 series if he didn't have enough books. But when I
14 go into the classroom and observe him, every child
15 is using a book that's working with him.

16 Q. Using a book. But do you know whether they
17 are all using a book from the older series?

18 MS. STRONG: Objection. Calls for
19 speculation.

20 THE WITNESS: Everyone in -- that is in
21 a group uses the same textbook, each has their own
22 book.

23 Is that what you mean?

24 BY MR. VILLAGRA:

25 Q. Uh-huh.

1 You know, as I said -- I said last time,
2 that teachers really get preferences for a textbook
3 series. And sometimes the textbook series are out
4 of date and so that sometimes those books look
5 really worn to me but the teachers really like them
6 and they feel they're really effective and so they
7 use them, but you can't order them anymore.

8 MS. STRONG: Objection. Move to strike as
9 nonresponsive.

10 BY MR. VILLAGRA:

11 Q. Do you have any idea how many teachers at
12 Cahuenga are using an older series of textbooks that
13 you described that can't be ordered?

14 MS. STRONG: Objection. He hasn't
15 described any teacher that he knows of, any
16 particular teacher that uses such older textbooks
17 at this time.

18 THE WITNESS: I would say one. But that
19 teacher also is using new textbooks, too. Because
20 if you remember, in my school, the children have two
21 reading books, they have a Spanish book and an
22 English book, for the most part.

23 So you use the new English book, but they
24 may like an older Spanish book because it has
25 higher-level reading material.

1 A. Yeah.

2 Q. To your knowledge, has there ever been a
3 classroom in Cahuenga where students had to share
4 textbooks, a class, because there weren't enough
5 books?

6 MS. STRONG: Objection. Overbroad as to
7 time. And vague and ambiguous.

8 MR. FERNOW: Join.

9 THE WITNESS: Oh, I'm sure it's happened.

10 BY MR. VILLAGRA:

11 Q. Did it happen last year, to your knowledge?

12 MR. FERNOW: Same objection.

13 THE WITNESS: We have the policy at school
14 that children can take home the textbooks, because I
15 feel that they need more practice at home and having
16 the parents help them.

17 And sometimes a child forgets a book at
18 home, and so then when they come to school the next
19 day, they may have to share with a friend. But that
20 happens very seldom.

21 BY MR. VILLAGRA:

22 Q. Does it ever happen the kids take books
23 home and don't ever return them?

24 MR. FERNOW: Objection. Calls for
25 speculation.

1 MS. STRONG: Join.
 2 THE WITNESS: Oh, I'm sure some books are
 3 lost.
 4 BY MR. VILLAGRA:
 5 Q. Do you have any policy for retrieving books
 6 that students have not returned?
 7 MR. FERNOW: Objection. Vague and
 8 ambiguous.
 9 THE WITNESS: That they -- children are
 10 asked to pay for the lost book and then they're
 11 given another one. Or they're actually given the
 12 book before they pay for it many times. They get
 13 another book, but they are asked to pay for it. And
 14 if they don't, we don't do anything about it.
 15 BY MR. VILLAGRA:
 16 Q. You mentioned that you visit classrooms
 17 along with your assistant vice principals. And is
 18 one of the purposes of those visits to observe
 19 whether students have enough textbooks?
 20 A. Certainly a very minor reason for going
 21 into rooms.
 22 Q. How often would you say that you visit
 23 classrooms in a given week?
 24 A. I don't visit every classroom every day,
 25 but I visit classrooms daily.

1 Q. Could you give me an estimate as to how
 2 many on a normal day?
 3 A. It depends upon the purpose for my visit.
 4 If I'm going -- I sometimes just walk
 5 through classrooms, and then sometimes I stay in the
 6 classroom where I am -- I may assist a teacher, I
 7 may demo a lesson for them. I may want to observe a
 8 group reading. And so you have many different
 9 reasons for going in. But I try to get in as often
 10 as possible.
 11 Q. You mentioned today a couple times a
 12 transition to Open Court, and there was some
 13 testimony from the 14th that I wanted to review
 14 with you.
 15 Do you recall testifying that there is a
 16 procedure in place this year to keep the local
 17 school district informed about textbooks issues
 18 because of going into Open Court, but that prior to
 19 that it never seemed to be an issue because you
 20 didn't have the problem of shortage of books.
 21 Do you recall that at all?
 22 A. Well, I don't -- I certainly didn't mean to
 23 imply that there was a shortage of books with Open
 24 Court because we have more books, because remember I
 25 said we ordered one for every child now. And -- at

1 district we never -- we never went to the district
 2 for help because we never had a shortage of books
 3 that I was concerned about. We had the money.
 4 Q. Previously?
 5 A. Previously as well as now.
 6 Q. And with respect to Open Court, was there
 7 any shortage caused by a delay in receiving the
 8 books?
 9 MS. STRONG: Objection. Incomplete
 10 hypothetical. Vague and ambiguous.
 11 THE WITNESS: The only shortage of books
 12 that we had was because of the way the in-servicing
 13 was done of teachers. They took all the teachers'
 14 editions so that teachers, in order to get a
 15 teacher's edition, had to attend either a three-day
 16 training or five-day training that was put on by
 17 the -- the five-day training was put on by the
 18 state.
 19 And so that if the teacher didn't take
 20 the training, it was a problem for that teacher's
 21 edition. So then we contacted the district and the
 22 district went to some of the hotels and picked up
 23 the -- some of the textbooks for us.
 24 BY MR. VILLAGRA:
 25 Q. So the shortage was with respect to

1 teachers' editions of books?
 2 A. Right.
 3 Q. Not with respect to students?
 4 A. No.
 5 MS. STRONG: Is that correct? I want to
 6 make sure the record is clear on that.
 7 THE WITNESS: That is correct. There was
 8 not a shortage of the books.
 9 BY MR. VILLAGRA:
 10 Q. And is it correct that there is a procedure
 11 now to contact the local district as to textbook
 12 issues?
 13 MS. STRONG: Objection. Vague and
 14 ambiguous.
 15 MR. FERNOW: Vague and ambiguous.
 16 Join. Whatever.
 17 THE WITNESS: I -- I think that -- that
 18 is -- I always get confused when we say the word
 19 "district" because we have the big district and we
 20 have District F. And so it's the big district's
 21 concern because, you know, they keep hearing the
 22 story, too, that children don't have textbooks, so
 23 they want to do something about it. But ... and our
 24 own district would help us.
 25 But as I say, it's -- it really hasn't been

1 a problem for most schools, I think.
 2 BY MR. VILLAGRA:
 3 Q. Do you know, then, whether there is a
 4 procedure for informing the district about a
 5 textbook shortage, if you had one?
 6 MR. FERNOW: Objection. Vague and
 7 ambiguous.
 8 THE WITNESS: I believe there's a hotline
 9 that a teacher can call.
 10 BY MR. VILLAGRA:
 11 Q. And would that be at District F, or at the
 12 LAUSD?
 13 MS. STRONG: Objection. Calls for
 14 speculation, especially since he's already testified
 15 that he hasn't had this problem and has not had to
 16 deal with this.
 17 THE WITNESS: I'm sure that -- I think --
 18 MS. STRONG: Calls for speculation.
 19 MR. FERNOW: Join, if you don't know.
 20 THE WITNESS: I think it's the district.
 21 Big district.
 22 BY MR. VILLAGRA:
 23 Q. And what do you base that belief on?
 24 A. Because in order to establish a hotline,
 25 that would have to be something that probably the

1 downtown would have to do.
 2 Q. To your knowledge, are there any procedures
 3 for reporting to the State Department of Education a
 4 lack of textbooks at your school?
 5 MS. STRONG: Objection. Vague and
 6 ambiguous and calls for speculation.
 7 THE WITNESS: No, I do not know.
 8 BY MR. VILLAGRA:
 9 Q. To your knowledge, are there any procedures
 10 for reporting textbook shortages at your school to
 11 the State Board of Education?
 12 MS. STRONG: Objection. Vague and
 13 ambiguous and calls for speculation.
 14 THE WITNESS: No, I do not.
 15 BY MR. VILLAGRA:
 16 Q. To your knowledge, are there any procedures
 17 for reporting textbook shortages at your school to
 18 the State Superintendent of Public Instruction?
 19 MS. STRONG: Same objections.
 20 THE WITNESS: No, I do not.
 21 BY MR. VILLAGRA:
 22 Q. To your knowledge, are there any procedures
 23 for reporting textbook shortages at your school to
 24 the LAUSD Board of Education?
 25 MR. FERNOW: Objection. Asked and

1 answered.
 2 THE WITNESS: No, I do not.
 3 BY MR. VILLAGRA:
 4 Q. Do you know what the sources of funding for
 5 new textbooks at Cahuenga for this new school year
 6 were?
 7 MS. STRONG: Objection. Vague and
 8 ambiguous and calls for speculation.
 9 THE WITNESS: No, I do not.
 10 BY MR. VILLAGRA:
 11 Q. Do you know whether you received any
 12 funding from the state?
 13 MS. STRONG: Objection. Vague and
 14 ambiguous and calls for speculation.
 15 MR. FERNOW: Join.
 16 THE WITNESS: Yes, I do.
 17 BY MR. VILLAGRA:
 18 Q. How do you know that?
 19 A. There are state textbook funds.
 20 Q. Did any of your funds to purchase new books
 21 for this new school year come from the district,
 22 from LAUSD?
 23 MS. STRONG: Objection. Vague and
 24 ambiguous and calls for speculation.
 25 MR. FERNOW: Join.

1 THE WITNESS: Yes, they did.
 2 BY MR. VILLAGRA:
 3 Q. Were there any other sources of funding for
 4 new textbooks for this year?
 5 MS. STRONG: Objection. Vague and
 6 ambiguous and calls for speculation.
 7 MR. FERNOW: Join.
 8 THE WITNESS: We received bilingual money.
 9 We have special grants and so sometimes those are
 10 used to purchase books.
 11 BY MR. VILLAGRA:
 12 Q. But you don't know specifically whether
 13 those special grants were used this past year to
 14 purchase books for this school year?
 15 A. I think bilingual was.
 16 Q. What are those special grants that
 17 sometimes can be used to purchase textbooks?
 18 A. They're --
 19 MS. STRONG: Objection. Vague and
 20 ambiguous. And compound.
 21 THE WITNESS: They're -- they're grants
 22 that come from the federal government.
 23 BY MR. VILLAGRA:
 24 Q. Any other sources of funding for new
 25 textbooks at Cahuenga?

1 A. No, that's it.
 2 MS. STRONG: Vague and ambiguous.
 3 BY MR. VILLAGRA:
 4 Q. Does the majority of your funding for
 5 textbooks come from any one source?
 6 MS. STRONG: Objection. Vague and
 7 ambiguous.
 8 MR. FERNOW: Calls for speculation.
 9 THE WITNESS: The state.
 10 BY MR. VILLAGRA:
 11 Q. And how do you know that?
 12 A. Well, because it's -- it's a large amount
 13 of money that you receive from that, and so that's
 14 what's utilized for the most part.
 15 Q. Does the budget at Cahuenga include per
 16 pupil expenditures for supplies, school supplies?
 17 MS. STRONG: Objection. Vague and
 18 ambiguous. And may call for speculation.
 19 MR. FERNOW: Join.
 20 THE WITNESS: Yes.
 21 BY MR. VILLAGRA:
 22 Q. And how do you know that?
 23 A. We're -- we're given a budget account
 24 that's called an IMA, and there's money in there
 25 that we use for supplies.

1 Q. What does the IMA account stand for?
 2 A. Instructional materials account.
 3 Q. And what sorts of items can that account be
 4 used to purchase?
 5 MS. STRONG: Objection. Vague and
 6 ambiguous.
 7 THE WITNESS: Anything.
 8 BY MR. VILLAGRA:
 9 Q. Any sort of supply or ...
 10 A. Supplies, custodial supplies. You can
 11 spend it on textbooks, if you want, paper, pencils.
 12 A whole array of things that are needed in a school.
 13 Q. For this past school year, not the one
 14 we're in right now, do you know what the per pupil
 15 expenditures at Cahuenga was for supplies?
 16 MS. STRONG: Objection. Calls for
 17 speculation.
 18 THE WITNESS: No, I do not.
 19 BY MR. VILLAGRA:
 20 Q. Is there a document that would show what
 21 the per pupil expenditure for supplies at Cahuenga
 22 was last year?
 23 MS. STRONG: Vague and ambiguous.
 24 MR. FERNOW: Calls for speculation.
 25 THE WITNESS: No, there wouldn't. All I

1 can say is that people who come to the school say
 2 we're rich in supplies.
 3 BY MR. VILLAGRA:
 4 Q. Is there a budget for teachers at Cahuenga
 5 with respect to supplies?
 6 MS. STRONG: Objection. Vague and
 7 ambiguous.
 8 MR. FERNOW: Join.
 9 THE WITNESS: No, there is not.
 10 BY MR. VILLAGRA:
 11 Q. So is it fair to say there's no limit on
 12 how much any particular teacher at Cahuenga can
 13 order in supplies throughout the school year?
 14 A. Well, certainly not for the basics. You
 15 know, whenever they need something, they just put in
 16 an order and it's given to them.
 17 Q. What are the basics?
 18 A. The largest one is paper. I mean, we use a
 19 tremendous quantity of paper. We duplicate a lot of
 20 things.
 21 Q. Is there no limit on how much paper a
 22 teacher at Cahuenga can use throughout the school
 23 year?
 24 A. No.
 25 MS. STRONG: That's correct?

1 THE WITNESS: That's correct, there is no
 2 limit.
 3 BY MR. VILLAGRA:
 4 Q. Do you recall how large the IMA account was
 5 for last year?
 6 A. No, I do not.
 7 Q. You testified some on the 14th about the
 8 hiring of teachers at Cahuenga. Once you know that
 9 you need to hire for a position, what is it that
 10 you -- what is it that you do to go about finding a
 11 new teacher for Cahuenga?
 12 MR. FERNOW: Objection. Vague and
 13 ambiguous.
 14 MS. STRONG: And compound.
 15 THE WITNESS: Well, the first thing I -- at
 16 our school we have teachers' assistants. And last
 17 year we hired two of our teachers' assistants that
 18 we've been able to watch and see how they perform in
 19 the classrooms, so we know that they have the kind
 20 of skills that we want.
 21 And I recruited two other teachers based on
 22 language needs, one is Korean and one is Spanish
 23 speaking.
 24 BY MR. VILLAGRA:
 25 Q. And how is it that you recruited those two

1 additional teachers?
 2 A. We had -- teachers send you resumes. And
 3 so one was a person who sent me a resume. Another
 4 one I went to an employment fair that was held at
 5 the District F office and recruited one there.
 6 I'm very lucky. I don't have a problem
 7 getting teachers. I have probably -- I would
 8 probably have had 30 resumes sent to me that I
 9 didn't even look at.
 10 Q. Are you testifying about this school year
 11 or last school year?
 12 A. Last year as well.
 13 Q. How often -- I believe you testified it was
 14 the district that put on an employment fair?
 15 A. Yes.
 16 Q. How often does the district put on
 17 employment fairs for teachers?
 18 A. This was --
 19 MS. STRONG: Objection. Calls for
 20 speculation.
 21 THE WITNESS: This was the first one, to my
 22 knowledge.
 23 BY MR. VILLAGRA:
 24 Q. Do you recall when that occurred?
 25 A. I think it was ... maybe the last -- either

1 the first or last -- it was either the first of July
 2 or the last of June -- it must have been -- it was
 3 on a Saturday. I'm just not sure whether it was the
 4 ending of June, the beginning of July.
 5 Q. When you recruit new teachers, do you do
 6 anything other than look at your existing TAs, or
 7 look at the resumes that you've received?
 8 MS. STRONG: Objection. Vague and
 9 ambiguous.
 10 MR. FERNOW: Plus misstates prior
 11 testimony. The testimony was he went to a job fair.
 12 THE WITNESS: No.
 13 BY MR. VILLAGRA:
 14 Q. Okay. Do you know if other schools in
 15 the district have the same success in recruiting
 16 teachers that you have at Cahuenga?
 17 MS. STRONG: Objection. Calls for
 18 speculation.
 19 THE WITNESS: I -- I have the feeling that
 20 not everyone is as lucky as I am.
 21 BY MR. VILLAGRA:
 22 Q. And what is that feeling based on?
 23 A. Well, hearing that -- that when new
 24 teachers come in, that certain districts, all the
 25 new teachers are directed to that district because

1 they've had a hard time recruiting teachers there.
 2 And so that they get first choice of those people
 3 who are willing to go there.
 4 Q. And then when you say, referred to a
 5 district, you mean a mini district within LAUSD?
 6 A. Yes.
 7 Q. And who have you heard this from, that when
 8 new teachers come in, they will have to be referred
 9 to a particular mini district from LAUSD?
 10 A. From the personnel office.
 11 Q. When's the last time you spoke with someone
 12 at the personnel office and you heard some
 13 discussion that teachers are referred to particular
 14 mini districts because they have a shortage?
 15 A. This year.
 16 Q. Do you recall when that was?
 17 A. July.
 18 Q. Do you recall who it was you were speaking
 19 to?
 20 A. I don't remember her name, but the
 21 personnel specialist for District F.
 22 Q. Did this personnel specialist refer to any
 23 of the mini districts within LAUSD that are getting
 24 priority for new teachers?
 25 A. I'm not sure I understand. What did you

1 say?
 2 Q. Did she identify any of the mini districts
 3 that are getting priority for new teachers?
 4 MS. STRONG: Objection. Misstates the
 5 testimony to the extent there's been no testimony
 6 that any district gets priority.
 7 THE WITNESS: Yes, she did.
 8 BY MR. VILLAGRA:
 9 Q. So some districts do have priority when it
 10 comes to new teachers?
 11 A. Well, in that they were trying to fill them
 12 first, yes.
 13 Q. So they had -- they had first dibs on new
 14 teachers in those districts?
 15 MS. STRONG: Objection. Vague and
 16 ambiguous.
 17 MR. FERNOW: Join.
 18 THE WITNESS: On -- on some of the teachers
 19 because -- because as I say, the teachers will --
 20 some would say they didn't want to go to that area.
 21 BY MR. VILLAGRA:
 22 Q. Okay.
 23 A. And so that they didn't.
 24 And then in Los Angeles, the process of
 25 teachers coming in is an ongoing thing. And so that

1 there probably was a cutoff period so when new
2 people came in, they might have been directed there
3 first. I'm not exactly sure how that works.

4 Q. What were the particular mini districts
5 that the personnel specialist identified to you?

6 A. Because it wasn't mine, I really didn't pay
7 that much attention.

8 Q. Do you recall if it was just one district,
9 or more than one?

10 A. Just two.

11 Q. Two.

12 Do you recall what else was said during
13 this conversation with the personnel specialist?

14 A. Oh, it wasn't a long conversation. It was,
15 you know, we were just discussing about hiring
16 people, and they were saying that the first group
17 was going -- they were being directed.

18 Q. I assume District F is not one of the mini
19 districts to whom teachers were being directed?

20 A. That's correct.

21 Q. In your opinion, what qualities are you
22 looking for in teachers at Cahuenga?

23 MS. STRONG: Objection. Asked and
24 answered. We've already gone over this testimony.

25 THE WITNESS: The same ones I said before,

1 about -- and I hope I get this right -- that
2 experience is the polish on the stone; is that
3 right?

4 MS. STRONG: Objection. Misstates his
5 prior testimony.

6 MR. FERNOW: Join.

7 THE WITNESS: It is part of the polish.
8 Experience, staff development, self-reflection,
9 modeling from other people. It is a multifaceted
10 kind of thing that happens to you when you're in the
11 profession. It's -- it's -- it's acquiring the
12 vision of the school.

13 BY MR. VILLAGRA:

14 Q. In terms of the support that Cahuenga
15 offers to new teachers, we've already covered staff
16 meetings, network meetings and informal training.

17 A. Uh-huh.

18 Q. Is there any other support that Cahuenga
19 offers to new teachers?

20 MR. FERNOW: Objection. Vague and
21 ambiguous. Calls for speculation.

22 MS. STRONG: Join.

23 THE WITNESS: Well, I go into classrooms
24 and I teach. I model for them. I do long -- I sit
25 down and do short- and long-range planning with

1 but I'll be consistent, I hope.

2 MS. STRONG: And also objection to the
3 extent that, you know, it's overbroad. It's
4 impossible to identify all the qualities.

5 MR. VILLAGRA: I hope the same objection
6 applies to the last time it was asked.

7 THE WITNESS: Well, I look for --

8 MS. STRONG: I am sure there are many more
9 qualities --

10 THE WITNESS: I sure there maybe are. But
11 I have a feeling that teachers are, you know, they
12 are born. It's something that's very special; that
13 they have a passion for teaching; that they are warm
14 individuals. They are people who -- who are
15 reflective of themselves, who aren't afraid of
16 saying they made a mistake, that they can grow.

17 And it's a calling. To me it's almost like
18 a religion. And that as you have experience in
19 hiring people, you learn from mistakes that you've
20 made and you also learn from the -- the good choices
21 that you have made. And so that it's a skill that
22 you perfect over the time, and it's a sort of a
23 sensing from that person.

24 BY MR. VILLAGRA:

25 Q. And I think previously you've talked

1 them, giving them suggestions as to what -- what
2 effective things that they can do in that classroom.
3 I take -- I take teachers into other teachers'
4 classrooms and have them observe them.

5 MS. STRONG: I would like to object to that
6 last question in that it did not state all of the
7 items that he has identified over the past couple
8 days of his testimony.

9 BY MR. VILLAGRA:

10 Q. Were there any other items that you wanted
11 to include that I missed?

12 A. Well, there is a -- a weekly, sort of a
13 newsletter that goes out to teachers and, you know,
14 highlighting effective things that have happened
15 that we've observed in classrooms. Sometimes
16 pictures are taken of that and then they're put on
17 the back of this.

18 This is a tremendous motivator for
19 teachers. They all like to see their room on it.

20 One of the things that was really nice this
21 year is we have this good citizen assembly every two
22 weeks and parents are invited to it. And each
23 teacher gets up and gives a litany about why this
24 child was selected. It really has to do with
25 scholarship rather than citizenship.

1 And at that assembly I had many, or at
2 least several teachers who commented about how
3 wonderful the class they had gotten this year was
4 and how they thanked the previous teacher. And that
5 in a way is staff development, too.

6 People do what is recognized and given
7 praise for. What you talk about is what you get.

8 BY MR. VILLAGRA:

9 Q. Are mentors assigned to new teachers at
10 Cahuenga?

11 A. Yes, they are.

12 Q. And talking about this school year that
13 we're in right now, how many mentors are there?

14 MS. STRONG: Objection. Vague and
15 ambiguous as to what school year we're talking about
16 exactly.

17 MR. FERNOW: Join.

18 THE WITNESS: And they have not been
19 activated as yet this year. And so I really can't
20 say because sometimes teachers decide that they
21 really don't want to do that.

22 BY MR. VILLAGRA:

23 Q. And what school year did you understand me
24 to be talking about?

25 A. This school year.

1 And then it's usually the newest ones that are
2 assigned the mentor.

3 Q. And the teachers who participate as
4 mentors, are they volunteers in the program?

5 A. No, they're paid.

6 Q. And are they being paid for a specific time
7 commitment to act as mentor to new teachers?

8 A. Yes, they are.

9 MS. STRONG: Objection. Vague and
10 ambiguous.

11 BY MR. VILLAGRA:

12 Q. And what is that time commitment?

13 A. I really can't tell you.

14 Q. Are the paid mentors other experienced
15 teachers at Cahuenga?

16 A. Yes.

17 Q. Always?

18 A. No.

19 Q. And do you know when the mentors work with
20 their mentees?

21 A. After school, sometimes at lunchtime.

22 Recess. Sometimes the mentor comes back off track
23 time, depending on which track that mentee is on.

24 Q. And how do you know that?

25 A. Observation.

1 Q. Could you identify this school year.

2 A. The year 2000/2001 -- 2001/2002. You know
3 how I am with dates. (Laughs.)

4 Q. I thought you were trying to help us all
5 out with our ages again.

6 A. (Laughs.)

7 Q. In talking about the past school year,
8 2000/2001, how many teachers participated as
9 mentors?

10 MR. FERNOW: I'll object as vague and
11 ambiguous as to "mentors." Are we talking about the
12 formal mentor teaching program, or are we talking
13 about teachers that are mentoring teachers on an
14 informal basis? And to the extent that that's the
15 case, I think it's vague and ambiguous.

16 MS. STRONG: And also objection, either way
17 it calls for speculation.

18 BY MR. VILLAGRA:

19 Q. I think I started this by asking whether
20 new teachers are assigned mentors. Who assigns the
21 mentors at Cahuenga to new teachers?

22 A. Well, there are -- there are guidelines
23 from -- from the district as to how they're
24 assigned; that district interns have first call on
25 them. And so that -- that's part of the assignment.

1 Q. In talking about the 2000/2001 school year,
2 last year, how many new teachers did you have at
3 Cahuenga who were mentees?

4 MS. STRONG: Objection. Calls for
5 speculation.

6 BY MR. VILLAGRA:

7 Q. If you know.

8 A. Approximately five or six.

9 Q. And for purposes of this program with paid
10 mentors, who is considered to be a new teacher
11 eligible to be a mentee?

12 A. The district interns, primarily.

13 Q. And I believe you mentioned, also, new
14 teachers?

15 A. No, no, no. That -- the district intern,
16 if I'm understanding it correct, is a state
17 requirement, and that -- that they're supposed to
18 have a mentor.

19 Q. Okay.

20 A. And so that the other people that are
21 provisional do not get one.

22 Q. Through this state program that you've just
23 described?

24 A. That's right.

25 Q. Do those provisional teachers -- and I

1 understand that to be emergency-credentialed
 2 teachers?
 3 A. That's correct.
 4 Q. Do those teachers get assigned a mentor at
 5 Cahuenga through some other program?
 6 MS. STRONG: Objection. Incomplete
 7 hypothetical.
 8 THE WITNESS: Not in a formal way, but as
 9 an example, one of my new kindergarten teachers this
 10 year, two of his other kindergarten teachers have
 11 really taken him under their wing. And it's
 12 probably one of the strengths of the school is that
 13 they are -- the teachers are really good about
 14 helping new people coming on.
 15 BY MR. VILLAGRA:
 16 Q. So for teachers other than district
 17 interns, the mentorship goes on an informal basis?
 18 A. That's correct.
 19 Q. Does Cahuenga prepare materials to
 20 distribute to new teachers to help support them --
 21 MR. FERNOW: Objection. Vague and
 22 ambiguous. Calls for speculation.
 23 MS. STRONG: Join.
 24 THE WITNESS: No, it doesn't.
 25 /// ///

1 BY MR. VILLAGRA:
 2 Q. You mentioned that you sometimes go in and
 3 model for the new teachers?
 4 A. That's correct.
 5 Q. How often last school year, 2000/2001, did
 6 you model for teachers?
 7 A. I really couldn't say. Sometimes --
 8 sometimes it's a -- it is done in such an informal
 9 way that when you're observing a lesson and you just
 10 say, "Oh, if they would just go this way for a
 11 lesson."
 12 So you step in -- if you understand who the
 13 teacher is and they're not going to be devastated by
 14 you stepping in. And then you just kind of take it
 15 over and lead it to where you -- where you think it
 16 would be a more effective way of handling it.
 17 And then there are some other times when
 18 you have a particular whole lesson that you want to
 19 show and then you just go and you do the whole
 20 lesson.
 21 Last -- in fact, this week I went into a
 22 classroom and was doing the language experience
 23 story with the kindergarten children because this
 24 teacher had never seen it and -- and it was -- and,
 25 you know, that's the kind of thing that I'm doing.

1 Q. And how long did the modeling of that
 2 lesson take?
 3 A. Oh, that one was probably -- probably a
 4 half hour.
 5 Q. And the other sort of modeling that you
 6 were describing that was much smaller, how long
 7 would that take?
 8 MS. STRONG: Objection. Vague and
 9 ambiguous --
 10 THE WITNESS: It --
 11 MS. STRONG: -- and compound to the extent
 12 he was identifying different types of modeling, it
 13 could vary.
 14 THE WITNESS: And, you know, when you're
 15 having fun, you don't really pay attention to the
 16 time.
 17 MS. STRONG: Kind of like now.
 18 (Laughter.)
 19 BY MR. VILLAGRA:
 20 Q. So it's not like a deposition?
 21 A. Right, right, right.
 22 MS. STRONG: We're all anticipating lunch.
 23 MR. VILLAGRA: Can we go off the record for
 24 a minute to actually talk about lunch.
 25 /// ///

1 (At 12:07 the deposition
 2 was adjourned for noon recess.)
 3 /// (Please see next page.) ///

1 (At 1:30 p.m., the deposition
2 of LLOYD HOUSKE was reconvened
3 with the same persons present.)
4 -oOo-

6 EXAMINATION RESUMED

8 BY MR. VILLAGRA:

9 Q. I think when we paused for lunch we were
10 talking about the modeling that you do for teachers.
11 And is it fair to say, then, on the high end, the
12 modeling can take 30 minutes?

13 MS. STRONG: Objection. Vague.

14 MR. FERNOW: Same.

15 MS. STRONG: Vague and ambiguous.

16 MR. FERNOW: Join.

17 THE WITNESS: I would say so, yes.

18 BY MR. VILLAGRA:

19 Q. And on the low end, what would you say, how
20 long can modeling take?

21 MR. FERNOW: Objection. Asked and
22 answered. He's already testified that there are
23 different types of modeling programs, some are fast
24 and informal and some can take the entire classroom.

25 MS. STRONG: And also vague and ambiguous.

1 what, almost a month into it?

2 A. Yes.

3 Q. Have you sat down and done short-term
4 planning with any of your teachers?

5 A. Yes.

6 MS. STRONG: It's vague and ambiguous.

7 BY MR. VILLAGRA:

8 Q. How many?

9 A. Really one. The new teacher.

10 We also had a network meeting where the
11 kindergarten teachers got together and came up with
12 a pacing plan to help another teacher. So I know
13 that they have developed a pacing plan I think for
14 the first six weeks.

15 I know that the first grade is -- last week
16 worked on a pacing plan together. And so that
17 sometimes it's not just necessarily my doing it, but
18 it's a group of people working on it.

19 Q. And we've talked about the networking
20 meetings and some of the support that goes on there.
21 I want to try to focus on the meetings that you have
22 with teachers.

23 So you had one meeting this year so far
24 with a new teacher to do short-term planning?

25 A. And -- well, and long range, too.

1 THE WITNESS: Yes.

2 BY MR. VILLAGRA:

3 Q. "Yes," as to what?

4 A. It's really hard to say because it depends
5 upon what you're modeling; that sometimes it can be
6 very short, and sometimes it can even be longer than
7 30 minutes. I've spent as much as two hours
8 sometimes in the classroom, but that's -- that's an
9 exception.

10 Q. And the broad topic that we were talking
11 about was the support that you offered to new
12 teachers at Cahuenga.

13 The second item after modeling that you
14 mentioned was meeting with teachers and doing short-
15 and long-term planning; is that correct?

16 A. Correct.

17 Q. How often do you meet with new teachers to
18 do short- and long-term planning?

19 MR. FERNOW: Objection. Compound.

20 MS. STRONG: Vague and ambiguous.

21 Overbroad as to time.

22 THE WITNESS: It -- it so varies from time
23 to time that it's really hard to say.

24 BY MR. VILLAGRA:

25 Q. In the school year 2001/2002, I guess we're

1 Q. And long range.

2 How long was that meeting?

3 A. Well, I was in -- I was in the room -- I've
4 been in that particular room this year, I would say
5 probably for, oh, maybe a couple hours. And -- but
6 not all the time was spent on the planning. It was
7 sometimes planning, it was observing, and it was
8 sometimes doing a demo lesson myself for the
9 teacher. So it was a lot of different things that
10 were taking place.

11 Q. And what does the short-term and
12 long-range -- or long-range planning consist of?

13 MR. FERNOW: Objection. Compound.

14 THE WITNESS: No. The --

15 MS. STRONG: Vague and ambiguous.

16 THE WITNESS: This teacher has the
17 responsibility of running a research program for
18 upper-grade children in the library. And so we feel
19 that youngsters when they go to college don't really
20 know how to do research papers. So we thought we
21 want our children to be prepared.

22 So the first thing I had to help him with,
23 what did you mean by research, what were the steps
24 to doing a research project. And even to come up
25 with a recipe for what a summary is. And then

1 discuss with him the -- what would be the steps,
 2 what would be the types of lessons he would have
 3 until they had reached the project conclusion.
 4 BY MR. VILLAGRA:
 5 Q. How new is this teacher that you --
 6 A. This is his first year.
 7 Q. First year at Cahuenga, or first year as a
 8 teacher?
 9 A. First year as a teacher.
 10 Q. Is he an emergency-credentialed teacher?
 11 A. Yes, he is.
 12 Then I went into another
 13 emergency-credentialed teacher's room and modeled
 14 a language experience lesson for him. And I went
 15 into another emergency teacher's classroom and
 16 modeled a writing activity for her.
 17 Q. And how long did the modeling of the
 18 language experience lesson take?
 19 A. Probably 15 to 20 minutes.
 20 The other one probably took longer because
 21 the children were older, they were first grade. And
 22 I probably was in there for maybe a half hour, but I
 23 certainly didn't time it.
 24 Q. Are you planning to do modeling for any
 25 other emergency-credentialed teachers this school

1 year?
 2 A. Oh, yes.
 3 Q. Is that something where you know today how
 4 many lessons you're going to be modeling for
 5 emergency-credentialed teachers throughout the
 6 school year?
 7 MS. STRONG: Objection. Vague and
 8 ambiguous.
 9 THE WITNESS: It's really based on your
 10 observation. I try to get into their rooms often.
 11 So then when I see them doing something, if I think
 12 I can offer them some assistance, I -- I go in and
 13 do that. And so a lot depends upon the time I go
 14 into the room.
 15 BY MR. VILLAGRA:
 16 Q. And what you see?
 17 A. And what I see.
 18 Q. Are you planning at this point to do short-
 19 and long-range planning with any of the other
 20 emergency-credentialed teachers, other than the ones
 21 you've testified about already?
 22 MS. STRONG: Objection. Compound.
 23 MR. FERNOW: Join.
 24 THE WITNESS: Not really because the
 25 networks are really kind of taking that spot so I

1 don't really feel the need for it. And I really
 2 feel that they probably are better at doing that
 3 type of planning than I am.
 4 BY MR. VILLAGRA:
 5 Q. And you've testified that you visit
 6 classrooms to observe the quality of teaching that
 7 teachers are providing?
 8 A. Yes.
 9 Q. Does anyone else at Cahuenga visit teacher
 10 classrooms to monitor the quality of teaching?
 11 MR. FERNOW: Objection. Speculation.
 12 BY MR. VILLAGRA:
 13 Q. To your knowledge?
 14 A. Yes.
 15 Q. Who?
 16 A. The two assistant principals. I have a
 17 literacy coach. I also have a professional
 18 development specialist that I got through a grant.
 19 And those people also go into classrooms.
 20 Q. Do you know how often the assistant
 21 principals visit classrooms to monitor the quality
 22 of teaching?
 23 MR. FERNOW: Objection. Compound. That
 24 calls for speculation.
 25 THE WITNESS: No, I really can't say. I

1 encourage them to do it often, but a lot has to
 2 do with -- we're very available to teachers and to
 3 the public and so that a lot has to do with the
 4 scheduling within the day.
 5 BY MR. VILLAGRA:
 6 Q. Do you have any policy as to the minimum
 7 number of times that the assistant principal should
 8 be visiting classrooms to observe the quality of
 9 teaching?
 10 A. No, I do not.
 11 Q. Do you know how often the literacy coach
 12 visits the classrooms to observe the quality of
 13 teaching?
 14 MS. STRONG: Objection. Calls for
 15 speculation.
 16 THE WITNESS: Not really, because, you
 17 know, I try to have a weekly meeting with all the
 18 support help, and ask them which rooms they've been
 19 in, what were their observations. And then try to
 20 come up with any kind of plans that we need to offer
 21 assistance or to plan professional development.
 22 But ... there's not a -- not anything any more
 23 formal than that.
 24 BY MR. VILLAGRA:
 25 Q. And you have a professional development

1 specialist that you obtained through a grant?
 2 A. Yes.
 3 Q. When did you obtain that grant?
 4 A. Last year.
 5 Q. And how long will that grant run for?
 6 A. Five years.
 7 Q. And what are the responsibilities under the
 8 grant of the professional development specialist?
 9 MR. FERNOW: Objection. Calls for
 10 speculation.
 11 BY MR. VILLAGRA:
 12 Q. If you know.
 13 A. Well, last year we did thinking maps. And
 14 thinking maps is a graphic organizer to help
 15 children organize their thoughts. And that was a
 16 very successful in-service we gave -- every track
 17 had one full day of being taught on how to use the
 18 thinking maps.
 19 And then we highlighted that in a weekly
 20 bulletin that we put out in my classroom,
 21 observations and then the observations of others.
 22 We found that almost every -- I would say every
 23 classroom was utilizing them, so we felt very
 24 successful with it.
 25 And that was -- that was done through this

1 grant.
 2 Q. Was there a formal effort to observe every
 3 classroom and see if teachers were implementing the
 4 thinking maps?
 5 MS. STRONG: Objection. Vague and
 6 ambiguous.
 7 THE WITNESS: Well, the word "formal" kind
 8 of scares me.
 9 We did it. You know, it was -- it was, but
 10 it -- it wasn't necessarily just to go in to see if
 11 the maps were being used, but it was going into the
 12 classrooms and then coming out with the realization
 13 that, yes, they were using. And that made us feel
 14 really good.
 15 And so then when we reported back, we said
 16 we felt good about it being a successful in-service.
 17 BY MR. VILLAGRA:
 18 Q. Were there any other in-services that this
 19 professional development specialist provided last
 20 year?
 21 A. No, that was the -- really the major one
 22 for the year.
 23 Q. Is there an in-service plan to be provided
 24 this year, 2001/2002, by the professional
 25 development specialist?

1 A. Yes, there is.
 2 Q. What topic will that cover?
 3 A. It will be a continuation of the thinking
 4 maps and -- because there is a computer program that
 5 goes along with it that we didn't introduce last
 6 year and which we hope to introduce this year.
 7 Q. Any other in-service training plan to be
 8 provided this year by the professional development
 9 specialist?
 10 MR. FERNOW: Objection. Calls for
 11 speculation.
 12 BY MR. VILLAGRA:
 13 Q. To your knowledge.
 14 A. I'm sure that there will be, but that's the
 15 one right at the moment. All of our efforts at this
 16 time are getting Open Court and the math series off,
 17 and so our attention is really diverted to that
 18 right now.
 19 Q. Are there in-services being provided
 20 regarding Open Court?
 21 MR. FERNOW: Objection. Calls for
 22 speculation.
 23 THE WITNESS: Yes.
 24 BY MR. VILLAGRA:
 25 Q. And have they already been provided?

1 A. Yes.
 2 Q. When were they provided?
 3 A. Last week.
 4 Q. How long did the in-service regarding Open
 5 Court last?
 6 MR. FERNOW: Objection. Speculation.
 7 THE WITNESS: Two hours.
 8 BY MR. VILLAGRA:
 9 Q. How do you know that it lasted two hours?
 10 A. I was there.
 11 Q. And what did the in-service regarding Open
 12 Court cover?
 13 MS. STRONG: Vague and ambiguous.
 14 THE WITNESS: Well, part of it was giving
 15 encouragement to people to try something new.
 16 Another one was to find out shortage of
 17 other items that they might need. Like Open Court
 18 wants each youngster to have a folder with four
 19 compartments in it. And so the teachers didn't have
 20 that and we didn't really know that they needed it.
 21 So I think we kind of came up with a list of things,
 22 like every teacher needs a stopwatch now. And so
 23 those are items we have to order. So we were
 24 getting that kind of information down.
 25 We talked about the availability of the

1 materials. We also found out that they needed
 2 certain colored stickers that they have to use in
 3 the book. A lot of nuts and bolts kind of things
 4 because the program is still so new that -- we
 5 talked about testing. That there's an initial
 6 assessment test that has to be given.
 7 BY MR. VILLAGRA:
 8 Q. And what did you discuss regarding
 9 materials related to Open Court?
 10 A. Well, to make sure that they had the
 11 materials. Number one, was to make sure that all
 12 the children had the books and that the teachers had
 13 their materials, because as I say, you know, you
 14 can't do it if you don't have the books.
 15 But then -- then we -- in the process of
 16 that we found out these other things that they
 17 needed.
 18 Q. Have the folders been ordered?
 19 A. Yes.
 20 Q. And the stopwatches?
 21 A. Yes. At least if they're doing what I said
 22 today.
 23 Q. And the stickers?
 24 A. Yes.
 25 Q. Were there any books that needed to be

1 ordered?
 2 A. No.
 3 Q. Any other materials that needed to be
 4 ordered?
 5 A. We have -- we had a discussion about a
 6 three-hole notebook, and -- but we wanted to go back
 7 to the teachers because we weren't really sure if
 8 they really wanted that or not. So that we're --
 9 after -- we'll have another meeting next week with
 10 them and then we'll decide. If they need them,
 11 we'll buy them.
 12 Q. Do you recall what day last week this
 13 in-service --
 14 A. Tuesday.
 15 Q. Tuesday.
 16 (Discussion held off the record.)
 17 BY MR. VILLAGRA:
 18 Q. I believe that before lunch the third item
 19 that you listed in terms of the support that is
 20 provided to new teachers is that you take other
 21 teachers in to observe the new teachers teaching in
 22 their classrooms.
 23 Is that correct?
 24 A. No. I meant that we take new teachers into
 25 experienced teachers' rooms and they observe the

1 experienced teacher doing the lesson.
 2 As an example, I had -- we do these
 3 parent-orientation meetings in each classroom. And
 4 so the new kindergarten teacher, he has never seen
 5 one.
 6 Q. Uh-huh.
 7 A. So I took him in to observe me doing one
 8 and so that he would know what his role was to be.
 9 Then I also took him into a first grade
 10 room to see how the teaching of a kindergarten
 11 teacher followed off -- followed over into this
 12 first grade class and how important what he did was,
 13 in that classroom.
 14 Q. Was that recently?
 15 A. This was last week. I was busy.
 16 Q. And when you pulled the teacher out from
 17 their classroom -- I'm sorry.
 18 Did you pull the teacher out from their
 19 classroom to have them observe a more experienced
 20 teacher teaching?
 21 A. Yes.
 22 Kindergarten teachers have -- there are two
 23 kindergarten teachers in a classroom. One for the
 24 morning session, one for the afternoon. And so when
 25 I took him out of the classroom it wasn't -- he

1 wasn't with his class, he was assisting the other
 2 teacher. So it was time I could take him away
 3 without interrupting the classroom schedule.
 4 Q. Do you sometimes pull a new teacher out of
 5 their class to have them observe a more experienced
 6 teacher teaching?
 7 A. Yes, sometimes.
 8 Q. And --
 9 MS. STRONG: Objection. Vague and
 10 ambiguous.
 11 BY MR. VILLAGRA:
 12 Q. And when you do that, is a substitute put
 13 into that classroom for that time?
 14 A. Sometimes.
 15 Q. What else can be done to substitute for the
 16 teacher?
 17 A. A teacher assistant is in the classroom at
 18 that time, and we open up the door between that
 19 classroom and one where the teacher is, and then we
 20 take the teacher out.
 21 Q. In the three weeks or so in the new school
 22 year, how many times would you say you've taken new
 23 teachers out of their class to have them observe a
 24 more experienced teacher teaching?
 25 MS. STRONG: Objection. Vague and

1 ambiguous as to which school year we're talking
 2 about. And compound if it refers to more than one
 3 school year.
 4 THE WITNESS: Once, during this three-week
 5 period.
 6 BY MR. VILLAGRA:
 7 Q. Would you be able to estimate how many
 8 times you pulled a new teacher out of their
 9 classroom to observe a more experienced teacher
 10 teaching last school year, 2000/2001?
 11 A. No, I couldn't. It isn't -- it so depends
 12 upon the experience of the person that's -- that's
 13 in the classroom.
 14 Q. Do you meet with -- let me start over.
 15 Are there any departments within the school
 16 that you've established?
 17 MS. STRONG: Objection. Vague and
 18 ambiguous.
 19 MR. FERNOW: Join.
 20 THE WITNESS: "Department" is not a term we
 21 use in elementary. That's a secondary term.
 22 BY MR. VILLAGRA:
 23 Q. What term would you use in elementary?
 24 MS. STRONG: Objection. Vague and
 25 ambiguous as to what it is you're asking about.

1 MR. FERNOW: Join.
 2 THE WITNESS: I don't think we have
 3 departments.
 4 BY MR. VILLAGRA:
 5 Q. I'm sorry?
 6 A. I said, I don't think we have departments
 7 as such.
 8 Q. Is there a teacher, for example, that's
 9 designated the lead teacher for the first grade?
 10 MS. STRONG: Objection.
 11 THE WITNESS: Yes.
 12 BY MR. VILLAGRA:
 13 Q. And what --
 14 A. That's -- that's one where we call them
 15 grade level chairperson. And that is a person
 16 either that volunteers or -- or that the group
 17 elects.
 18 Q. Is there a grade level chair for each grade
 19 at Cahuenga?
 20 A. Not as yet, but there will be next week.
 21 Q. The volunteering or elections haven't
 22 happened yet?
 23 A. No.
 24 Q. Is it your practice to meet with grade
 25 level chairs to talk about the quality of teaching?

1 A. I took a group of the grade level chair
 2 people up to Oxnard. I don't know whether it was in
 3 June, I think, and we spent two days coming up with
 4 professional development topics and getting input
 5 from that.
 6 It was a very -- and that was, again,
 7 through that professional grant that I had that I
 8 was able to pay for this.
 9 Q. Are those topics that you -- that
 10 professional development is going to cover this
 11 upcoming year?
 12 A. That's right.
 13 Q. What are those topics?
 14 MS. STRONG: Calls for speculation.
 15 THE WITNESS: One -- one was Open Court,
 16 that they wanted more of that. And then it was some
 17 discipline, because there's many new teachers and
 18 discipline is always an issue for a new teacher.
 19 And the other was math. Major topics.
 20 It was also a team building experience.
 21 BY MR. VILLAGRA:
 22 Q. Do you meet with the grade level chairs
 23 throughout the school year?
 24 A. As needed.
 25 Q. And when would a meeting with a grade level

1 chair be necessary?
 2 A. The grade level chair really is the kind
 3 of -- the unofficial head of the network. And so
 4 that we really don't necessarily meet separately,
 5 but they conduct -- they facilitate the meetings.
 6 And I'm usually there, so that's when the input is
 7 given to me. It isn't like they're a steering
 8 committee or anything.
 9 Q. Okay. When you identify areas that a
 10 teacher needs to improve in based on an observation
 11 that you've done of their teaching, what do you do
 12 to monitor whether they have been able to improve in
 13 that area?
 14 MR. FERNOW: Objection. Vague and
 15 ambiguous.
 16 THE WITNESS: Well, the first thing I do is
 17 either I -- I model it for them, or we sit down and
 18 have a discussion about it. And then I go back in
 19 and I observe.
 20 BY MR. VILLAGRA:
 21 Q. Would you prepare anything in writing about
 22 your observations?
 23 A. No.
 24 Q. And if the teacher continued needing
 25 improvement, what would you do then?

1 MS. STRONG: Objection. Calls for
 2 speculation. Incomplete hypothetical.
 3 THE WITNESS: I would write them up.
 4 BY MR. VILLAGRA:
 5 Q. And what would be the next step?
 6 MR. FERNOW: Objection. Vague and
 7 ambiguous.
 8 THE WITNESS: Possible dismissal.
 9 BY MR. VILLAGRA:
 10 Q. Do you recall the last time that you
 11 visited a classroom and saw a teacher in need of
 12 improvement in a particular area of teaching?
 13 A. Yes.
 14 Q. When was that?
 15 A. Last year.
 16 Q. And what did you do to try to get the
 17 teacher to improve?
 18 A. Well, I --
 19 MR. FERNOW: Objection. Asked and
 20 answered. He's already told you generally what he
 21 does.
 22 THE REPORTER: I'm sorry.
 23 MR. FERNOW: He -- asked and answered.
 24 THE WITNESS: I went in and modeled a
 25 lesson, talked to the teacher, offered assistance.

1 And then I conferenced with her and recommended that
 2 she think about another profession.
 3 BY MR. VILLAGRA:
 4 Q. What was the assistance that you offered?
 5 A. That's what I said, you know, going in and
 6 modeling that lesson, giving assistance, having her
 7 observe another person.
 8 Q. Did this teacher accept your recommendation
 9 to find another profession?
 10 A. Yes, she did.
 11 MR. FERNOW: I'm going to object and
 12 instruct the client not to answer with regard to any
 13 discipline that's taken against any employee
 14 regardless of whether or not you name that employee.
 15 BY MR. VILLAGRA:
 16 Q. When professional training is offered to
 17 new teachers at Cahuenga, is it required that they
 18 attend?
 19 MS. STRONG: Objection. Vague and
 20 ambiguous. What professional training are we
 21 talking about?
 22 THE WITNESS: Yes, it is.
 23 BY MR. VILLAGRA:
 24 Q. What professional training do you
 25 understand me to be talking about?

1 MS. STRONG: Objection. Calls for
 2 speculation. How can he know what you're talking
 3 about.
 4 THE WITNESS: As to improving the teaching
 5 act.
 6 BY MR. VILLAGRA:
 7 Q. So professional development, generally?
 8 A. Right, right. The whole purpose of
 9 professional development is to make the teacher a
 10 more effective one.
 11 Q. Do you notice that professional development
 12 helps teachers improve the quality of education?
 13 MS. STRONG: Objection. Vague and
 14 ambiguous.
 15 THE WITNESS: Oh, absolutely, yes.
 16 BY MR. VILLAGRA:
 17 Q. And what's your basis for that belief?
 18 A. Well, my own observation of myself and
 19 that when I've had -- when I've had effective
 20 professional development, I'm a better administrator
 21 because of that. And I know that's true for
 22 teachers, too.
 23 Q. I believe it was on the 14th, you talked
 24 about some professional development that's offered
 25 by the district, LAUSD, to teachers.

1 And correct me if I'm wrong, but I believe
 2 you testified that teachers seldom take advantage of
 3 that professional development.
 4 Is that correct?
 5 A. Well, "seldom" is kind of a hard word. I'm
 6 not exactly sure if I know whether your "seldom" or
 7 my "seldom" is the same thing.
 8 Teachers get extra points towards salary
 9 increases, so there is a -- there is a real
 10 motivation for people to take staff development
 11 in-service classes.
 12 Some of them are required, and so they
 13 really don't have an option. And many teachers are
 14 in the process of getting clear credentials and so
 15 they're going through school and so that sometimes
 16 they're not able to take advantage of it as much as
 17 they want just because of the lack of time.
 18 Q. And that's because they're taking classes
 19 to complete their credential?
 20 A. Right.
 21 Which in turn is professional development,
 22 too.
 23 MS. STRONG: Objection. Incomplete
 24 hypothetical.
 25 MR. FERNOW: Join.

1 BY MR. VILLAGRA:
 2 Q. On the 14th you talked at some length about
 3 the filling of teacher vacancies, and specifically
 4 about the assistance the district offers. And
 5 correct me if I'm wrong, but one of the things that
 6 you testified to was that the district has to
 7 process new teachers for you before they can start
 8 teaching at Cahuenga.
 9 Is that correct?
 10 A. That's correct.
 11 Q. Does the filling of a vacancy at Cahuenga
 12 sometimes get delayed by the processing of new
 13 teachers through the district?
 14 MS. STRONG: Objection. Calls for
 15 speculation. Vague and ambiguous and incomplete
 16 hypothetical.
 17 THE WITNESS: Sometimes.
 18 BY MR. VILLAGRA:
 19 Q. Would you describe the last time that it
 20 happened.
 21 MS. STRONG: Objection. Vague and
 22 ambiguous.
 23 THE WITNESS: I had a teacher retire -- not
 24 retire, resign because her husband was --
 25 MR. FERNOW: Excuse me. Actually --

1 THE WITNESS: Oh, I shouldn't be --
 2 MR. FERNOW: Yeah, I want to object and
 3 instruct the client not to answer any questions with
 4 regards to any personnel matters in relationship to
 5 employees or former employees of the district.
 6 If you want to rephrase the question or
 7 reask the question.
 8 MR. VILLAGRA: Absolutely.
 9 Q. I'm not asking why the teacher left. There
 10 was an opening and you sought to fill it.
 11 A. And I found out about the opening late, so
 12 when I hired the teacher it was late in the year and
 13 so that it took -- the teacher had to do a 40-hour
 14 training, which was a requirement before they come
 15 in, and so that they came in a week late.
 16 Q. This happened late last school year.
 17 A. This school year.
 18 Q. This school year?
 19 A. Yes.
 20 Q. When, approximately?
 21 A. It was the first of July. Not actually the
 22 1st of July, but first week of July.
 23 Q. Before that, do you recall another instance
 24 where filling a teacher vacancy was delayed by
 25 LAUSD's processing of a teacher?

1 MS. STRONG: Objection. Vague and
 2 ambiguous. Calls for speculation.
 3 MR. FERNOW: Join.
 4 THE WITNESS: There was a period of time, I
 5 believe it was last year or maybe the year, before
 6 when they first started the new fingerprinting
 7 process in the state and fingerprints had to be sent
 8 up to wherever they send them in the state to have
 9 clearance. And sometimes the process, because it
 10 was so new, was very time consuming.
 11 BY MR. VILLAGRA:
 12 Q. What do you mean by "time consuming"?
 13 A. It could take as much as two weeks or
 14 sometimes even longer to get the fingerprints and
 15 make sure that that person was cleared.
 16 Q. Do you as principal of Cahuenga receive
 17 assistance from the state to fill teacher vacancies?
 18 MS. STRONG: Objection. Vague and
 19 ambiguous and calls for speculation.
 20 MR. FERNOW: Join.
 21 THE WITNESS: No, I do not. That I know
 22 of.
 23 BY MR. VILLAGRA:
 24 Q. To your knowledge, has anyone from the
 25 state ever inquired as to whether there are teacher

1 vacancies at the start of a school year or semester
 2 at Cahuenga?
 3 MS. STRONG: Objection. Vague and
 4 ambiguous. Compound and calls for speculation.
 5 THE WITNESS: No.
 6 BY MR. VILLAGRA:
 7 Q. And by "the state," I'm referring to --
 8 specifically to the State Department of Education,
 9 State Board of Education, and the State
 10 Superintendent of Public Instruction.
 11 MR. FERNOW: Objection. Compound. And
 12 there's no question pending.
 13 MS. STRONG: To the extent you're trying to
 14 fill in a definition for your prior question, all
 15 the same objections should be repeated on my behalf.
 16 THE WITNESS: No.
 17 BY MR. VILLAGRA:
 18 Q. The answer doesn't change?
 19 A. The answer does not change.
 20 Q. Do you ever report as principal of Cahuenga
 21 the number of vacancies, teaching vacancies at
 22 Cahuenga to anyone at the state level?
 23 MS. STRONG: Objection. Vague and
 24 ambiguous. Calls for speculation.
 25 THE WITNESS: No, I do not.

1 BY MR. VILLAGRA:

2 Q. Do you report the number of vacancies --
3 teacher vacancies at Cahuenga to LAUSD?

4 A. Yes, I do.

5 Q. How often do you make those reports?

6 A. Whenever it's needed.

7 Q. What do you, as principal of Cahuenga, do
8 to try to retain teachers at Cahuenga?

9 MR. FERNOW: Objection. Vague and
10 ambiguous. Overbroad. Vague as to time.

11 THE WITNESS: It has to do with
12 establishing climate. Climate where it is
13 comfortable for teachers to work in, where
14 achievement is appreciated, where praise is given,
15 where assistance is offered when needed. Building a
16 reputation of a school so that people want to come
17 to it, and that makes them proud to be there.

18 BY MR. VILLAGRA:

19 Q. And how do you establish the reputation of
20 the school?

21 MS. STRONG: Objection. Vague and
22 ambiguous.

23 THE WITNESS: I should write a book and get
24 money for this.

25 MR. FERNOW: It's going to be a novel.

1 that your school is good. It makes teachers feel
2 good about themselves because they say, "Oh, this
3 must be a good school because look at all these
4 people coming to see it."

5 And then the principal brags a lot.

6 MS. STRONG: And rightly so.

7 BY MR. VILLAGRA:

8 Q. So one of the things that you do -- correct
9 me if I'm wrong -- is admit areas where you need to
10 improve?

11 A. That's right.

12 Q. What are the areas that Cahuenga needs to
13 improve?

14 A. I had a feeling that you would ask me that
15 after I said that.

16 MR. FERNOW: And I'll object that it
17 assumes facts not in evidence.

18 MS. STRONG: And objection. Vague and
19 ambiguous.

20 THE WITNESS: Well, first of all, it's
21 looking at yourself and saying, "How can I be a more
22 effective administrator?" And it's -- it's like
23 saying, you know, "What should I do? How can I get
24 into classrooms more often?"

25 And so I start there. Not just getting into

1 THE WITNESS: No, it isn't, it's
2 nonfiction.

3 (Laughter.)

4 THE WITNESS: It's done in hundreds of
5 small ways; it isn't any one big thing you do.

6 One, you have test results that indicate
7 that your school is successful. You don't get
8 complaints in the area office about your school.
9 You open your school up to the public. Not just the
10 local public, but it's to the public at large.

11 It is publicizing what you do in the school
12 that's successful. It's being honest. Admitting
13 areas where you want to improve.

14 It is having a welcome door to any
15 newspaper or TV cameraman that wants to come into
16 the school. I never turn down anybody.

17 It's having people visit your school from
18 out of the country. I have three different groups
19 coming this summer. I have, I believe it's 50
20 children from Korea coming to spend a week with us
21 at the school. I have another group of 60 coming
22 from Japan to visit the school for one day. I have
23 another group of probably 25 coming from Japan to
24 spend another day with us.

25 And all these things promote the feeling

1 the classroom, but looking at myself.

2 And then it's taking a look at what's
3 happening in the classrooms. It's looking at the
4 Stanford 9 test scores. We did a three-year
5 analysis last year, looking at content clusters
6 where we had a weakness and then writing up a plan
7 on how we were going to correct it. So this year
8 when we get the test scores back we'll evaluate and
9 that will -- that will pinpoint those weaknesses
10 that we're going to need to work on.

11 I give a report back to each teacher as to
12 how their class performed in relationship to other
13 classes. And then this year we'll see if they
14 improved. And so that would be their point to take
15 a look and will indicate to me if I need to look
16 further into that classroom and trying to figure out
17 why their test scores aren't improving.

18 BY MR. VILLAGRA:

19 Q. And when you say report back to each
20 teacher as to how they performed -- how their class
21 performed with respect to other classes, you mean at
22 Cahuenga?

23 A. At Cahuenga, yes.

24 Q. On the Stanford 9?

25 A. On the Stanford 9 and on the Aprenda.

1 Q. Is the three-year analysis that you did
2 of Stanford 9 test scores something that you were
3 required to do by the district, by LAUSD?

4 A. No.

5 Q. Is the three-year analysis of Stanford 9
6 scores something you were required to do by the
7 state?

8 A. No.

9 Q. Why did you decide to do a three-year
10 analysis of Stanford 9 scores?

11 A. Well, because I want to improve the school.
12 I want to help the children learn more effectively
13 and you have to look at results.

14 Some people object to Stanford 9 as a gauge
15 of how successful the school is, but it's one of the
16 tools we have, and so I feel it's important that we
17 look at it.

18 The API score, the Academic Performance
19 Index, is measured so your school is rated by the
20 Stanford 9 test scores. So it's only prudent for a
21 principal to do this kind of analysis.

22 Q. Do you think the Stanford 9 test scores are
23 a tool for improving student achievement if an
24 analysis like a three-year analysis like you did is
25 not performed?

1 And then you have to establish a plan of
2 action of how you're going to address that need.
3 And then you have to establish rubrics, and there's
4 a lot to doing it and getting it ready.

5 And I think because -- I think because we
6 did such a good job on it, we received the award
7 from the Getty House for our professional
8 development plan, and so they're going to award us
9 \$5,000 in November for what we did.

10 BY MR. VILLAGRA:

11 Q. For your professional development plan
12 related to the Stanford 9?

13 A. Yes. And also for the thinking maps, which
14 we incorporated it into our analysis and plan of
15 action.

16 Q. Do you know whether other schools in LAUSD
17 have a similar professional development plan with
18 respect to the Stanford 9?

19 MR. FERNOW: Objection. Vague and
20 ambiguous. Calls for speculation.

21 THE WITNESS: No, I wouldn't.

22 BY MR. VILLAGRA:

23 Q. How did it occur to you to do a three-year
24 analysis of Stanford 9 scores?

25 MR. FERNOW: Objection. Vague and

1 MS. STRONG: Objection. Vague and
2 ambiguous. Incomplete hypothetical. Calls for
3 speculation. May call for expert testimony.

4 MR. FERNOW: Join.

5 THE WITNESS: Well, I think the more you
6 look at test scores, I think the more you examine
7 and look at areas of need, I think that that surely
8 must help.

9 BY MR. VILLAGRA:

10 Q. Do you think that without doing a
11 three-year analysis, the Stanford 9 scores identify
12 areas of need for you as a principal?

13 MS. STRONG: Objection. Same objections.

14 MR. FERNOW: Join.

15 THE WITNESS: Well, I think -- I think you
16 have to take a look at the history of your school
17 and to see how it's going and whether it's improving
18 or not.

19 And it's not just the test scores that are
20 important, but it's the areas that -- it's -- it's a
21 very complex thing you have to do when you analyze
22 test scores because you have to look to find out the
23 content cluster. If that's low, then you have to
24 look at the Stanford 9 and find out what did the
25 test question look like.

1 ambiguous.

2 THE WITNESS: Well, I was -- I was thinking
3 about this the other day, not necessarily this point
4 you're talking about, but how do you come up with an
5 idea about how to improve your school. And all of a
6 sudden you think you're so smart because you came up
7 with this idea, and then you find later on that
8 someone over there is doing the same thing, and
9 someone over there is doing the same thing as you
10 are. How can it be that we all got the same idea?

11 And what I think it is, is that we go to
12 meetings and get training. And so you kind of get
13 background knowledge. And then you put this
14 background knowledge ... and you make a concept out
15 of it. And then it just seems so logical to do this
16 next step. And so that it's kind of an interesting
17 way that it happens.

18 BY MR. VILLAGRA:

19 Q. Do you know whether anyone at Cahuenga
20 keeps a list of the credentials that all the
21 teachers on the staff have?

22 A. Well, we have a ... I don't know what you
23 would call it. It's -- on each teacher there is --
24 we called it a "greenie," and I don't know what the
25 official name is.

1 THE REPORTER: You call it a
 2 THE WITNESS: Greenie. Not like tracks.
 3 (Laughter.)
 4 THE WITNESS: And on there it tells you
 5 whether this teacher is a provisional or whether
 6 they're a contract teacher or probationary.
 7 And, of course, what goes along with that
 8 is the assumption -- the actual listing of degrees
 9 beyond the one just for teaching credential is not
 10 held at the school but it would be probably held
 11 downtown because they get extra pay for it. It
 12 would be in personnel.
 13 BY MR. VILLAGRA:
 14 Q. And so at Cahuenga there is a card for each
 15 teacher; is that correct?
 16 A. Not a card, but a -- a flimsy.
 17 Q. A flimsy card?
 18 A. A flimsy card, right.
 19 Q. And I'm sorry. What does the flimsy
 20 card --
 21 A. It gives their status.
 22 Q. -- reflect?
 23 A. It gives their status for payroll purposes.
 24 The intent was not to notify us. We also
 25 get a printout when it comes time for evaluation of

1 teachers that lists their status.
 2 Q. And by "status," you mean whether they are
 3 fully credentialed or not?
 4 A. That's right.
 5 Q. Do you know, of all the teachers at
 6 Cahuenga, currently how many have -- or how many
 7 are fully credentialed to teach in California public
 8 schools?
 9 MS. STRONG: Objection. Calls for
 10 speculation.
 11 MR. FERNOW: Vague and ambiguous.
 12 THE WITNESS: I think it's -- I think
 13 it's close to 50 percent. Because I know on the
 14 Rodriguez consent decree, we're -- we're right where
 15 we belong now.
 16 BY MR. VILLAGRA:
 17 Q. Do you know how many teachers at Cahuenga
 18 provide instruction to English-language learners?
 19 MS. STRONG: Objection. Vague and
 20 ambiguous. What do you mean, "provides
 21 instruction"?
 22 THE WITNESS: And everybody provides
 23 instruction to English-language learners because all
 24 the children are English-language learners even
 25 though they may be in a bilingual program.

1 BY MR. VILLAGRA:
 2 Q. Even though they may be, or may not be?
 3 A. Either be in a bilingual program or not
 4 be in a bilingual program. Everybody is an
 5 English-language learner in elementary school.
 6 Q. How many teachers do you have currently at
 7 Cahuenga who teach in English-language development
 8 programs, be they bilingual or dual immersion?
 9 MS. STRONG: Objection. Vague and
 10 ambiguous. Compound. Calls for speculation.
 11 THE WITNESS: And it would be speculation.
 12 I'm just not good at numbers.
 13 BY MR. VILLAGRA:
 14 Q. You don't have --
 15 A. I just don't remember.
 16 Q. Do you know how many of your teachers at
 17 Cahuenga have a CLAD credential?
 18 THE REPORTER: Clad?
 19 MR. VILLAGRA: C L A D, sorry.
 20 MS. STRONG: Objection. Calls for
 21 speculation.
 22 THE WITNESS: No, I really don't.
 23 BY MR. VILLAGRA:
 24 Q. Do you know what the CLAD credential is?
 25 A. Yes.

1 Q. What it is?
 2 A. It is to make sure that the teachers
 3 have the instructional background for teaching
 4 English-language learners.
 5 Q. Do you know how many of the teachers at
 6 Cahuenga have a B CLAD?
 7 MS. STRONG: Objection. Vague and
 8 ambiguous. Calls for speculation.
 9 THE WITNESS: No, I really wouldn't.
 10 BY MR. VILLAGRA:
 11 Q. Do you know what a B CLAD is?
 12 A. Maybe I'm getting ... one is -- one is -- I
 13 may be getting confused, though. One is where the
 14 teacher speaks a foreign language and has the
 15 training; and the other one is for a non-foreign
 16 language -- cannot speak a foreign language and is
 17 trained. There are two different types, and I do
 18 not know the number for either one.
 19 Q. When a teacher is absent from Cahuenga, who
 20 is responsible for finding a substitute teacher?
 21 MR. FERNOW: Objection. Calls for
 22 speculation.
 23 MS. STRONG: Vague and ambiguous.
 24 THE WITNESS: Well, there is a substitute
 25 desk that the teacher is instructed to call and

1 notify them that they're going to be absent.
 2 And at my school, many of my off-track
 3 teachers will substitute. And so -- and their names
 4 are sent in to the substitute desk. And that
 5 teacher may just say the name of the teacher that's
 6 on our own staff, and then that person comes in and
 7 substitutes.

8 BY MR. VILLAGRA:

9 Q. Apart from those teachers who are off
 10 track and available to sub, are there any substitute
 11 teachers specifically assigned to be substitutes at
 12 Cahuenga?

13 MR. FERNOW: Objection. Calls for
 14 speculation.

15 MS. STRONG: Vague and ambiguous.

16 THE WITNESS: Not that I know of.

17 BY MR. VILLAGRA:

18 Q. Are those teachers who are off track and
 19 available to be substitutes, are they sufficient to
 20 meet the need for substitute teachers at Cahuenga?

21 MS. STRONG: Objection. Vague and
 22 ambiguous.

23 THE WITNESS: Not always. Sometimes we use
 24 from the substitute desk.

25 ///

1 BY MR. VILLAGRA:

2 Q. Do you recall when the last time was that
 3 it happened?

4 A. No, I can't.

5 Q. It didn't happen last school year?

6 MR. FERNOW: Objection. Asked and
 7 answered.

8 THE WITNESS: It possibly could have, but I
 9 just don't recall it.

10 BY MR. VILLAGRA:

11 Q. When substitute teachers from the
 12 substitute desk are called in, are they monitored
 13 by anyone at Cahuenga to see how they're teaching?

14 MR. FERNOW: Objection. Vague and
 15 ambiguous. Calls for speculation.

16 THE WITNESS: Sometimes.

17 BY MR. VILLAGRA:

18 Q. How do you know that?

19 A. Because in going through the classrooms, we
 20 come in and we find a sub in that room and so at
 21 that time we observe them being there.

22 Q. But is that a classroom that you would have
 23 been observing anyway?

24 MS. STRONG: Objection. Calls for
 25 speculation. Incomplete hypothetical.

1 BY MR. VILLAGRA:

2 Q. Do you have trouble finding substitute
 3 teachers from the substitute desk?

4 MR. FERNOW: Objection. Vague.

5 THE WITNESS: No, I do not.

6 BY MR. VILLAGRA:

7 Q. How do you know that?

8 A. Because I have not had a class waiting
 9 without a teacher.

10 Q. Does the district -- and I'm referring
 11 to LAUSD -- offer you any assistance in finding
 12 substitute teachers?

13 A. Oh, certainly, because they have that
 14 substitute pool.

15 Q. Are there ever days when the school can't
 16 find a substitute teacher to fill in for someone?

17 A. Very, very rare.

18 Q. What do you do on those days?

19 MS. STRONG: Objection. Compound to the
 20 extent that it varies.

21 THE WITNESS: Well, and it's so rare that
 22 it isn't -- it isn't -- it -- we would break the
 23 class up, you know, divide them up and each teacher
 24 would get a few from that classroom. But as I say,
 25 it just hardly ever happens.

1 THE WITNESS: Probably.

2 BY MR. VILLAGRA:

3 Q. So when substitutes from the substitute
 4 desk are teaching, you don't make a specific point
 5 to go observe that teacher teaching?

6 MS. STRONG: Objection. Vague and
 7 ambiguous. Incomplete hypothetical.

8 THE WITNESS: No, I do not.

9 BY MR. VILLAGRA:

10 Q. Does anyone at Cahuenga provide lesson
 11 plans for substitute teachers from the substitute
 12 desk?

13 MR. FERNOW: Objection. Calls for
 14 speculation.

15 MS. STRONG: Vague and ambiguous.

16 THE WITNESS: The teacher in the classroom
 17 is responsible for having a set of lesson plans.

18 BY MR. VILLAGRA:

19 Q. Do you know personally whether those lesson
 20 plans are made available to the substitutes?

21 A. Not always do I know.

22 Q. Do you recall an instance where a
 23 substitute teacher didn't have a lesson plan left
 24 for them by the -- I guess the permanent teacher?

25 A. Maybe once or twice.

1 Q. Do you recall when those one or two
2 occasions occurred?
3 A. No, I really don't.
4 Q. Could they have happened last year?
5 A. Yes.
6 Q. I believe you testified on the 14th that
7 teachers in the upper grades have complained to you
8 about the number of students they have in their
9 classrooms.
10 Is that correct?
11 A. Yes.
12 Q. And by "upper grades," is that the fourth
13 and fifth grades?
14 A. That's correct.
15 Q. And what is their complaint?
16 MS. STRONG: Objection. Answered -- asked
17 and answered.
18 MR. FERNOW: Compound.
19 THE WITNESS: Well, you see someone who is
20 working with 20 children and you have 33, you want
21 the same thing as the other one. And the children
22 are larger, they take up more space, and so that you
23 would -- everyone would like to have the 20 to one.
24 BY MR. VILLAGRA:
25 Q. What do you tell the teachers in the upper

1 Q. In your opinion, does a smaller class size
2 also make the class more manageable for the teacher?
3 MR. FERNOW: Objection. Incomplete
4 hypothetical.
5 THE WITNESS: Yes.
6 MS. STRONG: Vague and ambiguous.
7 BY MR. VILLAGRA:
8 Q. Do you know how many classes at Cahuenga
9 currently have 33 students in them, if any?
10 MR. FERNOW: Objection. Vague and
11 ambiguous.
12 THE WITNESS: Maybe two or three.
13 BY MR. VILLAGRA:
14 Q. And that's out of how many classrooms in
15 the fourth and fifth grades?
16 A. Probably nine.
17 Q. In those two or three classrooms where
18 there are 33 students, are there enough seats for
19 all of the students?
20 A. Oh, certainly, yes, yes.
21 Q. Is there enough space for 33 desks in those
22 classrooms?
23 MR. FERNOW: Objection. Vague and
24 ambiguous. Calls for speculation.
25 THE WITNESS: Yes, because at one time they

1 grades who complain to you about the number of
2 students they have in their classrooms?
3 A. I agree. "I wish I could do something to
4 help you out."
5 And that's why I developed that research
6 program in the library. And so I take out ten
7 children out of each of the rooms sometime during
8 the day which lowers the norm down.
9 Q. And why, in your opinion, is it a benefit
10 to have 20 kids instead of 33 children in a
11 classroom?
12 A. More individual attention --
13 MS. STRONG: Objection --
14 THE WITNESS: More individual --
15 MS. STRONG: Hold on.
16 Let me make my objection. Thank you.
17 Objection. To the extent it calls for his
18 personal testimony or personal opinion testimony, it
19 is not relevant in this suit.
20 BY MR. VILLAGRA:
21 Q. You can answer.
22 A. More individual attention. I think that
23 was the answer to the question.
24 Q. More individual attention?
25 A. Yes.

1 had 40 in the past in those rooms.
2 THE REPORTER: Can we take a short a break.
3 (Recess taken from 2:30 to 2:37.)
4 BY MR. VILLAGRA:
5 Q. I know you testified at some length on the
6 14th about bathrooms. I just want to reorient you
7 to your testimony and see if I'm recalling it
8 correctly.
9 You testified there were six bathrooms for
10 girls and six bathrooms for boys on the campus at
11 Cahuenga; correct?
12 A. Again, I'll ... I'm going to each location
13 in my mind.
14 Yes.
15 Q. Does that sound right?
16 A. Yes.
17 Q. And one part -- point that I was a little
18 unclear on and that the math didn't seem to work,
19 I'm not sure if it's the new math or my old math,
20 but there are three sets of bathrooms on the ground
21 floor.
22 Is that correct?
23 A. Three sets.
24 MS. STRONG: Objection. Vague and
25 ambiguous.

1 THE WITNESS: Well, on the ground -- yes,
2 opening onto the yard.

3 No. I guess it's two sets, two boys and
4 two girls, onto the playground.

5 BY MR. VILLAGRA:

6 Q. Onto the playground, okay.

7 Is there one set of bathrooms in the
8 auditorium?

9 A. Yes, that's correct.

10 Q. One set in the kindergarten classroom?

11 A. That's correct.

12 Q. And two, I believe you testified to, in the
13 new building?

14 A. Yes.

15 Q. What's the new building?

16 A. The new building.

17 It's Harvard Hall.

18 Q. Harvard Hall.

19 A. And you mentioned the kindergarten, so
20 that's it, that's the six.

21 Q. Okay.

22 MS. STRONG: As a point of clarification,
23 did you say one set in the kindergarten or --

24 MR. VILLAGRA: One set.

25 THE WITNESS: Boy and a girl, yes.

1 stools there are?

2 BY MR. VILLAGRA:

3 Q. How many toilets there are, in the girls'
4 bathroom.

5 MR. FERNOW: Objection. Vague and
6 ambiguous.

7 THE WITNESS: I believe it's three.

8 BY MR. VILLAGRA:

9 Q. Does the same go for the other bathroom
10 that opens out on the playground?

11 A. No, the other one has many more. It's a
12 large bathroom.

13 Q. When you say "many more," are you able to
14 put a number on it?

15 A. I ... I would think that it would probably
16 be -- I guess I better not say. Four, five, six,
17 something like that. I just haven't paid that much
18 attention. I know in the boys' bathroom there
19 probably are six. So maybe it would probably be the
20 same in the girls.

21 Q. And that's in the large bathroom that opens
22 on the --

23 A. Yes.

24 Q. -- playground?

25 And that leaves the two sets in the

1 Although they're kind of unisex.

2 BY MR. VILLAGRA:

3 Q. As far as the one bathroom in the
4 kindergarten classroom goes, how many toilets are
5 there in the girls' bathroom?

6 A. In -- in the kindergarten?

7 Q. Uh-huh.

8 A. One.

9 Q. And in the boys'?

10 A. One.

11 Q. And for the set of bathrooms in the
12 auditorium, how many toilets are there in the girls'
13 bathroom?

14 A. I really don't know. I know it's more than
15 one, but I don't know the number.

16 Q. Is it more than five?

17 MS. STRONG: Objection. Calls for
18 speculation. He said he doesn't know.

19 MR. FERNOW: Join.

20 THE WITNESS: No, I really don't know.

21 BY MR. VILLAGRA:

22 Q. Let's take one set of the bathrooms on the
23 playground. Are you thinking of --

24 MS. STRONG: Is there a question pending?

25 THE WITNESS: Do you want to know how many

1 Harvard Hall?

2 A. Uh-huh.

3 Q. Are they both on the same floor?

4 A. No. One is on the second floor and one is
5 on the third floor.

6 Q. Starting with the bathrooms on the second
7 floor, how many toilets are there in the girls'
8 bathroom?

9 A. I believe there are four.

10 Q. Same for the boys?

11 A. Yes.

12 Q. And for the bathrooms on the third floor?

13 A. I believe it's the same.

14 MR. FERNOW: Objection.

15 MS. STRONG: Objection. Vague and
16 ambiguous as to the last question, to the extent
17 there is a question, as to whether the toilets are
18 also including the urinals in the boys' bathroom.

19 BY MR. VILLAGRA:

20 Q. Do you know whether, sitting here right now
21 or as of today, all the toilets at Cahuenga were
22 in -- were operating?

23 A. Today?

24 Q. Uh-huh.

25 A. No, they're not.

1 Q. How many are not operating?
 2 MR. FERNOW: Objection. Calls for
 3 speculation.
 4 MS. STRONG: Vague and ambiguous --
 5 MR. FERNOW: Join.
 6 MS. STRONG: -- as to what it means to be
 7 "not operating."
 8 THE WITNESS: The large boys' bathroom is
 9 closed.
 10 BY MR. VILLAGRA:
 11 Q. Why is that?
 12 MR. FERNOW: Objection. Calls for
 13 speculation.
 14 THE WITNESS: We put doors on the -- on
 15 the stalls and they had marble partitions. And
 16 in putting the doors on, the marble got damaged --
 17 well, it didn't get damaged, but it got weakened.
 18 And so that one of the marble partitions collapsed.
 19 And so I'm waiting to have them take out the marble
 20 so that I'm sure no one will be hurt.
 21 BY MR. VILLAGRA:
 22 Q. How do you know that the large boys'
 23 bathroom has been closed?
 24 A. Because I've been fussing about it.
 25 Q. How long has it been closed?

1 A. I would say several weeks.
 2 Q. How long have you been fussing about it?
 3 A. Several weeks.
 4 Q. To who or to whom --
 5 A. To the maintenance branch.
 6 Q. And that's at the district?
 7 A. Yes.
 8 Q. And what has their response been from the
 9 maintenance branch at the district?
 10 A. Well, the bathrooms are scheduled for
 11 remodeling. And they are going to become what they
 12 call "smart bathrooms." And so that there are new
 13 stalls ordered. They are trying to locate a
 14 temporary toilet facility to bring onto the yard to
 15 use. And everything is just taking time, they say.
 16 Q. Do they have any idea when that bathroom
 17 will be in service again?
 18 MS. STRONG: Objection.
 19 MR. FERNOW: Objection. Calls for
 20 speculation.
 21 MS. STRONG: Vague and ambiguous.
 22 THE WITNESS: No.
 23 When I talked to him on Monday, they were
 24 supposed to have someone out there removing the
 25 marble and then I could reopen them again, except

1 there would be no partitions.
 2 BY MR. VILLAGRA:
 3 Q. And that would be for this coming Monday?
 4 A. No, this last Monday. And I -- so I don't
 5 know if they are there today or not, but they hadn't
 6 come yet.
 7 Q. Okay. You mentioned that they are trying
 8 to locate a temporary facility for the yard?
 9 A. That's right.
 10 Q. Do you know why they're trying to locate
 11 temporary facilities for the yard?
 12 A. To make the smart bathrooms --
 13 MS. STRONG: Objection. Calls for
 14 speculation. Vague and ambiguous.
 15 THE WITNESS: Because they're going to put
 16 in smart bathrooms.
 17 BY MR. VILLAGRA:
 18 Q. While the large boys' bathroom is closed,
 19 is there a need for additional bathroom facilities?
 20 MR. FERNOW: Objection. Vague and
 21 ambiguous. Calls for speculation. May call for
 22 expert opinion.
 23 THE WITNESS: We -- we haven't had a
 24 problem.
 25 ///

1 BY MR. VILLAGRA:
 2 Q. But the maintenance branch is looking into
 3 ordering temporary facilities?
 4 A. Yes.
 5 Q. Do you know when the maintenance branch
 6 is supposed to provide those temporary bathroom
 7 facilities?
 8 A. As soon as possible, is what I've been
 9 told.
 10 Q. You testified on the 14th that sometimes
 11 bathrooms are locked, depending on the repair or the
 12 work that's needed in the bathroom?
 13 A. That's correct.
 14 Q. I assume that this large bathroom that
 15 opens out onto the playground, is that locked right
 16 now?
 17 A. Yes, it is.
 18 Q. Are there any other bathrooms at Cahuenga
 19 that are currently locked?
 20 A. No.
 21 Q. And I know that last time you talked about
 22 sometimes a custodian going into the girls' bathroom
 23 to mop up or do some work and locking the bathroom
 24 for a short period.
 25 Were there any periods last year when

1 the -- any of the bathrooms were locked for some
 2 period of time longer than a -- than work like that,
 3 that you described?
 4 MR. FERNOW: Objection. Vague, ambiguous.
 5 Calls for speculation.
 6 THE WITNESS: I'm sure that there has been.
 7 And whenever you run a large facility, there's
 8 always things breaking down.
 9 BY MR. VILLAGRA:
 10 Q. Do you remember the last time that a --
 11 MS. STRONG: Objection. Move to strike the
 12 answer. The last answer --
 13 BY MR. VILLAGRA:
 14 Q. -- bathroom --
 15 MS. STRONG: -- as nonresponsive.
 16 BY MR. VILLAGRA:
 17 Q. -- broke down and had to be locked?
 18 A. You know how I am with -- with time.
 19 Q. (Laughs.)
 20 A. And the last time I can really remember the
 21 bathroom being closed was when we did the repiping.
 22 And I'm just not really sure if that was last year
 23 or the year before.
 24 Q. I believe you testified last time that the
 25 bathrooms, all of them, are cleaned at least once a

1 day and the large bathrooms on the yard are cleaned
 2 twice a day.
 3 Is that correct?
 4 A. Serviced, yes.
 5 Q. How regularly are the bathrooms restocked
 6 with the supplies, such as toilet paper, paper
 7 towels, soap?
 8 MS. STRONG: Objection. Asked and
 9 answered.
 10 MR. FERNOW: And vague and ambiguous.
 11 Compound. And calls for speculation.
 12 THE WITNESS: I would say several times a
 13 day. And -- you know, we would -- if it isn't, we
 14 would certainly get complaints in the office. And
 15 so then -- and we have not had any complaints that I
 16 can recall.
 17 BY MR. VILLAGRA:
 18 Q. This year?
 19 A. That's right.
 20 Q. And how do you know that the bathrooms are
 21 restocked several times a day?
 22 A. Because as I said, number one, you have
 23 proof because you have nobody coming in to complain.
 24 Because children will really let you know if you
 25 don't have the proper things in.

1 Q. Last time you testified about deep
 2 cleaning, the replacement of a broken door. And now
 3 you've testified about the work that's being done in
 4 the large boys' bathroom. And this is all work that
 5 you have asked the district for assistance in doing.
 6 Have you ever sought help from the district
 7 concerning bathrooms for any other reason?
 8 MS. STRONG: Objection. Vague and
 9 ambiguous.
 10 MR. FERNOW: Join.
 11 THE WITNESS: Yes.
 12 BY MR. VILLAGRA:
 13 Q. Can you describe those?
 14 A. Well, we have -- we had some bond money
 15 that was -- when -- when the school -- the bathrooms
 16 were repiped. They didn't replace the tile in the
 17 right color and so they put in white tile. And of
 18 course, I was very upset because it just looked
 19 awful.
 20 Q. Any other occasions?
 21 A. No.
 22 Well, the doors, when we asked the doors to
 23 be put on the stalls. Before that, there hadn't
 24 been any doors.
 25 Q. Anything else that you can think of?

1 A. I suppose requesting new mirrors to be put
 2 in the bathrooms because they had got discolored.
 3 Maybe paper holders because they had gotten rusty,
 4 to be replaced.
 5 Q. Do you recall when it was that you asked
 6 the district for new mirrors?
 7 A. No, I do not.
 8 Q. What about with respect to the paper
 9 holders?
 10 A. No, I do not. It wasn't this year.
 11 Q. Have you received any guidance from the
 12 district, from LAUSD, about the number of working
 13 bathrooms that the campus at Cahuenga should have?
 14 MS. STRONG: Objection. Vague and
 15 ambiguous.
 16 MR. FERNOW: Join.
 17 MS. STRONG: Calls for speculation to the
 18 extent that that information maybe went to somebody
 19 else on his staff and he may not know about it.
 20 THE WITNESS: No, I do not.
 21 BY MR. VILLAGRA:
 22 Q. Have you received any guidance from the
 23 district about how clean the bathrooms on your
 24 campus have to be?
 25 MR. FERNOW: Objection. Vague and

1 ambiguous.
 2 MS. STRONG: Calls for speculation.
 3 THE WITNESS: I've always had my own
 4 standard. I didn't need to have somebody tell me
 5 how clean they should be.
 6 BY MR. VILLAGRA:
 7 Q. That's good when you have the right
 8 standard.
 9 A. Right.
 10 And to verify that I have the right
 11 standard, Caprice Young (phonetic), who is our board
 12 member, whenever she comes to our school, she always
 13 says, "I always like coming here because your school
 14 is one of the cleanest."
 15 And I had someone visit my school this week
 16 from the district and they said, "My, what -- what a
 17 clean school you have." So that kind of -- it's a
 18 testimony that my standard must be okay.
 19 Q. Did the person from the district mention
 20 what schools they were comparing yours to?
 21 MS. STRONG: Objection. Assumes facts.
 22 THE WITNESS: No, but I would have liked to
 23 have known.
 24 BY MR. VILLAGRA:
 25 Q. Have you received any guidance from the

1 ambiguous and calls for speculation.
 2 THE WITNESS: No.
 3 BY MR. VILLAGRA:
 4 Q. Do you receive any complaints from teachers
 5 about classroom temperatures?
 6 MR. FERNOW: Objection. Vague and
 7 ambiguous.
 8 THE WITNESS: Yes.
 9 BY MR. VILLAGRA:
 10 Q. Do you recall when the last complaint was?
 11 A. This year.
 12 Q. Do you recall when specifically?
 13 A. No.
 14 Q. What was the --
 15 A. And I'm not even sure it was this year,
 16 or the end of June, really. Some of the
 17 air-conditioning units had malfunctioned.
 18 Q. Do you recall how many air-conditioning
 19 units malfunctioned?
 20 A. It might have been four or five.
 21 Q. Were they all in a particular building?
 22 A. One was in the -- in the Hobart Hall -- not
 23 one, but several were in Hobart Hall. And then
 24 there were several bungalows the air-conditioning
 25 was out in. And I think one in Heritage Hall.

1 state about the number of working bathrooms that
 2 your campus should have?
 3 MS. STRONG: Objection. Calls for
 4 speculation. Vague and ambiguous.
 5 THE WITNESS: No.
 6 BY MR. VILLAGRA:
 7 Q. Have you received any guidance from the
 8 state about how clean the bathrooms on your campus
 9 should be?
 10 MR. FERNOW: Objection.
 11 MS. STRONG: Same objections.
 12 MR. FERNOW: Objection. Vague.
 13 THE WITNESS: No.
 14 BY MR. VILLAGRA:
 15 Q. Have you ever received any instruction from
 16 the -- from the district about bathrooms?
 17 MR. FERNOW: Objection. Vague and
 18 ambiguous.
 19 MS. STRONG: Calls for speculation.
 20 THE WITNESS: Not really, that I can
 21 recall.
 22 BY MR. VILLAGRA:
 23 Q. Have you ever received any instruction from
 24 the state concerning bathrooms?
 25 MS. STRONG: Objection. Vague and

1 Q. And what did you do once you received this
 2 complaint about the air-conditioning malfunctioning?
 3 A. We keep a record book and we reported to
 4 the maintenance section that it's -- that we need
 5 help instantly.
 6 Q. That's the maintenance section at the
 7 district?
 8 A. Yes.
 9 Q. The maintenance branch?
 10 A. Yes.
 11 Q. And was there any response from the
 12 maintenance branch?
 13 MR. FERNOW: Objection. Vague. Calls for
 14 speculation.
 15 BY MR. VILLAGRA:
 16 Q. To your knowledge.
 17 A. Yes. Not soon enough.
 18 Q. What do you mean by "not soon enough"?
 19 A. Well, I think it was over a week. And
 20 teachers get very impatient if air-conditioning
 21 isn't on. And so I -- we -- I called many different
 22 times during that week. And maybe it was even a
 23 little longer than a week.
 24 Q. Before this time that you've just
 25 described, do you remember the previous complaint

1 that you received from a teacher concerning
 2 classroom temperatures?
 3 MS. STRONG: Assumes facts.
 4 MR. FERNOW: Join.
 5 BY MR. VILLAGRA:
 6 Q. If any.
 7 A. I can't recall a specific time, but with
 8 air-conditioning units, it is -- it is not an
 9 unusual problem to have even though they're new.
 10 Q. Is it also not unusual for the maintenance
 11 branch to not make the repair -- necessary repairs
 12 soon enough, in your opinion?
 13 MS. STRONG: Objection. Vague and
 14 ambiguous. Incomplete hypothetical.
 15 THE WITNESS: No. They're really pretty
 16 good at it most of the time.
 17 BY MR. VILLAGRA:
 18 Q. Do you receive complaints from teachers
 19 about the air-conditioning in the bungalows
 20 specifically, apart from this last instance that
 21 you've described?
 22 A. No more so than the main building.
 23 Q. Do you receive complaints from teachers in
 24 bungalows about ventilation?
 25 A. No.

1 Q. Do you have any idea how hot the
 2 temperatures got in the classrooms where the AC
 3 units malfunctioned?
 4 A. No idea.
 5 MS. STRONG: Objection. Calls for
 6 speculation.
 7 BY MR. VILLAGRA:
 8 Q. Does Cahuenga have a policy regarding
 9 charging students any fees?
 10 MS. STRONG: Objection. Vague and
 11 ambiguous.
 12 THE WITNESS: No.
 13 BY MR. VILLAGRA:
 14 Q. Do you know whether any Cahuenga students
 15 are asked to pay for the purchase of materials for
 16 class?
 17 A. They're asked for money?
 18 Q. (Nods head.)
 19 A. Not in my -- not to my knowledge.
 20 Q. Is there a policy against that?
 21 MR. FERNOW: Objection. Asked and
 22 answered.
 23 THE WITNESS: There really isn't a formal
 24 policy. It -- because we have -- we have the
 25 things, it is not a matter ... so I have just never

1 assumed that anybody would be asking for anything
 2 unless they had some kind of special project they
 3 might ask people to bring in something.
 4 I was in a kindergarten classroom this week
 5 and meeting with the parents, and they asked if the
 6 parents wanted to bring in snacks at times, you
 7 know, to have at recess, you know, but that's not
 8 unusual.
 9 BY MR. VILLAGRA:
 10 Q. What would a special project requiring
 11 students to bring in materials be?
 12 MS. STRONG: Objection. Calls for -- are
 13 you done?
 14 MR. VILLAGRA: (Nods head.)
 15 MS. STRONG: Objection. Calls for
 16 speculation. Incomplete hypothetical. He says it
 17 may be, he doesn't know one way or the other about
 18 it.
 19 THE WITNESS: That's true, I don't. I
 20 really can't say. Because it's not a normal kind of
 21 thing. It would be very exceptional, so ...
 22 BY MR. VILLAGRA:
 23 Q. Does Cahuenga undergo an annual fiscal
 24 audit?
 25 A. Yes, it does.

1 MS. STRONG: Objection. Vague and
 2 ambiguous.
 3 BY MR. VILLAGRA:
 4 Q. When is that audit prepared?
 5 MS. STRONG: Objection. Vague and
 6 ambiguous to the extent it's referring to one
 7 particular audit. There may be more than one audit.
 8 THE WITNESS: At the end of the year.
 9 BY MR. VILLAGRA:
 10 Q. And who conducts the audit?
 11 A. The auditor.
 12 Q. From the district?
 13 A. Yes.
 14 Q. What materials do you supply the auditors
 15 with?
 16 MR. FERNOW: Objection. Assumes facts.
 17 Vague and ambiguous.
 18 BY MR. VILLAGRA:
 19 Q. If any.
 20 A. You know, it's -- the audit mainly would be
 21 on impressed funds. And this is money that where we
 22 can write out checks on. And so it would be a paper
 23 trail on how that money was spent; you would have to
 24 have receipts. It would have to be in the right
 25 categories. So there would be an adjustment of

1 that.

2 And we send that into the auditing section,
3 and then they replenish that money supply upon the
4 receipt of this.

5 Q. Once they've determined that you've passed
6 the audit?

7 A. Exactly.

8 Q. Do you give the auditors a detailed general
9 ledger?

10 MS. STRONG: Objection. Vague and
11 ambiguous.

12 THE WITNESS: The office manager keeps one.

13 BY MR. VILLAGRA:

14 Q. Apart from receipts, do you give the
15 auditors any documents?

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

18 THE WITNESS: I don't know what you mean
19 by "documents." I mean, they look at the ledger
20 and ... that really is basically -- I think the
21 auditor basically looks just at the register and
22 the checkbook.

23 BY MR. VILLAGRA:

24 Q. Are you familiar with the coordinated
25 complaints review?

1 THE WITNESS: -- the kinds of things that
2 were required were being done.

3 BY MR. VILLAGRA:

4 Q. What sorts of things?

5 MS. STRONG: Objection. Vague and
6 ambiguous.

7 THE WITNESS: Oh, did you have the proper
8 kind of testing for bilingual children. Was
9 there -- is there a home language survey. Is there
10 documentation in cumulative cards, in cumulative
11 records of children. Did teachers have records in
12 their classroom.

13 BY MR. VILLAGRA:

14 Q. This last year, last school year --

15 A. Yes.

16 Q. -- you were subjected again to the review,
17 or the review was done?

18 MR. FERNOW: Objection to choice of words.

19 MS. STRONG: Argumentative. Assumes facts
20 not in evidence.

21 (Laughter.)

22 THE WITNESS: I'm biased.

23 BY MR. VILLAGRA:

24 Q. I guess you being submitted to it. Or you
25 submitting to it is no better?

1 A. Yes, I am.

2 Q. What is that?

3 A. This is where the state is coming in to try
4 to help improve instruction within the schools.

5 Q. And how does the state come in to help
6 improve instruction?

7 MS. STRONG: Objection. Calls for
8 speculation and vague and ambiguous.

9 THE WITNESS: There has been a change in
10 focus. We were reviewed last year. And the review
11 in the past, before that was mainly looking at paper
12 trails, checking on those kinds of things.

13 But this one was really more in terms of a
14 staff's development, in helping administrators and
15 teachers and parents go into classrooms and to
16 observe and to look and to identify whether or not
17 standards were being met and whether effective
18 teaching strategies were being utilized, whether
19 children knew what the requirements to have a good
20 assignment were and things like that.

21 BY MR. VILLAGRA:

22 Q. You said in the past the review was mainly
23 over paper trails?

24 A. Uh-huh. To find out if -- if all --

25 MS. STRONG: Objection.

1 A. No better.

2 Q. You were reviewed last week?

3 A. Yes.

4 Q. Was any of the paper trail also reviewed
5 last year?

6 MS. STRONG: Objection. Calls for
7 speculation.

8 THE WITNESS: It was a different type of
9 paper review. It was a looking at instructional
10 kinds of things rather than -- it was a -- it was a
11 much improved process. It was really a growth
12 process.

13 BY MR. VILLAGRA:

14 Q. What do you mean by "it was a growth
15 process"?

16 A. Well, it was staff development really on
17 how to go into classrooms to do better observations
18 for all of us; for the teachers, for the
19 administrators, parents. And it was focusing on
20 standards.

21 Q. Was there a report that was prepared as a
22 result of the review?

23 A. Yes.

24 MR. FERNOW: And I'll just object. Vague
25 as to time.

1 Do you mean for the report last year?
 2 MR. VILLAGRA: Last year.
 3 MR. FERNOW: Okay.
 4 BY MR. VILLAGRA:
 5 Q. Did the review identify any areas that
 6 needed improvement at Cahuenga?
 7 MS. STRONG: Objection. Vague and
 8 ambiguous.
 9 THE WITNESS: Yes.
 10 BY MR. VILLAGRA:
 11 Q. What were those?
 12 A. This review was done by us and so that
 13 we -- we were the ones that actually -- after we did
 14 the walk-through of the school, we took a look and
 15 we decided. It wasn't an outsider that provided
 16 this review.
 17 And we -- we realized that the standards
 18 were still a new concept for teachers, and so we
 19 wanted to focus more on making that an effective
 20 tool for teachers. We're going to be working more
 21 on portfolios to refine them more, to make sure that
 22 the appropriate type of material is being saved
 23 rather than everything.
 24 We need to rewrite the standards in
 25 terms of children's language so the children can

1 understand it better. The children need to
 2 understand better how to reach the standard.
 3 We asked one child in there -- I didn't,
 4 but some of the -- the other observers that went in
 5 and they asked this kindergarten child, "Well, how
 6 can you make your paper better?" And the child
 7 picked his pencil up and said, "See what's on the
 8 end of this? It's an eraser. That's how I'll make
 9 it better."
 10 Well, that wasn't exactly the answer they
 11 were hoping for, but it certainly was effectual.
 12 Q. And when you say "this was a review done by
 13 us," what do you mean?
 14 A. Basically we were the ones that, along with
 15 the facilitator, we visited the classrooms. And
 16 then we came back, we critiqued what we saw, along
 17 with the parents and the other teachers, and these
 18 were our conclusions.
 19 Q. And the facilitator, is that somebody --
 20 who was the facilitator?
 21 A. Don Watson.
 22 Q. Do you know his title?
 23 A. He ... Dr. Watson.
 24 Q. In case he reads this.
 25 MR. FERNOW: That's exactly what I was

1 thinking.
 2 BY MR. VILLAGRA:
 3 Q. Do you recall who he works for?
 4 A. He works for a private firm that the
 5 district really hired to help conduct this review.
 6 And I'm not exactly sure as to the title of that
 7 group.
 8 Our director of -- one of the subdirectors
 9 of the district was also a member of that team, so
 10 she walked through the school, too.
 11 Q. Do you receive any guidelines on how to
 12 conduct the coordinated compliance review?
 13 MS. STRONG: Okay. Vague and ambiguous.
 14 THE WITNESS: Yes.
 15 BY MR. VILLAGRA:
 16 Q. From whom?
 17 MS. STRONG: Calls for speculation.
 18 THE WITNESS: From Dr. Watson.
 19 BY MR. VILLAGRA:
 20 Q. How do you know that?
 21 A. He did it.
 22 Q. Had you received guidelines when you had
 23 conducted coordinated compliance reviews in the
 24 past?
 25 MS. STRONG: Objection. Compound.

1 THE WITNESS: Yes.
 2 MS. STRONG: Vague and ambiguous.
 3 BY MR. VILLAGRA:
 4 Q. And I take it, it is fair to conclude that
 5 these guidelines from Dr. Watson were different from
 6 those you had received previously?
 7 A. Yes.
 8 Q. Are there any review processes conducted
 9 by the state that Cahuenga undergoes, other than the
 10 coordinated compliance review?
 11 MR. FERNOW: Objection.
 12 MS. STRONG: Objection. Vague and
 13 ambiguous. Calls for speculation.
 14 MR. FERNOW: Join.
 15 BY MR. VILLAGRA:
 16 Q. To your knowledge.
 17 MR. FERNOW: It's still vague and
 18 ambiguous.
 19 THE WITNESS: I don't really recall any.
 20 BY MR. VILLAGRA:
 21 Q. And who do you understand me to be
 22 referring to when I refer to "the state"?
 23 A. The State Department of Education.
 24 Q. The State Board of Education, as well?
 25 A. Well, I suppose in that they direct the

1 State Department indirectly.
 2 Q. Did you understand me to be referring to
 3 the State Superintendent as well?
 4 MS. STRONG: Objection.
 5 THE WITNESS: Yes.
 6 BY MR. VILLAGRA:
 7 Q. After this lawsuit was filed, did you
 8 receive any communication from anyone at the State
 9 Board of Education about the lawsuit?
 10 MR. FERNOW: Objection. Vague and
 11 ambiguous.
 12 MS. STRONG: And calls for speculation.
 13 THE WITNESS: No.
 14 MR. FERNOW: You mean, did you personally,
 15 or the school?
 16 BY MR. VILLAGRA:
 17 Q. You personally.
 18 A. No one from Sacramento called me, that's
 19 for sure.
 20 Q. Not from the State Board?
 21 MS. STRONG: Is there a question pending?
 22 MR. VILLAGRA: Well, if the court reporter
 23 put a question mark on my last comments, then I
 24 think --
 25 MS. STRONG: Well, I don't think there's a

1 question pending.
 2 BY MR. VILLAGRA:
 3 Q. Did you receive any communication from the
 4 Department of Education about the lawsuit after it
 5 was filed?
 6 MS. STRONG: Objection. Vague and
 7 ambiguous. Calls for speculation.
 8 THE WITNESS: No.
 9 BY MR. VILLAGRA:
 10 Q. Did you receive any communication from
 11 anyone at the State Superintendent of Public
 12 Instruction about the lawsuit?
 13 MS. STRONG: Same objections.
 14 MR. FERNOW: Join.
 15 BY MR. VILLAGRA:
 16 Q. Have you ever discussed this case with
 17 anyone from the State Superintendent of Public
 18 Instruction office?
 19 MS. STRONG: Same objection.
 20 MR. FERNOW: Join.
 21 THE WITNESS: Not to my knowledge.
 22 BY MR. VILLAGRA:
 23 Q. Have you ever discussed this case with
 24 anyone from the California Department of Education?
 25 MS. STRONG: Same objections.

1 MR. FERNOW: Join.
 2 THE WITNESS: No.
 3 BY MR. VILLAGRA:
 4 Q. Have you ever discussed this case with
 5 anybody from the State Board of Education?
 6 MS. STRONG: Same objection.
 7 MR. FERNOW: Join.
 8 THE WITNESS: No.
 9 BY MR. VILLAGRA:
 10 Q. Have you ever discussed this case with
 11 anyone from the attorney general's office?
 12 MS. STRONG: Same objections.
 13 MR. FERNOW: Join.
 14 THE WITNESS: No.
 15 They don't care.
 16 (Laughs.)
 17 MS. STRONG: I'll just move to strike as
 18 nonresponsive.
 19 BY MR. VILLAGRA:
 20 Q. What do you mean by "they don't care"?
 21 A. I was being facetious.
 22 Q. And what were you being facetious about?
 23 MS. STRONG: Asked and answered. He just
 24 explained he was being facetious about his comment.
 25 THE WITNESS: Because you were listing a

1 whole -- a lot of people that might have talked to
 2 me and they never talked to me before and so ... I
 3 wasn't expecting to hear from them.
 4 BY MR. VILLAGRA:
 5 Q. You were not?
 6 A. No.
 7 Q. Have you ever discussed this case with
 8 anyone from O'Melveny & Myers?
 9 A. Sabrina.
 10 Q. Sabrina Strong?
 11 A. Uh-huh.
 12 Q. When was that?
 13 A. I don't remember. It was -- it was -- I
 14 just don't recall the date.
 15 Q. Was there just one meeting?
 16 A. Yes. I think that's all. That's all I can
 17 recall.
 18 Q. Where was the meeting?
 19 A. At the Board of Education. I should say
 20 not -- at 450 North Grand.
 21 Q. At LAUSD district headquarters?
 22 A. That's correct.
 23 Q. Who else was present at that meeting?
 24 A. Denise was there, too.
 25 Q. Denise Godfrey?

1 A. Yes.
 2 Q. Was anyone else present?
 3 A. No. Not that I recall.
 4 ^^ Q. And what was discussed during this meeting?
 5 MR. FERNOW: And I'll object and I'm going
 6 to instruct the witness not to answer. Those
 7 discussions were part of settlement negotiations.
 8 BY MR. VILLAGRA:
 9 ^^ Q. Were there settlement negotiations
 10 discussed during that meeting?
 11 MR. FERNOW: Objection. I'm going to
 12 instruct the client -- the witness not to answer the
 13 question.
 14 MR. VILLAGRA: I'm entitled to determine
 15 the basis of it.
 16 MR. FERNOW: He's not an attorney. He's
 17 not going to answer that question. I'm going to
 18 instruct him not to answer.
 19 BY MR. VILLAGRA:
 20 Q. How long did the meeting take?
 21 A. It seems to me it was a morning session.
 22 Q. 9:00 to 12:00?
 23 A. I believe, but I'm not positive.
 24 ^^ Q. Was there any discussion at this meeting
 25 about your providing a declaration in this case?

1 MR. FERNOW: Objection. I'm going to
 2 instruct the witness not to answer the question.
 3 BY MR. VILLAGRA:
 4 Q. Are you going to follow your attorney's
 5 advice?
 6 A. I probably should. He's so close.
 7 ^^ Q. Was there any discussion about your
 8 testimony in a deposition in this case?
 9 MR. FERNOW: Objection. Instruct the
 10 client not to answer -- the witness not to answer.
 11 And it's based on the same objection which was
 12 previously stated.
 13 MR. VILLAGRA: That these were settlement
 14 discussions?
 15 MR. FERNOW: Yes.
 16 MR. VILLAGRA: I could continue through a
 17 chain of questions and just have you continue to
 18 instruct him not to answer.
 19 MR. FERNOW: That's fine. Or I can just
 20 tell you that any questions regarding the substance
 21 or the discussions of that meeting are going to be
 22 objected to and I'll instruct the witness not to
 23 answer.
 24 MR. VILLAGRA: Okay. Well, at this point I
 25 think I'll stop, but I'm going to reserve the right

1 to reopen on this topic. It's probably something
 2 that we'll move to compel on.
 3 MR. FERNOW: Okay. Do you want to take a
 4 break real quick?
 5 MS. STRONG: Sure.
 6 (Recess taken from 3:12 to 3:30.)
 7 BY MR. VILLAGRA:
 8 ^^ Q. And I understand that your counsel may
 9 instruct you not to answer, but I just want to put
 10 this on the record to be clear.
 11 Mr. Houske, was it your understanding
 12 that the meeting with Sabrina Strong from
 13 O'Melveny & Myers was for the purposes of settling
 14 this case?
 15 MR. FERNOW: Objection. I'm going to
 16 instruct the witness not to answer that question.
 17 BY MR. VILLAGRA:
 18 ^^ Q. And was it your understanding,
 19 Mr. Houske, that the meeting with Sabrina Strong
 20 from O'Melveny & Myers was for the purpose of
 21 settling any other case?
 22 MR. FERNOW: Objection. Same instruction.
 23 Same objection.
 24 MR. VILLAGRA: Thanks.
 25 MR. FERNOW: Just so the record is clear,

1 the objection is the same objection previously made,
 2 that it's based on settlement discussions and
 3 negotiations.
 4
 5 FURTHER EXAMINATION
 6
 7 BY MS. STRONG:
 8 Q. Okay. Good afternoon, Mr. Houske.
 9 A. Good afternoon, Sabrina.
 10 Q. Hopefully we won't be too much longer, just
 11 a series of follow-up questions.
 12 The last -- you testified previously in
 13 your deposition that during the last couple of days
 14 on each track, that time of the year is a busy time
 15 of year.
 16 Do you recall that testimony?
 17 A. Yes.
 18 Q. Okay. And you identified at the time in
 19 your deposition testimony the various items that you
 20 believe teachers addressed at that time.
 21 Do you recall that part of your testimony
 22 as well?
 23 MR. VILLAGRA: Objection. Vague and
 24 ambiguous.
 25 THE WITNESS: No, I do not.

1 BY MS. STRONG:
 2 Q. Okay. Well, with respect to that time
 3 period where -- the last two days or so of each
 4 track at your school that you identified as being a
 5 busy period of time, do you believe that the
 6 teachers stop educating the students during that
 7 time you referred to as "busy"?
 8 MR. VILLAGRA: Objection. Vague and
 9 ambiguous. And mischaracterizes the testimony.
 10 MR. FERNOW: Join.
 11 THE WITNESS: No, I do not.
 12 BY MS. STRONG:
 13 Q. And why is that?
 14 MR. FERNOW: Same objections.
 15 MR. VILLAGRA: Join in the objection.
 16 THE WITNESS: Well, because there's so many
 17 different things that take place in a classroom
 18 that -- and when you're dealing with young children,
 19 unless you have some meaningful activities going on
 20 with them, they're pretty hard to control. And so
 21 just for your own sake of survival, with children,
 22 you have to have planned, meaningful activities for
 23 them.
 24 BY MS. STRONG:
 25 Q. Okay. And how do you know that the

1 teachers continue to have meaningful activities for
 2 their children up through the last day of school of
 3 each session?
 4 MR. VILLAGRA: Objection. Vague and
 5 ambiguous and mischaracterizes his testimony.
 6 THE WITNESS: I suppose mainly because
 7 the children aren't being sent to the office.
 8 BY MS. STRONG:
 9 Q. Okay. And was that an accurate statement
 10 of your testimony that you do believe the children
 11 still are being educated up to the last day of
 12 school on each track; is that correct, Mr. Houske?
 13 MR. VILLAGRA: Objection. Vague and
 14 ambiguous.
 15 THE WITNESS: That's true. But I would say
 16 not to the same degree because, of course, there are
 17 a lot of things on everybody's mind.
 18 BY MS. STRONG:
 19 Q. But the education program --
 20 A. Yes.
 21 Q. -- or the educational program doesn't stop
 22 until the last day of school; is that correct?
 23 A. Yes.
 24 MR. VILLAGRA: Objection. Vague.
 25 MR. FERNOW: Objection. Asked and

1 answered.
 2 THE WITNESS: Yes.
 3 BY MS. STRONG:
 4 Q. You also testified that teachers start
 5 returning books approximately one week before the
 6 end of each school session.
 7 Do you know if teachers continue to give
 8 assignments for in-class time and for at-home time
 9 to students?
 10 MR. VILLAGRA: Objection. Compound and
 11 vague.
 12 MR. FERNOW: Join.
 13 THE WITNESS: Because it's also a busy time
 14 for me, I really cannot say that I have any proof of
 15 it. I assume so, but I cannot say for definitely.
 16 BY MS. STRONG:
 17 Q. Okay. Have you ever received any
 18 complaints that the students stop receiving
 19 assignments from their teachers during the last
 20 week of school?
 21 A. Never.
 22 MR. VILLAGRA: A late objection to that
 23 question as vague.
 24 BY MS. STRONG:
 25 Q. You testified -- I believe that you

1 testified that, when responding to questions by
 2 Mr. Villagra, that you spend a lot of your time --
 3 or a lot of your time is taken up dealing with the
 4 busing program.
 5 Do you recall that testimony?
 6 A. Not really. There's been so much.
 7 Q. I know.
 8 Okay. Well, do you believe that a lot of
 9 your time is taken, or --
 10 A. Not a --
 11 Q. -- is focusing on the busing program?
 12 MR. VILLAGRA: Objection. Vague.
 13 MR. FERNOW: Join.
 14 THE WITNESS: Not a lot. "A lot" -- you
 15 know, "a lot" is kind of a word that you use. On
 16 some days it seems like a lot, but certainly it
 17 isn't a huge proportion of my day is not spent on
 18 that.
 19 BY MS. STRONG:
 20 Q. Okay. And whatever amount of time that you
 21 do spend on dealing with children who are bused away
 22 from Cahuenga, do you believe that in doing so, you
 23 are depriving students attending Cahuenga of having
 24 an adequate education?
 25 MR. VILLAGRA: Objection. Vague.

1 MR. FERNOW: Join.
 2 THE WITNESS: No, I do not.
 3 BY MS. STRONG:
 4 Q. And why is that?
 5 A. Because, as I say, it really isn't that
 6 much time. And if I use the word "a lot" -- which
 7 sounds like me -- it's because of the intensity of
 8 the moment; that you're dealing with parents who are
 9 really very concerned about having their child bused
 10 from school. And so that you empathize with them,
 11 and so that it -- it's a moment in time that is
 12 intense for you.
 13 Q. Okay. But you would not believe that those
 14 moments in time affect the students in terms of your
 15 ability to give the students at Cahuenga your
 16 attention; is that correct?
 17 MR. VILLAGRA: Objection. Vague.
 18 THE WITNESS: That's correct.
 19 BY MS. STRONG:
 20 Q. I believe that you also testified in
 21 response to one of Mr. Villagra's questions that
 22 you think that children who are bused from Cahuenga,
 23 quote, "look out the window and talk while they're
 24 on the buses."
 25 Do you recall that testimony?

1 A. No, I do not.
 2 Q. Okay. Well, do you believe that that's
 3 what children who are bused away from Cahuenga do
 4 while they're on the bus to and from their receiver
 5 schools?
 6 MR. VILLAGRA: Objection. Vague.
 7 THE WITNESS: I would think they would look
 8 out the window. I would.
 9 BY MS. STRONG:
 10 Q. Okay. But you don't know one way or the
 11 other what students are doing on these bus rides
 12 from Cahuenga to the receiver schools and back to
 13 Cahuenga; is that correct?
 14 A. No, that's correct, because I'm not on the
 15 bus.
 16 Q. Okay. And I believe you testified that
 17 there were a couple of occasions where you did ride
 18 on some of the buses in the morning; is that
 19 correct?
 20 A. Yes.
 21 Q. Okay. And even with that experience in
 22 mind, you don't know one way or the other what each
 23 child does on the bus when they're being bused from
 24 Cahuenga to their receiver schools and back; is that
 25 correct?

1 A. That's correct.
 2 Q. And is it accurate to say, then, that you
 3 don't know if any of these children who are bused
 4 from Cahuenga to receiver schools and then back read
 5 on the bus?
 6 A. No, I do not.
 7 Q. And you don't know one way or the other
 8 whether any of these students do any of their
 9 homework on the bus?
 10 A. No, I do not.
 11 Q. I believe that you testified that a quote
 12 from you in an L.A. Times article that was dated
 13 January 9th, 2000, which was made in reference to
 14 students being bused from Cahuenga, and which
 15 stated: "Some of those children ride buses more
 16 than an hour each way" was an accurate quote.
 17 Do you recall that testimony?
 18 A. I -- I recall --
 19 Q. The testimony?
 20 A. -- the testimony, but not in detail.
 21 Q. Okay. And -- well, I want to ask you
 22 another question in reference to that.
 23 You also testified earlier in your
 24 deposition that you don't believe -- separate and
 25 apart from discussing the L.A. Times article, you

1 testified that you don't believe any of the students
 2 who are bused from Cahuenga are bused more than an
 3 hour from Cahuenga.
 4 Can you explain to me why there would be --
 5 what someone could arguably state is a conflicting
 6 testimony on the issue?
 7 MR. VILLAGRA: Objection. Vague.
 8 Argumentative. And mischaracterizes the prior
 9 testimony.
 10 MR. FERNOW: Join.
 11 BY MS. STRONG:
 12 Q. And I actually want to clarify something.
 13 Your testimony isn't necessarily conflicting given
 14 that you testified with respect to the L.A. Times
 15 article that your quote was an accurate quote.
 16 You didn't testify one way or the other as
 17 to whether or not you believed it to be true. And
 18 so I just want to make sure I wasn't suggesting that
 19 and I want to make sure that you understand that.
 20 A. Thank you. Right.
 21 Q. So I'm just trying to get -- and maybe it
 22 will be easier if I back up and ask you: Do you
 23 believe your testimony that students are not bused
 24 more than an hour from Cahuenga is an accurate
 25 statement?

1 A. Yes, I do.

2 Q. Okay.

3 MR. VILLAGRA: I'll object to the extent it
4 mischaracterizes the testimony.

5 BY MS. STRONG:

6 Q. And why is it that you believe that to be a
7 true statement, Mr. Houske?

8 A. Well, it's based on -- this is not
9 something I can really swear up and down that it is
10 accurate, but it is just my perception, that when
11 children get on buses, it seems to me no one gets on
12 the bus much earlier than 6:30, if that early. And
13 that I just have never heard of anyone being on the
14 bus for longer than an hour, but that doesn't mean
15 they can't be.

16 Q. Okay. And just for clarification, then,
17 do you have any idea why the L.A. Times article has
18 a quote from you saying some of the children ride
19 buses for more than an hour each way?

20 MR. FERNOW: Objection. Calls for
21 speculation.

22 MR. VILLAGRA: Join.

23 BY MS. STRONG:

24 Q. Only if you know.

25 A. Well, the only thing is in the wintertime,

1 Q. Okay. Mr. Houske, you also testified
2 previously -- or at least I believe you testified
3 previously -- about how much parents are involved in
4 receiver schools.

5 Do you recall that testimony?

6 A. Yes, I do.

7 MR. VILLAGRA: Objection. Vague.

8 BY MS. STRONG:

9 Q. Okay. Do you understand what I'm referring
10 to?

11 A. I believe I do.

12 Q. Okay. What is it that you believe I'm
13 referring to?

14 A. That I stated that it was more difficult
15 for parents to be involved in the school out there
16 for lack of transportation and ease of
17 transportation.

18 Q. Okay. Do you know all of the parents
19 that -- of the students who are bused from Cahuenga
20 to receiver schools?

21 A. No, I do not.

22 Q. And do you know to what extent parents of
23 children who are bused from Cahuenga to receiver
24 schools are involved in any of those receiver
25 schools, or their children's education at those

1 if it's a rainy day on the freeway, you know what
2 it's like. And so that ... and, you know, the
3 schools change. And so what is true at one point in
4 time is different. This year we have different
5 schools that we're busing to and so that it differs
6 on occasions.

7 Q. Okay. So is it accurate to say, if in fact
8 you made a statement that some students who ride
9 buses ride them more than an hour each way, you
10 would have been referring to something you believed
11 to be an unusual circumstance; is that correct?

12 MR. VILLAGRA: Objection. Mischaracterizes
13 the testimony.

14 THE WITNESS: I don't know. I really can't
15 say right now. It -- that article was a while back.
16 And at that time I'm just not -- without looking at
17 schedules, again, I just would hesitate to say.

18 BY MS. STRONG:

19 Q. Okay. But as you sit here today, you don't
20 believe that students ride the bus more than one
21 hour each way when they're leaving from Cahuenga to
22 a receiver school --

23 A. I don't believe so.

24 Q. -- and back?

25 A. I don't believe so.

1 receiver schools?

2 A. No --

3 MR. VILLAGRA: Objection. Vague and
4 compound.

5 MR. FERNOW: Join.

6 THE WITNESS: No, I do not.

7 BY MS. STRONG:

8 Q. And so your belief as to this issue is not
9 based on actual data; is that correct?

10 MR. VILLAGRA: Objection. Vague.

11 THE WITNESS: That is correct.

12 BY MS. STRONG:

13 Q. And you have no documents to support your
14 belief in this regard; is that correct?

15 A. That is correct.

16 Q. Do you believe that any of the parents of
17 students who are bused to receiver schools from
18 Cahuenga are involved in their student's education
19 at those receiver schools?

20 MR. VILLAGRA: Objection. Vague.

21 MR. FERNOW: Join.

22 THE WITNESS: Well, with the word "any," I
23 think you would have to say that, yes.

24 BY MS. STRONG:

25 Q. Okay. And you just don't know the details

1 as to this one way or another; is that correct?
 2 MR. VILLAGRA: Objection. Vague.
 3 THE WITNESS: That's correct.
 4 BY MS. STRONG:
 5 Q. You also testified that one of the reasons
 6 why you think it may be difficult for parents to be
 7 involved with their children's education at receiver
 8 schools is because many of the parents don't have
 9 cars.
 10 Do you recall that testimony?
 11 A. Yes, I do.
 12 Q. Mr. Houske, how many parents of students
 13 who are bused to receiver schools from Cahuenga
 14 don't have cars?
 15 MR. FERNOW: Objection.
 16 MR. VILLAGRA: Objection. Vague.
 17 MR. FERNOW: Calls for speculation.
 18 THE WITNESS: I don't know.
 19 BY MS. STRONG:
 20 Q. And so is it fair to say, Mr. Houske,
 21 that you don't know how many parents, if any, are
 22 prevented or hindered in any way from being involved
 23 in their children's education at receiver schools
 24 because they don't have a car; is that correct?
 25 MR. VILLAGRA: Objection. Vague and

1 compound.
 2 THE WITNESS: Well, the only thing I
 3 can say is that at least one school holds parent
 4 conferences at my school. And I assume the reason
 5 they hold the meetings at my school are because the
 6 parents can't get to that school, and so that's what
 7 I'm basing my assumptions on.
 8 BY MS. STRONG:
 9 Q. And do you know one way or the other
 10 whether those parents have or don't have cars?
 11 A. No, I do not.
 12 Q. And has anyone ever told you that they --
 13 that one receiver school that you identified who
 14 holds -- which holds meetings at Cahuenga, does so
 15 because parents can't otherwise attend such
 16 meetings?
 17 MR. FERNOW: Objection. Vague.
 18 MR. VILLAGRA: Join.
 19 THE WITNESS: Yes, they did.
 20 BY MS. STRONG:
 21 Q. Okay. Who said that to you?
 22 A. The principal.
 23 Q. And what school is this?
 24 A. Bellevue.
 25 Q. And how far is Bellevue from Cahuenga

1 Elementary?
 2 A. Probably less than 20 minutes away.
 3 Q. Okay. Have you heard any other comments
 4 regarding the issue from anyone other than that
 5 principal?
 6 MR. VILLAGRA: Objection. Vague.
 7 MR. FERNOW: Join.
 8 THE WITNESS: I've heard it from parents
 9 that would come to me wanting to get their child
 10 into the school saying that they really wanted to
 11 have a more active role. But it isn't a large
 12 number of parents that come to me with that. But I
 13 have had them to come and tell me.
 14 BY MS. STRONG:
 15 Q. And when these parents come and ask you
 16 about getting their children into your school, do
 17 you know one -- if one of the reasons why they want
 18 their child to attend Cahuenga is that it's a very
 19 good school?
 20 A. I would like to believe that.
 21 MR. VILLAGRA: I'll just object to the
 22 question as vague.
 23 BY MS. STRONG:
 24 Q. Well, do you think a parent would want to
 25 have their child enrolled at Cahuenga if Cahuenga

1 was not a good school and they had an opportunity to
 2 bus their child to a very good school?
 3 MR. VILLAGRA: Objection. Calls for
 4 speculation.
 5 THE WITNESS: No, I do not.
 6 BY MS. STRONG:
 7 Q. I believe you also testified in reference
 8 to another article which Mr. Villagra showed you,
 9 which was dated May 8th, that a quote from you
 10 stating in part that most of the 1700 youngsters who
 11 travel to other schools are Latino, Asian -- let me
 12 rephrase this, actually. Let me start again.
 13 In an article that Mr. Villagra showed you,
 14 he referenced a paragraph of that article dated
 15 May 8th that stated in part, "most of the 1700
 16 youngsters who travel to other schools from Cahuenga
 17 are Latino, Asian or African-American."
 18 Do you believe that statement is true?
 19 A. Yes, I do.
 20 MR. VILLAGRA: Objection. Vague.
 21 BY MS. STRONG:
 22 Q. And why do you believe that that statement
 23 is true?
 24 A. Because that is reflective of the community
 25 that I serve.

1 Q. I believe you also testified that the
2 number of Anglo students who attend Cahuenga is
3 not significant; is that correct?

4 A. That is correct.

5 Q. And is that also reflective of the
6 community that you serve?

7 A. That is correct.

8 Q. There was some testimony about children
9 who attend -- children who are bused away from
10 Cahuenga -- let me rephrase that.

11 There was some testimony about students who
12 were bused away from their neighborhood schools as
13 scoring lower on standardized tests than students
14 who are not bused away from their neighborhood
15 schools.

16 Do you recall that testimony?

17 MR. VILLAGRA: Objection. Vague.

18 Mischaracterizes the testimony.

19 THE WITNESS: Yes.

20 BY MS. STRONG:

21 Q. Do you review the scores, the standardized
22 test scores, of students who are bused away from
23 their neighborhood schools?

24 A. No, I have not.

25 Q. Have you ever had an opportunity to review

1 Q. And if you were to make a statement,
2 Mr. Houske, that students who are bused away from
3 their neighborhood schools usually score lower on
4 their standardized tests because their parents can't
5 be as involved in their education, that statement
6 was based on assumptions as opposed to personal
7 knowledge.

8 Is that correct?

9 A. It was --

10 MR. VILLAGRA: Objection. Vague.

11 Mischaracterizes his testimony.

12 THE WITNESS: It was based on a comment of
13 Dr. Wohlers who was in charge of the program.

14 BY MS. STRONG:

15 Q. Okay. But not based on any personal
16 knowledge that you have regarding these issues; is
17 that correct, Mr. Houske?

18 A. That is correct.

19 Q. I believe you testified that you recall one
20 incident where a student who was being bused from
21 Cahuenga to a receiver school had an accident on a
22 bus.

23 Do you remember that testimony?

24 A. I don't remember the testimony, but I can
25 recall an incident.

1 scores -- standardized test scores of students who
2 are bused from their neighborhood schools?

3 A. No, I have not.

4 Q. Have you ever tried to investigate why
5 students who are bused from neighborhood schools may
6 score lower on standardized tests than those who
7 remain at neighborhood schools?

8 MR. VILLAGRA: Objection. Vague.

9 MR. FERNOW: Join.

10 THE WITNESS: No, I have not.

11 BY MS. STRONG:

12 Q. Is it fair to say, then, Mr. Houske, that
13 you don't know personally one way or the other
14 whether students who are bused from neighborhood
15 schools score lower on standardized tests because
16 their parents can't be involved, or as involved in
17 their education?

18 MR. VILLAGRA: Objection. That's vague and
19 it mischaracterizes the testimony.

20 MR. FERNOW: Join.

21 THE WITNESS: Yes.

22 BY MS. STRONG:

23 Q. That's accurate, you don't know one way or
24 the other?

25 A. That's true.

1 Q. Okay. And is that an accurate description,
2 then, of what you recall as to whether a child ever
3 had an accident on a bus?

4 MR. FERNOW: Objection. Vague.

5 MR. VILLAGRA: And objection, asked and
6 answered.

7 BY MS. STRONG:

8 Q. Is that accurate?

9 A. I'm not sure I understand what you're
10 referring to.

11 Q. I understand.

12 Okay. Let me rephrase. I'm sorry.

13 Do you remember ever learning of an
14 incident where a child who was on a bus from
15 Cahuenga to a receiver school had an accident on
16 the bus?

17 MR. VILLAGRA: Objection. Asked and
18 answered.

19 THE WITNESS: Yes.

20 BY MS. STRONG:

21 Q. Okay. And is it one incident that you
22 recall; is that correct, Mr. Houske?

23 MR. VILLAGRA: Objection. Asked and
24 answered.

25 THE WITNESS: I think it would probably be

1 two.
 2 BY MS. STRONG:
 3 Q. Okay. Do you ever recall any incidents
 4 at Cahuenga where any of the students have had
 5 accidents on the campus?
 6 MR. VILLAGRA: Objection. Vague.
 7 MR. FERNOW: Join.
 8 THE WITNESS: Yes, I have.
 9 BY MS. STRONG:
 10 Q. And how many incidents do you recall of
 11 students at Cahuenga having accidents on campus?
 12 MR. FERNOW: Objection. Vague.
 13 MR. VILLAGRA: Join in the objection.
 14 THE WITNESS: More than two.
 15 BY MS. STRONG:
 16 Q. Okay. And I want to make sure that it's
 17 clear for the record. When you are responding to my
 18 questions regard accidents on the school campus,
 19 what is it that you're referring to?
 20 A. Children falling, hurting themselves.
 21 Q. Okay. When you're referring to accidents
 22 on the bus, what was it that you were referring to?
 23 MR. VILLAGRA: Objection. Asked and
 24 answered.
 25 THE WITNESS: One was -- one was where

1 the -- where the bus had a -- was hit. And another
 2 one where a child got his finger caught into
 3 something on the seat.
 4 BY MS. STRONG:
 5 Q. Okay.
 6 A. It wasn't serious, but ...
 7 Q. Okay. I believe you also testified,
 8 Mr. Houske, that there was a time you recall a
 9 student having an accident on the bus where the
 10 child couldn't make it to the bathroom in time.
 11 Do you recall that testimony?
 12 A. Yes.
 13 Q. Okay. And do you recall more than one
 14 incident where a child had an accident on the bus
 15 where the child was unable to get to the bathroom on
 16 time?
 17 A. No.
 18 Q. Only one incident; is that correct?
 19 A. That's correct.
 20 Q. Okay. Now, in reference to accidents in
 21 the meaning of children not making it to the
 22 bathroom on time --
 23 A. Okay.
 24 Q. -- do you recall any accidents of that
 25 nature on the campus at Cahuenga?

1 A. Yes.
 2 Q. Okay. And in the past year, for example,
 3 how many accidents of that nature do you remember
 4 occurring on the campus at Cahuenga?
 5 A. I would have no idea.
 6 Q. Okay. How -- can you give your best
 7 estimate as to how many accidents you can recall
 8 taking place of that nature with students on the
 9 campus at Cahuenga?
 10 MR. VILLAGRA: Objection. Calls for
 11 speculation. The witness testified he has no idea.
 12 THE WITNESS: I really can't say.
 13 BY MS. STRONG:
 14 Q. Okay. Do you think it would be unusual
 15 to have more than five accidents per year where
 16 students were unable to make it to the bathroom on
 17 time while on the campus at Cahuenga?
 18 MR. VILLAGRA: Objection. Calls for
 19 speculation.
 20 MR. FERNOW: Join.
 21 THE WITNESS: In the beginning of the
 22 school year when children who have left kindergarten
 23 and are not used to a full day in school, sometimes
 24 they do not have the bladder control. And so that I
 25 can only think of this year, in this first three

1 weeks, I think we've had two children who have had
 2 accidents.
 3 Q. Okay. And that's not unusual to have two
 4 accidents --
 5 A. No.
 6 Q. -- within the first three weeks of school
 7 at Cahuenga; is that correct?
 8 A. That's correct.
 9 MR. VILLAGRA: Objection. Vague.
 10 BY MS. STRONG:
 11 Q. And again, those are accidents where
 12 students are not able to make it to the bathroom
 13 in time; is that correct, Mr. Houske?
 14 A. That's correct.
 15 Q. I believe -- I just want to clarify
 16 something that you've discussed in your prior
 17 testimony, Mr. Houske.
 18 I believe you've testified that there are
 19 multiple -- multiple facts or a multitude of factors
 20 that go into a child's education; is that correct?
 21 A. That is correct.
 22 Q. And there are also a multitude of factors
 23 that can have an effect on the child's education; is
 24 that correct?
 25 A. That is correct.

1 Q. And I believe you've given some testimony
2 that you personally believe that busing a child
3 from a neighborhood school can affect a child's
4 education; is that correct?

5 A. That's correct.

6 MR. VILLAGRA: Objection. Asked and
7 answered.

8 BY MS. STRONG:

9 Q. Is it fair to say, Mr. Houske, that even
10 though you believe that busing a child from a
11 neighborhood school affects, or may affect a
12 child's education, you have no means to gauge the
13 significance of that affect as opposed to any of
14 the other many factors that goes into a child's
15 education.

16 Is that correct, Mr. Houske?

17 A. That's correct.

18 MR. VILLAGRA: Objection. Vague.

19 MR. FERNOW: Join.

20 THE WITNESS: That is correct.

21 BY MS. STRONG:

22 Q. And is it fair to say, Mr. Houske, then,
23 that you believe -- let me rephrase that.

24 Is it fair to say, Mr. Houske, that you do
25 not necessarily believe that students who are bused

1 MR. VILLAGRA: Objection. Vague.

2 THE WITNESS: Yes, there is.

3 BY MS. STRONG:

4 Q. Okay. And so if you refer to Cahuenga as
5 being an overcrowded school, you are referring to
6 the fact that Cahuenga buses out numerous students
7 from the area; is that correct?

8 A. That is correct.

9 MR. VILLAGRA: I would just like to object
10 to the question as vague and asked and answered.

11 BY MS. STRONG:

12 Q. I believe you testified, actually just
13 recently today, that some of the classes at Cahuenga
14 have approximately 33 students in them.

15 Is that correct?

16 A. That is correct.

17 Q. Do you believe that the students who are in
18 those class are being deprived of a good education
19 because the -- because of the number of students in
20 their class?

21 MR. VILLAGRA: Objection. Vague.

22 MR. FERNOW: Join.

23 THE WITNESS: I think it would be better to
24 have a smaller number in there.

25 /// ///

1 from their neighborhood schools are negatively
2 impacted by that busing?

3 Is that fair, Mr. Houske?

4 MR. VILLAGRA: Objection. Vague.

5 MR. FERNOW: Join.

6 BY MS. STRONG:

7 Q. And I want to make sure it's clear, and I
8 am referring to the student's ability to receive an
9 education is not negatively impacted necessarily by
10 busing.

11 Is that fair, Mr. Houske?

12 MR. VILLAGRA: Renew the objection.

13 MR. FERNOW: Same. Or join.

14 THE WITNESS: Yeah, I think that's true.

15 BY MS. STRONG:

16 Q. Another point of clarification. I believe
17 you testified previously to -- or let me say I
18 believe you used the term "overcrowding" in
19 referring to Cahuenga at times throughout your
20 deposition.

21 And I just want to clarify. Do you believe
22 that there is space sufficient on the campus at
23 Cahuenga for the students to attend school at
24 Cahuenga?

25 A. Yes, there is --

1 BY MS. STRONG:

2 Q. But do you still believe that the students
3 who are in those classes are actually receiving a
4 good education at Cahuenga?

5 MR. VILLAGRA: Objection. Vague. Asked
6 and answered.

7 THE WITNESS: It -- it is -- you know, I
8 have a feeling, but I don't have any proof. I have
9 a feeling that the children would learn better with
10 a smaller class size.

11 BY MS. STRONG:

12 Q. And I understand that, Mr. Houske, and I --
13 would you also agree that it would -- it would be
14 better to have, you know, students taught in a five
15 to one scenario, for example, than maybe even a 20
16 to one scenario?

17 A. No, I think that's too small.

18 Q. Okay. Would 15 to one be better than 20 to
19 one, in your opinion, Mr. Houske?

20 MR. VILLAGRA: Objection. Vague.

21 MR. FERNOW: Join.

22 THE WITNESS: I really have never thought
23 about it.

24 BY MS. STRONG:

25 Q. Okay.

1 A. I really am very pleased with 20 to one.
 2 Q. Okay. And understanding that 20 to one
 3 is a nice thing to have in the classroom, do you
 4 believe that students are unable to -- to receive
 5 a good education if they are in a class of 33 to
 6 one, for example?
 7 MR. VILLAGRA: Objection. Vague and
 8 mischaracterizes the testimony.
 9 THE WITNESS: No, I don't really believe
 10 that.
 11 BY MS. STRONG:
 12 Q. So although -- and I want to make sure -- I
 13 don't want to -- I want to make sure I have your
 14 testimony accurately, Mr. Houske.
 15 So although you believe it would be better
 16 to have 20 to one, you believe that the students at
 17 your school in classes where there are 33 students
 18 still can receive a good education at Cahuenga; is
 19 that correct?
 20 MR. VILLAGRA: Objection. Vague.
 21 THE WITNESS: Well, all I can say is, is
 22 that the test scores are lower in the upper grades.
 23 And I'm not sure whether that's based on having a
 24 larger class size or not. But it certainly would be
 25 one of the items that you would want to take a look

1 at and see if that's a contributing factor or not.
 2 I know that it's made a tremendous difference in the
 3 primary.
 4 BY MS. STRONG:
 5 Q. Well, do you have any reason to believe --
 6 strike that.
 7 Do you know the teachers who teach the
 8 classes that are 33 to one that you described in
 9 your testimony?
 10 A. Yes, I do.
 11 Q. And do you believe those teachers to be
 12 good teachers, Mr. Houske?
 13 A. Yes.
 14 MR. VILLAGRA: Objection. Vague.
 15 THE WITNESS: Yes, I do.
 16 BY MS. STRONG:
 17 Q. And do you believe that those teachers are
 18 providing the educational program that you would
 19 like to see provided at your school at Cahuenga?
 20 MR. VILLAGRA: Objection. Vague.
 21 MR. FERNOW: Join. Calls for speculation.
 22 THE WITNESS: Yes, I do.
 23 BY MS. STRONG:
 24 Q. Do you have -- you stated there are three
 25 classes that I believe have approximately 33 to one

1 students in them; is that correct?
 2 A. (Nods head.)
 3 Q. How many other upper grade level classes
 4 are there at Cahuenga?
 5 MR. VILLAGRA: Objection. Asked and
 6 answered.
 7 THE WITNESS: You know how I am with
 8 numbers.
 9 BY MS. STRONG:
 10 Q. I know.
 11 Was it approximately seven? I don't recall
 12 your testimony if you testified to that. So I
 13 didn't want to misstate your testimony.
 14 A. Yeah, I -- you know, without looking at
 15 those things, it's -- it's a brand-new year again,
 16 and --
 17 Q. But approximately.
 18 A. I would say approximately nine.
 19 Q. Okay. And when you refer to scores being
 20 lower in the upper grades, are those scores broken
 21 down per class?
 22 A. Yes, they are.
 23 Q. Okay. And do you notice a difference in
 24 the scores of those classes that have the students
 25 of 33 to one in them as opposed to lower numbers in

1 the upper grades?
 2 MR. FERNOW: Objection. Vague.
 3 MR. VILLAGRA: Join in the objection.
 4 THE WITNESS: No, I do -- no, I do not. I
 5 don't think two children will make a difference.
 6 BY MS. STRONG:
 7 Q. Okay. So the majority of the classes in
 8 the upper grades have approximately 31 students in
 9 them; is that correct?
 10 A. That's correct.
 11 Q. Okay. So is it -- is it accurate to say,
 12 Mr. Houske, although you believe you would prefer
 13 your students to be in classes that are 20 to one,
 14 you don't believe that the students are getting an
 15 inadequate education in classes with 33 to one
 16 students.
 17 Is that correct?
 18 MR. VILLAGRA: Objection. Vague. Asked
 19 and answered.
 20 THE WITNESS: Well, you know, I think the
 21 word "inadequate," I think if -- I think in terms of
 22 is it inadequate in relationship to the 33, I would
 23 say, no, because that's the number you're working
 24 with.
 25 Is it as good as I might like it to be?

1 No, I think if the class size were smaller, I think
2 we probably would be more effective in what we're
3 doing.

4 MS. STRONG: Okay. I think I'm coming to
5 the end so just let me continue reviewing to make
6 sure.

7 (Pause in the proceedings.)

8 BY MS. STRONG:

9 Q. Do you know what the hours are of
10 student -- of teachers who teach grades one through
11 five on a daily basis at Cahuenga?

12 A. Yes. It's 7:30 to 3:00.

13 Q. Okay. And does that encompass time beyond
14 class time?

15 A. Yes, it does.

16 Q. And can you describe to me how much time
17 between 7:30 and 3:00 is spent outside class, or
18 without a class of students?

19 A. Half an hour. Or 25 minutes, actually.

20 Q. Okay. You also testified about students
21 who are bused from neighborhood schools and their
22 ability to make friends at the receiver schools.

23 Do you recall that testimony?

24 A. Yes, I do.

25 Q. Do you know if any of the students who are

1 Q. Do you believe that that has a negative
2 impact on the education that is given to the
3 students at the school?

4 MR. VILLAGRA: Objection. Vague.

5 MR. FERNOW: Join.

6 THE WITNESS: No, not as long as I do it.

7 BY MS. STRONG:

8 Q. And the fact that you repeat the
9 professional development program doesn't change your
10 answer, you're taking that into consideration; isn't
11 that correct, Mr. Houske?

12 MR. VILLAGRA: Objection. Vague and
13 argumentative.

14 THE WITNESS: That is correct.

15 BY MS. STRONG:

16 Q. And you also testified that you take a
17 three-week summer vacation --

18 A. That is correct.

19 Q. -- during the year. Is that for each year,
20 Mr. Houske?

21 A. That's for each year.

22 Q. And that one of the assistant principals
23 essentially steps into your role during the period
24 while you're gone; is that correct?

25 A. That is correct.

1 bused from Cahuenga to receiver schools meet with
2 friends who live in the area of their receiver
3 school outside of school hours?

4 MR. VILLAGRA: Objection. Vague.

5 THE WITNESS: No, I do not.

6 BY MS. STRONG:

7 Q. And so to the extent you have an opinion
8 as to whether students who are bused from the
9 neighborhood school to a receiver school actually
10 see or don't see friends from the neighborhood of
11 the receiver school outside of school hours, that
12 opinion is an assumption of yours; correct?

13 A. That is correct.

14 Q. It's not based on any personal experience
15 that you have had with any child; is that correct?

16 A. That is --

17 MR. VILLAGRA: Objection. Vague. Asked
18 and answered.

19 THE WITNESS: That is correct.

20 BY MS. STRONG:

21 Q. You testified earlier today that some of
22 the professional development that you have at your
23 school is repeated because you've got three tracks
24 at your school; is that correct?

25 A. That is correct.

1 Q. Do you believe that the educational program
2 that is provided at Cahuenga suffers during the
3 three weeks that you are gone on vacation?

4 MR. VILLAGRA: Objection. Vague.

5 THE WITNESS: No, it certainly doesn't.

6 BY MS. STRONG:

7 Q. Okay. And why is it that you believe that?

8 A. Well, you haven't done a very good job at
9 your school if it falls apart in three weeks' time.

10 Q. You also testified today that the district
11 has mandated that every child have a textbook even
12 while off track; is that correct?

13 A. That is correct.

14 Q. And you said that that was a new mandate
15 from the district?

16 A. That is correct.

17 Q. Is that mandate effective as of now?

18 A. That is correct.

19 Q. Okay. And are you able to comply with that
20 mandate at Cahuenga?

21 A. Yes, I am.

22 Q. Okay. And how is it that you know that?

23 A. Because we just got through ordering the
24 books, recently.

25 Q. Okay. And you had sufficient funds to

1 order all the books that were necessary to comply
 2 with that mandate; is that correct, Mr. Houske?
 3 A. That is correct.
 4 MS. STRONG: I think that's all the
 5 questions I have at this time.
 6 MR. VILLAGRA: Do you have any follow-up
 7 questions?
 8 MR. FERNOW: No.

9
 10 FURTHER EXAMINATION

11 BY MR. VILLAGRA:
 12 Q. Mr. Houske, you testified that in the last
 13 week before classes go off the track, that the
 14 students are not educated to the same degree as they
 15 are earlier in the term; is that correct?
 16 A. That is correct.
 17 Q. Is it fair to say that they're educated to
 18 a lesser degree?
 19 MS. STRONG: Vague and ambiguous.
 20 MR. FERNOW: Join.
 21 THE WITNESS: Yes.
 22 BY MR. VILLAGRA:
 23 Q. I believe that you testified on the 20th
 24 about having ridden the bus to receiver schools on
 25

1 is?
 2 A. No, I have not.
 3 Q. You testified that some parents have told
 4 you that they want their child at Cahuenga so that
 5 they can have a more active role in the school; is
 6 that correct?
 7 A. That's correct.
 8 Q. When's the last time a parent told you
 9 that.
 10 A. Last year.
 11 Q. And you have heard that same desire
 12 expressed by other parents, to have their children
 13 at Cahuenga so they can have a more active role in
 14 their education?
 15 A. Yes.
 16 Q. And I believe you testified that you have
 17 no means of assessing the extent to which busing has
 18 a negative impact on the achievement of kids who are
 19 bused away from Cahuenga to receiver schools.
 20 Is that correct?
 21 MS. STRONG: Objection. Misstates his
 22 testimony.
 23 MR. FERNOW: Join.
 24 THE WITNESS: Yes, that's correct.
 25 /// ///

1 a few occasions; is that correct?
 2 A. That's correct.
 3 Q. When you did ride the bus, did you have an
 4 opportunity to observe what the kids were doing?
 5 MS. STRONG: Objection. Asked and
 6 answered.
 7 THE WITNESS: Yes.
 8 BY MR. VILLAGRA:
 9 Q. Did you see kids reading?
 10 A. No, I did not.
 11 Q. Did you see kids doing their homework?
 12 A. No, I did not.
 13 Q. Did you see kids looking out the window?
 14 A. Yes, I did.
 15 Q. Did you see kids talking to their
 16 classmates?
 17 A. Yes.
 18 Q. And I believe you testified that you would
 19 have to look at the bus schedules to determine truly
 20 how long the bus rides are to receiver schools; is
 21 that correct?
 22 A. That is correct.
 23 Q. Have you looked at the bus schedules
 24 recently to determine what the longest time that any
 25 child is bused from Cahuenga to a receiver school

1 BY MR. VILLAGRA:
 2 Q. Do you believe that Dr. Wohlers has the
 3 means of making that assessment?
 4 MR. FERNOW: Objection. Calls for
 5 speculation.
 6 MS. STRONG: Join.
 7 THE WITNESS: Yes, I do.
 8 BY MR. VILLAGRA:
 9 Q. What do you base that belief on?
 10 A. Well, my respect for the man. And the
 11 fact, I think they were concerned about the
 12 overcrowding and trying to build more schools.
 13 And I am sure they were trying to get information
 14 to justify the need for more schools. That's an
 15 assumption, though.
 16 Q. Do you base your belief in part on what
 17 Mr. Wohlers' function is with the district?
 18 A. Yes, I do.
 19 Q. And that function is to do what?
 20 A. He is a -- he was in charge of the busing
 21 program establishing CAP receivers and ...
 22 year-round schedules.
 23 Q. Do you think he was responsible for
 24 assessing the achievement of children in the busing
 25 program?

1 MS. STRONG: Objection. Calls for
2 speculation.
3 MR. FERNOW: Join.
4 THE WITNESS: Well, I don't think --
5 MS. STRONG: And vague and ambiguous.
6 THE WITNESS: I don't think he did it
7 himself. I think he had probably the testing unit
8 do it, I would hope.
9 BY MR. VILLAGRA:
10 Q. Mr. Houske, is Cahuenga on Concept 6
11 because it's considered an overcrowded school?
12 MR. FERNOW: Objection. Calls for
13 speculation.
14 BY MR. VILLAGRA:
15 Q. To your knowledge.
16 MS. STRONG: Vague and ambiguous.
17 MR. FERNOW: Join.
18 THE WITNESS: Yes, it is.
19 BY MR. VILLAGRA:
20 Q. If it were on a traditional calendar, it
21 would not be able to house as many students as it
22 houses currently; is that correct?
23 A. That is correct.
24 Q. What's your understanding of how much
25 additional capacity the Concept 6 calendar generates

1 for Cahuenga?
2 MS. STRONG: Objection. Vague and
3 ambiguous. And to the extent you're asking what is
4 the capacity of Cahuenga, he's already answered that
5 question.
6 THE WITNESS: It increases it by one-third.
7 BY MR. VILLAGRA:
8 Q. Mr. Houske, outside of the one meeting that
9 you described between yourself, Ms. Godfrey and
10 Ms. Strong, have there been any other occasions
11 where you have had discussions with Ms. Godfrey and
12 Ms. Strong?
13 A. Not that I recall.
14 Q. Mr. Houske, do you have any way of knowing,
15 one way or the other, what the Stanford 9 scores for
16 Cahuenga would be if it were not on the Concept 6
17 calendar?
18 A. No, I do not.
19 Q. So you don't know if your students would be
20 doing better if they were on a different calendar?
21 MR. FERNOW: Objection. Asked and
22 answered.
23 THE WITNESS: That is true.
24 MR. VILLAGRA: That's it for me.
25 (Discussion held off the record.)

1 FURTHER EXAMINATION
2
3 BY MS. STRONG:
4 Q. Mr. Houske, I believe you just testified
5 that you recall a few occasions where parents have
6 come to you and expressed a desire to have their
7 child attend Cahuenga as opposed to a receiver
8 school so they could have a more active role in
9 their child's education.
10 Is that correct?
11 MR. VILLAGRA: Objection. Mischaracterizes
12 the testimony.
13 THE WITNESS: That is correct.
14 BY MS. STRONG:
15 Q. Is that what you understand your testimony
16 to have been?
17 A. That the parents came and they want to have
18 more involvement in the school and that's why they
19 wanted to come to Cahuenga, yes.
20 Q. Now, do you know one way or the other
21 whether the parents really wanted to get their
22 children into Cahuenga because it's a really good
23 school?
24 MR. VILLAGRA: Objection. Calls for
25 speculation.

1 MR. FERNOW: Join.
2 THE WITNESS: I really wouldn't know for
3 sure.
4 BY MS. STRONG:
5 Q. Yeah.
6 And do you think that even those parents
7 who want to be involved in their child's education
8 would prefer to have their child at a local school
9 that was not a good school, and that parents really
10 had an opportunity to send that child to a better
11 school on a bus?
12 MR. VILLAGRA: Objection. Calls for
13 speculation, and it's an incomplete hypothetical.
14 MR. FERNOW: Join.
15 THE WITNESS: I'm certain that if they
16 didn't have faith in the school, they would rather
17 bus.
18 THE REPORTER: Didn't have faith in the
19 school?
20 THE WITNESS: Yeah.
21 And the belief that the school was a
22 performing school that they -- I shouldn't say all
23 parents, but some of the parents would certainly
24 have to opt for busing.
25 ///

1 BY MS. STRONG:
 2 Q. And that would include those parents that
 3 even would want to have an active role in their
 4 children's education; is that correct, Mr. Houske?
 5 A. That is correct.
 6 MR. VILLAGRA: Objection. Calls for
 7 speculation.
 8 BY MS. STRONG:
 9 Q. And I believe you just testified to an
 10 assessment made by Dr. Wohlers; is that correct?
 11 A. That is correct.
 12 Q. I believe you testified to some assumptions
 13 as to what you believe, or how he conducted the
 14 assessment, Mr. Houske, but do you know the details
 15 of that assessment?
 16 A. No, I do not.
 17 Q. Okay. And so it's accurate to say that you
 18 have no personal knowledge as to how the assessment
 19 was conducted; is that correct?
 20 MR. VILLAGRA: Objection. Asked and
 21 answered.
 22 MR. FERNOW: Join.
 23 THE WITNESS: That is correct.
 24 BY MS. STRONG:
 25 Q. And you have no personal knowledge as to

1 assessment that was conducted that would have
 2 yielded those results?
 3 MS. STRONG: Objection. Calls for
 4 speculation. Vague and ambiguous.
 5 MR. FERNOW: Join.
 6 THE WITNESS: That would be my assumption.
 7 BY MR. VILLAGRA:
 8 Q. And why do you make that assumption?
 9 A. Because usually people in high places don't
 10 say things unless they have some backing for what
 11 they're saying. I might say things, but they don't.
 12 Q. And particularly on an issue as important
 13 as this?
 14 A. That's correct, that's correct.
 15 MS. STRONG: Do you have any questions?
 16 MR. FERNOW: I don't.
 17 MS. STRONG: All right. I think we can be
 18 completed for the day.
 19 MR. VILLAGRA: For the day.
 20 THE WITNESS: What do you mean "for the
 21 day"?
 22 MR. FERNOW: You never know.
 23 MS. STRONG: No further questions at this
 24 time. Thank you very much for your time.
 25 THE WITNESS: Oh, thank you both.

1 any of the factors that were considered, if any
 2 factors were even considered, in the assessments; is
 3 that correct?
 4 A. That is correct.
 5 MR. VILLAGRA: Objection. It's vague and
 6 asked and answered.
 7 MS. STRONG: I think I have no further
 8 questions at this time.
 9 THE WITNESS: This is your last chance.
 10 (Laughter.)
 11 MR. VILLAGRA: This is like one of those
 12 Greek philosophical theories where, you know, the
 13 earth is suspended on a turtle and what's below that
 14 turtle is another turtle. We could get into an
 15 infinite regress if we really want to.
 16
 17 FURTHER EXAMINATION
 18
 19 BY MR. VILLAGRA:
 20 Q. But is it fair to say, Mr. Houske, that
 21 because Mr. Wohlers was in charge of the busing
 22 program and because there is a testing unit at the
 23 district, that if he were going to make a statement
 24 about the achievement of busing students on
 25 standardized scores, that there actually was an

1 MR. VILLAGRA: And just before we go off --
 2 MS. STRONG: Should we do the same
 3 stipulation?
 4 MR. VILLAGRA: -- I just wanted to state
 5 for the record that I want to keep the deposition
 6 open pending any possible motion to compel regarding
 7 the questions on which Mr. Houske was instructed not
 8 to answer on account of attorney-client privilege,
 9 or settlement -- I'm sorry, on account of settlement
 10 negotiations.
 11 THE WITNESS: Could I talk to him for a
 12 moment outside?
 13 MR. VILLAGRA: Sure.
 14 (Conference held off the record
 15 between the witness and Mr. Fernow.)
 16 MR. FERNOW: The same?
 17 MS. STRONG: Same stipulation.
 18 MR. VILLAGRA: So stipulated.
 19 MR. FERNOW: So stipulated.
 20 THE REPORTER: Counsel, did you want a copy
 21 of this?
 22 MR. VILLAGRA: Yes.
 23 And there's also been some confusion as to
 24 exactly what we want, the miniscript version and the
 25 rough draft. And I guess when you get the disk, you

1 get the certified copy with it.
 2 THE REPORTER: Mr. Fernow, are you ordering
 3 a copy, also?
 4 MR. FERNOW: Yes, ma'am.
 5 (Whereupon, at 4:35 p.m.,
 6 the deposition of LLOYD HOUSKE
 7 was concluded.)
 8 -oOo-

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1 STATE OF CALIFORNIA)
 2 COUNTY OF LOS ANGELES) ss.
 3
 4 I, c. jane harman, C.S.R. No. 5266, in
 5 and for the State of California, do hereby certify:
 6 That, prior to being examined, the
 7 witness named in the foregoing deposition, to wit,
 8 LLOYD HOUSKE, was by me duly sworn to testify to the
 9 truth, the whole truth and nothing but the truth;
 10 That said deposition was taken down by me
 11 in shorthand at the time and place therein named,
 12 and thereafter reduced to typewriting under my
 13 direction, and the same is a true, correct and
 14 complete transcript of said proceedings;
 15 I further certify that I am not
 16 interested in the event of the action.
 17 WITNESS MY HAND this 23RD day of JULY,
 18 2001.

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 Certified Shorthand
 Reporter for the
 State of California

1 STATE OF CALIFORNIA)
 2 COUNTY OF LOS ANGELES) ss.
 3
 4
 5 I, LLOYD HOUSKE, hereby certify declare
 6 under penalty of perjury under the laws of the State
 7 of California that the foregoing is true and
 8 correct.
 9
 10 Executed this day of
 11 , 2001, at ,
 12 California.

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 LLOYD HOUSKE