

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF SAN FRANCISCO

3 UNLIMITED JURISDICTION

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5 ELIEZER WILLIAMS, a minor, by )

6 SWEETIE WILLIAMS, his guardian )

7 ad litem, et al., each )

8 individually and on behalf of )

9 all others similarly situated, )

10 L.P., et al., )

11 Plaintiffs, )

12 vs. ) No. 312236

13 STATE OF CALIFORNIA, DELAINE ) VOLUME V

14 EASTIN, State Superintendent of )

15 Public Instruction, STATE )

16 DEPARTMENT OF EDUCATION, )

17 STATE BOARD OF EDUCATION, )

18 Defendants. )

19 -----

20 Continued deposition of LUIS HUERTA, at  
21 400 South Hope Street, Los Angeles,  
22 California, commencing at 9:17 A.M.,  
23 Friday, March 21, 2003, before Lana L. Loper,  
24 RPR, CRR, CSR No. 9667, CCR No. 690.

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1 LUIS HUERTA,

2 the witness, having been previously administered an

3 oath in accordance with CCP Section 2094, testified

4 further as follows:

5

6 EXAMINATION (CONTINUING)

7 BY MR. HILL:

8 Q Good morning, Dr. Huerta.

9 A Morning.

10 Q First, I think we should remind you that

11 you're still under oath. 9:17AM

12 And you heard admonitions from each of us

13 as we have begun to question you. I won't

14 disappoint you by not doing that.

15 A All right.

16 Q Is there any situation that is present now 9:17AM

17 that would prevent you from being able to give your

18 complete attention to the questions and give

19 responsive answers to them?

20 A No.

21 Q We've talked before about the need to 9:17AM

22 listen to the question, and if you have problems

23 with it let us know. We want your truthful,

24 complete answer, as best as you can. And if the

25 problem is with the question, we want to clear that

<p style="text-align: right;">Page 687</p> <p>1 up before you answer the question so that we are 9:18AM  2 certain of your response and the question is clear, 9:18AM  3 both on the record and to you.  4 A Yes.  5 Q You understand that?  6 A Yes. 9:18AM  7 Q For the record, I'll introduce myself.  8 I'm Eugene Hill. I'm with the law office of Olson,  9 Hagel &amp; Fishburn, and we represent the California  10 School Board Association in this proceeding.  11 Professor Huerta, in the last several 9:18AM  12 days, we've had quite a bit of discussion about  13 your -- what I'm characterizing as "your" because  14 you used that word -- your "New" School Finance  15 plan, and you've given us a conceptual framework for  16 that plan in your testimony. 9:18AM  17 What I would like to do is to take that  18 plan and run it through chronologically, from the  19 first event that would occur to implement it, to the  20 last event that would occur after it's implemented  21 and we have school districts operating or school 9:19AM  22 districts operating.  23 So could I start with this question: What  24 would be the first step to institute the conceptual  25 framework for the "New" School Financing plan that</p>	<p style="text-align: right;">Page 689</p> <p>1 highest needs and, also, to begin to identify 9:21AM  2 specific student characteristics, school 9:21AM  3 characteristics and the like, that would require  4 additional funding, if necessary.  5 Q All right.  6 A Part of the needs assessment would also 9:21AM  7 engage in the examination of best practices and  8 seeing how some districts or schools may be engaged  9 in practices that have led to higher levels of  10 student achievement and identifying how these  11 districts and schools are using their money. 9:21AM  12 The second component that the state, that  13 a state --  14 MR. HILL: Excuse me.  15 MS. LHAMON: You should really let the  16 witness finish his answer. 9:21AM  17 MR. HILL: All right.  18 THE WITNESS: The second component any  19 state would engage in if they were to adopt the  20 "New" School Finance framework would involve the 9:22AM  21 design of a formula that would begin to address the  22 specific needs. And this design of a formula in  23 itself is a three-step process, which is described  24 beginning on about page 59 of the report.  25 BY MR. HILL:</p>
<p style="text-align: right;">Page 688</p> <p>1 you advocate? 9:19AM  2 A I'll ask you to turn to page 6 in the 9:19AM  3 Exhibit 1 of the -- which is the expert report, and  4 I'll walk you through the description that we use  5 specifically in the paper, and then -- which  6 provides the general description of the "New" School 9:19AM  7 Finance framework, and then I'm going to walk you  8 through the more detailed parts of it that would  9 entail the actual creation of a formula.  10 If you look on the second paragraph, or  11 the first full paragraph on page 6, towards the 9:20AM  12 middle.  13 Q Dr. Huerta, I don't want to -- I don't  14 mean to interrupt you, but looking at page 6  15 quickly, I don't see anything on page 6 that talks  16 about how a state would actually take action to put 9:20AM  17 the "New" School Finance plan into its law or into  18 its school structure.  19 Would that not be the first step that  20 would have to be taken?  21 A The first step, as described in the 9:20AM  22 description of the "New" School Finance as provided  23 on page 6, is that the state would engage in a  24 wide-scale assessment, first, of actual needs at the  25 local level to identify which schools have the</p>	<p style="text-align: right;">Page 690</p> <p>1 Q All right. In going back to the 9:22AM  2 original -- the question I asked you before you gave 9:22AM  3 that description.  4 Would not a state, before it engages in  5 the first step that you describe, have to make the  6 policy decision that it chooses to use the "New" 9:22AM  7 School Finance framework as its plan for its  8 schools?  9 A No, not exclusively. There's no reason  10 that -- there's nothing that would preclude a state  11 from engaging in at least one of the processes 9:22AM  12 described in the "New" School Finance plan; for  13 example, the first part, which is the description --  14 or I'm sorry -- the assessment of local needs, if a  15 state so chooses to use that data for what it's  16 worth or so chooses to use it to create a "New" 9:23AM  17 School Finance formula...  18 Q And who would -- in the example you just  19 gave where a school would do it, how would a school  20 gain the authority to do it?  21 A I don't think the assessment or the 9:23AM  22 wide-scale assessment would be something driven by  23 the school level. It would be -- it would involve  24 both state level officials, perhaps district and  25 county level officials, and district level and</p>

<p style="text-align: right;">Page 691</p> <p>1 school level officials. So if you are asking me who 9:23AM  2 actually triggers to make or makes the decision to 9:23AM  3 begin this process --  4 Q Yes, that's the question I'm aiming  5 toward.  6 A -- it would depend on state context. 9:24AM  7 In the California context, it may be the  8 California Department of Ed that makes a  9 recommendation to the state legislature. In the  10 context of this case, hypothetically, it may be a  11 judge that makes the recommendation to the state 9:24AM  12 legislature to engage or to fund this sort of  13 project.  14 I think there's a variety of avenues. It  15 could be the state or the board of education at the  16 state level that could make this sort of 9:24AM  17 recommendation.  18 Q Now, in each one of these examples you've  19 given, it would depend upon a determination as to  20 whether the entity you mentioned -- the legislature  21 is; one, the judge in a case like Williams is 9:24AM  22 another; the legislature is another; and state  23 officials are another, each -- an assessment would  24 have to be made as to the authority of each to  25 implement that type of action?</p>	<p style="text-align: right;">Page 693</p> <p>1 School Finance framework, we have not elaborated to 9:26AM  2 the point of prescribing or recommending certain 9:26AM  3 levels of government that would make the decisions  4 to trigger or to begin examining how to apply "New"  5 School Finance --  6 BY MR. HILL:  7 Q Is --  8 A -- framework to the California context.  9 Q Is -- looking at it in its general way as  10 a conceptual framework, is any level of  11 government -- and when I use "government," I include 9:27AM  12 school districts within the concept of government --  13 is any level of government involvement critical to  14 its success?  15 A I think all levels of government are  16 critical. Whether one is more important than the 9:27AM  17 other, I wouldn't want to place weight. I think  18 that certain levels in government would have  19 different levels of oversight. However, these  20 oversight duties would involve a process that would  21 allow local level discretion and eventually flow 9:27AM  22 into state level discretion on certain issues that  23 require oversight.  24 Q Let's just take the first step, the  25 assessment step. What levels of government</p>
<p style="text-align: right;">Page 692</p> <p>1 MS. LHAMON: Vague and ambiguous. 9:25AM  2 BY MR. HILL: 9:25AM  3 Q Am I correct about that?  4 A I think consistent with the "New" School  5 Finance framework, the involvement of these multiple  6 actors, which both you and I have identified in 9:25AM  7 these last two or three questions and answers, would  8 involve these many different actors.  9 Who ultimately makes the decision or who  10 ultimately leads the process is a decision that is  11 out of the scope of the conceptual frame of the 9:25AM  12 "New" School Finance. That's dependent upon both  13 state level politics and, also, the protocol that is  14 involved in how these decisions are made, according  15 to each state.  16 Q Will -- at some point, will the framework 9:25AM  17 be defined as it applies to the circumstance, for  18 example, a California circumstance?  19 MS. LHAMON: Vague and ambiguous.  20 THE WITNESS: The conceptual framework  21 that we presented was not designed to specifically 9:26AM  22 address the California perspective. While in the  23 report we do have a section that does look  24 specifically at how California might begin to  25 approach this problem and begin to apply the "New"</p>	<p style="text-align: right;">Page 694</p> <p>1 involvement are necessary to the success of that 9:28AM  2 step? 9:28AM  3 A I think that all levels of government have  4 to buy in. However, this most likely would be  5 something that would be led by officials at the  6 state, since that's where the funding for this type 9:28AM  7 of project would have to come from if it's going to  8 be a wide-scale state level assessment.  9 Q So --  10 A Statewide assessment. Excuse me.  11 Q Can I take from that answer that obtaining 9:28AM  12 funding for the assessment process is the first  13 essential ingredient to a success?  14 MS. LHAMON: Mischaracterizes the  15 testimony.  16 THE WITNESS: Funding would be a vital 9:28AM  17 part of ensuring success.  18 BY MR. HILL:  19 Q Could it be done without funding?  20 MS. LHAMON: Calls for speculation.  21 THE WITNESS: Are you asking me whether it 9:29AM  22 could be done without additional funding or just  23 funding, period?  24 BY MR. HILL:  25 Q Funding period.</p>

<p style="text-align: right;">Page 695</p> <p>1 A Obviously we would have to fund the time 9:29AM  2 of the many different professionals that would be 9:29AM  3 involved in this sort of assessment, so money is  4 vital.</p> <p>5 Q Now, I know that in your testimony and  6 in -- just a few minutes ago in your reference to 9:29AM  7 page 6 and page 59 of the transcript (sic), you  8 refer to officials who could be involved. I would  9 like to take the example of where a determination  10 has been made that a particular school will involve  11 the conceptual framework that you've described, and 9:29AM  12 I would like you to tell me what would occur at that  13 school in implementing the framework.</p> <p>14 What would occur in a particular school as  15 the framework is implemented, assuming that it's  16 funded? 9:30AM</p> <p>17 A Are you going to give me a situation?</p> <p>18 Q No. I'm asking you to tell me what would  19 occur at a school, assuming that the assessment is  20 funded. What would occur at a school who wanted to  21 do an assessment? 9:30AM</p> <p>22 A At what point?</p> <p>23 Q You tell me what has to be -- I want you  24 to tell me what is going to happen.</p> <p>25 MS. LHAMON: I'm unclear on the question.</p>	<p style="text-align: right;">Page 697</p> <p>1 important than others in meeting the specific needs 9:32AM  2 of their students? Within the classroom level, we 9:32AM  3 would begin to examine -- the team would begin to  4 examine the resources that are -- the resources that  5 are available and how monies from district level  6 have been used to fund some of these resources. 9:32AM</p> <p>7 The team would also begin to examine how  8 these resources are being used and whether they're  9 being used directly towards the end of increases in  10 student achievement. Funneling out of the school --  11 I'm sorry -- the classroom level would involve, 9:33AM  12 also, examination of -- or identification, excuse  13 me -- of governing structures, administrative  14 structures that are employed by this specific  15 school, not only how many administrators, but the  16 discretion that administrators have; their specific 9:33AM  17 duties; whether there's some sense of shared  18 management between teachers and administrators.</p> <p>19 Those are just some examples of the  20 variety of different factors that are necessary to  21 begin to identify not only school culture, but the 9:33AM  22 process of administration in governance and, most  23 importantly, the process of teaching and learning  24 within classrooms.</p> <p>25 Q Given a circumstance of an individual</p>
<p style="text-align: right;">Page 696</p> <p>1 Assessment at a particular school or statewide 9:30AM  2 assessment? 9:30AM</p> <p>3 BY MR. HILL:</p> <p>4 Q I asked -- I'll redo the question. Okay.  5 Assume that we're implementing the  6 conceptual framework of the "New" School Financing 9:30AM  7 at a particular school, and assume that the  8 assessment is funded and it is part of a statewide  9 broad assessment.</p> <p>10 What will be -- what will occur at that  11 school? 9:31AM</p> <p>12 A The assessment would involve a team of  13 individuals who would begin the process of data  14 collection, trying to identify, first of all, how  15 dollars have flowed from district level to the  16 school level; the programs that those dollars have 9:31AM  17 funded; the decisions that are made in allocating  18 those resources to school level from the district.</p> <p>19 Once within the school, foremost would be  20 the identification of how these resources are  21 actually being used at the school level; for 9:31AM  22 example, have principals make decisions to hire  23 specific type of teachers with certain types of  24 credentials. Does a school -- do a school's  25 priorities identify certain programs as being more</p>	<p style="text-align: right;">Page 698</p> <p>1 classroom, the list could be longer than the one 9:33AM  2 that you've just given us? 9:33AM</p> <p>3 A Certainly. In planning a wide-scale  4 assessment, I could visualize perhaps categories of  5 specific characteristics that we were -- that we  6 would be looking at specifically; I mean, beginning 9:34AM  7 with student characteristics, teachers,  8 administrators, when we look at the actual people  9 that are part of the school and then begin to look  10 at issues of governance and teaching and learning  11 and resource use in classrooms, and there's a 9:34AM  12 variety-wide array of factors that would have to be  13 identified.</p> <p>14 Q Could the list be any less than the list  15 that you've given us?</p> <p>16 A I would hope by engaging professionals at 9:34AM  17 all levels in conceptualizing what a wide-scale  18 assessment would involve that that would lead to not  19 a more standardized list, but a list that would  20 allow specific characteristics to be identified,  21 without having to engage in an individual assessment 9:35AM  22 of every single student in schools or every single  23 teacher in schools.</p> <p>24 The idea, as I had emphasized yesterday or  25 the day before, is not to create an individualized</p>

<p style="text-align: right;">Page 699</p> <p>1 education plan for every student or for every 9:35AM  2 school. There are obvious methodologies that can be 9:35AM  3 used, using sample schools or a representative  4 sample of schools that share some characteristics,  5 without having to enter every single school in the  6 state. 9:35AM  7 Q So would a -- some form of model be  8 developed that would be used by the team as they do  9 their assessment?  10 A Yes. And that's beyond the scope of the  11 conceptual frame that we've developed, but what I 9:36AM  12 have identified and what you have just identified  13 is -- are those possible first steps to actually  14 begin designing the actual assessment and whatever  15 protocols would be necessary and the like.  16 Q Would -- 9:36AM  17 A I think it's important to emphasize that  18 the hypothetical that I just described is beyond the  19 conceptual frame or the development of the  20 conceptual frame and how it's outlined in the expert  21 report. And what I've just described may be one 9:36AM  22 approach, among many others.  23 Q But if the conceptual frame is  24 implemented, would it not require some form of the  25 assessment that you described for it to be</p>	<p style="text-align: right;">Page 701</p> <p>1 Q Would it involve school administrators? 9:38AM  2 A Yes. 9:38AM  3 Q Could it be successful without involving  4 school administrators?  5 A Again, I think the school administrators  6 are also important stakeholders, in whose 9:38AM  7 professional judgment at the level of both  8 administrative and government's decisions that are  9 made at schools would be vital in being able to  10 identify specific needs of students within schools.  11 Q You also included state officials within 9:38AM  12 the -- your earlier description of the team. What  13 characteristics would those state officials bring to  14 the team?  15 MS. LHAMON: Calls for speculation.  16 THE WITNESS: State officials may have -- 9:39AM  17 will have the knowledge of wider policy issues that  18 affect schools. And their judgment, which would  19 involve both the -- for example, the allocation of  20 resources that are coming from the state, especially  21 in the context of California, would be an important 9:39AM  22 part of any team.  23 BY MR. HILL:  24 Q Would the team operate with the guidance  25 of professionals? You used the term "professionals"</p>
<p style="text-align: right;">Page 700</p> <p>1 successful? 9:37AM  2 A Certainly. 9:37AM  3 Q Now, the team that you describe, you  4 characterize it as a team of individuals at the  5 state and local level.  6 Would it include teachers? 9:37AM  7 A Teachers would most likely be a part of  8 that team since these are the professionals that are  9 engaged in the -- every day, in delivering  10 instruction to students, yes.  11 Q Can it function successfully without 9:37AM  12 teachers?  13 A I think that a team that would involve the  14 identification of needs, absent teachers'  15 professional judgment, would be lacking a very  16 important component. 9:37AM  17 Q Would it involve parents?  18 A It could involve parents.  19 Q Could it be successful if it did not  20 involve parents?  21 A I think parents are equal stakeholders in 9:38AM  22 the education of children in the state, and I think  23 that the voice of parents is a very important  24 component to any team that would be identifying the  25 specific needs of students at schools.</p>	<p style="text-align: right;">Page 702</p> <p>1 earlier. I'm trying to get the context of that use. 9:39AM  2 A By "professionals," I was implying 9:39AM  3 teachers, administrators, even state level  4 policy-makers who are professionals at what they do.  5 Q Would the team include members from the  6 academic community, like yourself? 9:40AM  7 A Certainly. I think the teams would  8 benefit from individuals who have been involved,  9 like myself, in the development of these sort of  10 conceptual frames and who have a wide working  11 knowledge of how both school finance formulas work 9:40AM  12 in other states; and many have a strong working  13 knowledge of how classrooms work, like myself.  14 Q Would the assessment team be successful  15 without the guidance of professionals like yourself?  16 A The extent of involvement of outside 9:40AM  17 experts or academics, like myself, would be an  18 important addition -- or strike that -- an  19 addition -- strike that -- an addition component of  20 the team. It would be difficult for me to know  21 whether the participation of academic experts would 9:41AM  22 guarantee the success of the team. However,  23 professional advice or expert advice that could be  24 given by such a team, I can see being very  25 beneficial for such a team.</p>

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1 Q But is it necessary for its success? 9:41AM  
 2 MS. LHAMON: Asked and answered. 9:41AM  
 3 THE WITNESS: I think I've answered that,  
 4 the last answer.  
 5 BY MR. HILL:  
 6 Q You indicated that the goal of the team 9:41AM  
 7 would be to apply the information that it gathers to  
 8 each classroom. Is that a fair summary of what you  
 9 said earlier?  
 10 MS. LHAMON: Vague and ambiguous and  
 11 mischaracterizes the testimony. Which team are you 9:42AM  
 12 talking about, team in a particular school?  
 13 MR. HILL: I'm talking about the team he's  
 14 just describing.  
 15 MS. LHAMON: The team he's been describing  
 16 is different than the team in a particular school. 9:42AM  
 17 BY MR. HILL:  
 18 Q Let's go back.  
 19 Again, we've been talking about a team to  
 20 do an assessment. Would this assessment be of an  
 21 individual classroom? 9:42AM  
 22 A Are you asking me whether it's going to  
 23 involve every individual classroom in the state?  
 24 Q I may get there eventually, but I'm not  
 25 there yet. I'm asking whether or not the assessment

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1 that you are describing is of a particular 9:42AM  
 2 classroom. 9:42AM  
 3 A Assessment, the wide-scale assessment,  
 4 would include visiting individual classrooms, yes,  
 5 to begin identifying not only teaching and learning  
 6 practices, but resource use at that level. 9:43AM  
 7 Q In order for your wide-scale assessment to  
 8 be successful, how would the selection process be  
 9 made to identify members of the team?  
 10 MS. LHAMON: Calls for speculation. And,  
 11 you know, Dr. Huerta has testified repeatedly, this 9:43AM  
 12 is beyond the scope of the conceptual frame.  
 13 THE WITNESS: Your question involves  
 14 issues that are very much beyond the conceptual  
 15 frame, and I am not prepared to answer that without  
 16 fully engaging in a full assessment of the type that 9:43AM  
 17 would be -- or my own assessment of how the  
 18 framework might be applied to the California  
 19 context, with more detail than is already presented  
 20 in the expert report.  
 21 BY MR. HILL:  
 22 Q Professor Huerta, if the assessment is in  
 23 place and is underway, and a team in the nature of  
 24 what you just described is embarked upon doing it,  
 25 I'm trying to look at how the team is selected. Can

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1 you tell me that, if there is in the conceptual 9:44AM  
 2 framework a requirement that certain criteria exist 9:44AM  
 3 in the selection process for the team?  
 4 MS. LHAMON: Same objections, and asked  
 5 and answered.  
 6 THE WITNESS: I don't think the framework 9:44AM  
 7 specifies a criteria for selection of who is on the  
 8 team. I have elaborated a bit in the hypothetical  
 9 that you've provided me in what individuals might be  
 10 part of a team; but as I have already indicated,  
 11 that level of detail in describing how this 9:45AM  
 12 conceptual frame would be applied directly to the  
 13 California context, for example, is beyond both the  
 14 expert report and is beyond any further  
 15 consideration that I've given this, other than the  
 16 one possible scenario that I've already, in detail, 9:45AM  
 17 provided to you.  
 18 BY MR. HILL:  
 19 Q So you have not considered as part of the  
 20 conceptual framework how a parent would be selected  
 21 to serve on the team? 9:45AM  
 22 A I have not considered what criteria would  
 23 be used to choose one parent over the other. That  
 24 is beyond anything that is conceptual, and that  
 25 would shift directly to the prescriptive

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1 recommendations, if any, that would come, that are 9:45AM  
 2 not part of the -- of the "New" School Finance 9:46AM  
 3 conceptual frame.  
 4 Q What prescriptive recommendations are  
 5 those?  
 6 A Well, you're asking me to describe a 9:46AM  
 7 specific recommendation that would provide criteria  
 8 and what selection processes. The "New" School  
 9 Finance framework has not been developed to that  
 10 level, and that's beyond the scope of the conceptual  
 11 frame of the "New" School Finance. We have not 9:46AM  
 12 provided any detailed criteria in who or how to  
 13 select -- on how or who to select in the team.  
 14 Q Does the success or failure of the  
 15 assessment process depend upon a selection criteria  
 16 for the members of the team? 9:46AM  
 17 A That would be up to the team that's  
 18 selecting the individuals that are involved. I've  
 19 identified those individuals who I think would be a  
 20 vital part of the team. How they're selected is  
 21 beyond the scope of anything that I'm prepared to 9:47AM  
 22 recommend.  
 23 Q So it would not -- it would not matter to  
 24 the success of the conceptual framework and the  
 25 assessment that takes place under it as to how the

<p style="text-align: right;">Page 707</p> <p>1 team is selected? 9:47AM  2 MS. LHAMON: Mischaracterizes the 9:47AM  3 testimony.  4 THE WITNESS: That's not what I indicated.  5 Certainly well-planned selection criteria is vital;  6 well-planned, in this context, of choosing parents 9:47AM  7 and the other individuals that are stakeholders  8 involved in the democratic process of selecting  9 them. Again, I emphasize that these are vital  10 members of a team.  11 Obviously, the selection process that is 9:47AM  12 utilized is going to be an important component of  13 further refining the conceptual frame, but what  14 you're asking me, as I've indicated, is much beyond  15 any level of development that this conceptual frame  16 has moved towards. That's not what I was asked to 9:48AM  17 present, and this is -- this is -- it's important to  18 remember that this is a conceptual frame. It's not  19 a detailed plan for implementation. It is not a  20 detailed plan of action.  21 BY MR. HILL:  22 Q What would it take to translate it from a  23 conceptual framework to a detailed plan?  24 A I think it would involve the discussion  25 of -- either by committee or some other form of the</p>	<p style="text-align: right;">Page 709</p> <p>1 employing; their use of materials and other 9:50AM  2 resources; the whole gamut of data that has been 9:50AM  3 identified would be taken to -- analyzed and would  4 begin to describe to us the patterns that exist;  5 would begin to describe to us the needs that may be  6 unmet at present. 9:50AM  7 Using that data would then lead us to  8 identifying those specific needs and, also,  9 identifying perhaps even best practices from which  10 we can begin to engage in the three-part process of  11 conceptualizing a formula, a new formula. 9:51AM  12 BY MR. HILL:  13 Q Would the assessment group prepare a  14 report that contains the kind of information that  15 you just described?  16 MS. LHAMON: Calls for speculation. 9:51AM  17 THE WITNESS: Presumably, yes. That's one  18 form of making the information from the analysis  19 available to a wider group of individuals, which may  20 include the legislature; which may include the state  21 board of education. That would be one way to report 9:51AM  22 this data back, and to make it publish as well.  23 BY MR. HILL:  24 Q Focusing on an assessment of an individual  25 classroom and the assessment team having completed</p>
<p style="text-align: right;">Page 708</p> <p>1 many different actors that I've described that would 9:48AM  2 be familiar with this conceptual frame, if this is 9:48AM  3 what they chose to adopt, and that would be familiar  4 with -- that would be familiar with how schools  5 operate in California, both from the state level, to  6 county and district, to the schools and classrooms. 9:49AM  7 Q Could that discussion take place in the  8 framework of a legislative committee hearing?  9 A If the legislative committee hearing  10 involved representatives of the different levels of  11 stakeholders throughout the state, maybe. I don't 9:49AM  12 know.  13 Q Let's assume, now, that the assessment  14 that you contemplate within the conceptual framework  15 has been completed.  16 What information -- what would be done 9:49AM  17 with the information that is gathered?  18 MS. LHAMON: Overbroad.  19 THE WITNESS: I think I've spoken to that  20 several times. That information would begin to  21 identify how resources are being allocated to 9:50AM  22 district level from the state; how district level is  23 then allocating those resources to school levels;  24 how schools are using resources at the classroom  25 level; how -- what methodology teachers are</p>	<p style="text-align: right;">Page 710</p> <p>1 their work for that classroom, would a report be 9:52AM  2 prepared that would identify the information they 9:52AM  3 found relevant for that classroom?  4 MS. LHAMON: Calls for speculation. And  5 again, this is well beyond the scope of the  6 conceptual frame. The witness has testified about 9:52AM  7 that several times now.  8 THE WITNESS: If you're asking whether  9 individual classroom assessments would be made  10 public in a wide -- larger report, certainly the  11 case studies of individual classrooms would be an 9:52AM  12 important part of any report.  13 BY MR. HILL:  14 Q Is it -- is it necessary to the success of  15 the implementation of the conceptual framework for  16 the "New" School Finance plan for there to be an 9:52AM  17 individual classroom assessment?  18 A I think I've answered that. The "New"  19 School Finance framework is not calling for an  20 individual assessment of every single classroom in  21 the state. Is that what you're asking me? 9:53AM  22 Q The question is on the record. If you can  23 answer it, please do. If not, if you don't  24 understand it, I'll have it read back.  25 MS. LHAMON: When the witness is asking</p>



<p style="text-align: right;">Page 711</p> <p>1 what you are asking him, he's made clear he doesn't 9:53AM  2 understand it. 9:53AM  3 MR. HILL: Then let's hear it back.  4 (The question was read as follows:)  5 "Q Is it -- is it necessary to the  6 success of the implementation of the 9:53AM  7 conceptual framework for the "New"  8 School Finance plan for there to be  9 an individual classroom assessment?"  10 THE WITNESS: Individual classroom  11 assessments are a vital part of learning about the 9:53AM  12 different characteristics which I've indicated  13 within classroom level. A wide-scale assessment,  14 absent classroom level assessment, would be missing  15 a large component of the assessment.  16 BY MR. HILL:  17 Q Using the context of the Williams case,  18 where we talk about school facilities, classroom  19 instruction and textbooks and other learning  20 instruments in order to determine whether or not  21 those are present or absent at a level that will 9:54AM  22 lead the children to the type of learning  23 opportunity that they're entitled to under the law,  24 would there not be a need for an individual  25 classroom assessment?</p>	<p style="text-align: right;">Page 713</p> <p>1 A I think that's beyond the scope of the 9:55AM  2 detail that the conceptual frame has been developed. 9:55AM  3 In any good research, the constant involvement of  4 the actual team which collected data, and in this  5 context was involved in the assessment, would be  6 important. The extent to which they would be still 9:56AM  7 involved in the context of the "New" School Finance  8 wide-scale assessment, it's not clear. It depends  9 what kind of data is actually gathered, the quality  10 of the data. It's a difficult question to answer.  11 It depends too much on the data which may be 9:56AM  12 collected.  13 Q Is any specific answer required for the  14 success of the conceptual framework?  15 A Can you rephrase that question? I don't  16 understand. 9:56AM  17 Q In order for the conceptual -- the "New"  18 School Finance plan and the conceptual framework  19 that implements it to be successful, does it require  20 any particular continuity in the assessment team?  21 MS. LHAMON: Vague as to "continuity." 9:57AM  22 Are you asking of a previously completed assessment  23 or hypothetically?  24 MR. HILL: I think the question stands.  25 THE WITNESS: Continuity in reference to</p>
<p style="text-align: right;">Page 712</p> <p>1 MS. LHAMON: Asked and answered. 9:54AM  2 THE WITNESS: Yes. I've answered that. 9:54AM  3 BY MR. HILL:  4 Q Yes? Yes?  5 A Yes.  6 Q Yes. 9:54AM  7 Now, if we assume that there has been a  8 classroom assessment, and perhaps the wider  9 assessment that you're describing, what happens,  10 then, to the committee that you've described? Does  11 it continue in existence in some way? 9:55AM  12 MS. LHAMON: Calls for speculation.  13 BY MR. HILL:  14 Q Let me start over again.  15 The assessment team has done whatever it  16 is that they're required to do for the success of 9:55AM  17 the conceptual framework, and a report has been  18 prepared that deals with the individual school.  19 What, then, happens to the assessment  20 team?  21 MS. LHAMON: Within the context of "New" 9:55AM  22 School Finance?  23 BY MR. HILL:  24 Q Within the concept of "New" School  25 Finance, yes.</p>	<p style="text-align: right;">Page 714</p> <p>1 the involvement of individuals -- 9:57AM  2 BY MR. HILL: 9:57AM  3 Q Continue.  4 A -- that had been involved in the  5 assessment, you're asking?  6 Q Yes. Yes. 9:57AM  7 A Again, I've answered already that it would  8 depend on the extent of the data; the quality of the  9 data; the analysis of the data. Whether their work  10 as the professionals that were engaged in the  11 assessment team would be done and completed upon 9:57AM  12 collecting data. It's unlikely that it's not.  13 Like I indicated, any good research  14 methodology would continue to involve, though it's  15 not clear to what extent, the individuals who  16 collected the data, especially if these are the 9:57AM  17 professionals who are making the judgments of the  18 type and -- the type of data that is being  19 collected.  20 BY MR. HILL:  21 Q Does the conceptual framework contemplate 9:58AM  22 that the assessment team will make a recommendation  23 as to action?  24 A The conceptual frame has not been  25 developed to that extent. I couldn't answer that.</p>

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1 Q It is not a necessary component of the 9:58AM  
 2 conceptual framework for the assessment team to make 9:58AM  
 3 a recommendation?  
 4 A The recommendation would -- one level or  
 5 extent of recommendation would obviously be the  
 6 reporting back of the data collected. Whether the 9:58AM  
 7 assessment team would make direct recommendations on  
 8 how to use that data, it's not clear. I have not  
 9 developed the conceptual frame to that level. They  
 10 may or may not.  
 11 Q You stated earlier that the assessment 9:59AM  
 12 would be given wide dissemination. Can you tell me  
 13 who, in order for the conceptual framework to be  
 14 successful, who would be on the list to receive the  
 15 assessment report?  
 16 MS. LHAMON: Calls for speculation. 9:59AM  
 17 THE WITNESS: Obvious actors that would be  
 18 involved in reviewing any report that would be  
 19 generated from the assessment would be actors at the  
 20 state level and the department of education; may  
 21 involve legislators; may involve state board of 9:59AM  
 22 education; secretary of education; superintendent of  
 23 education, among others.  
 24 The "New" School Finance framework does  
 25 not make specific recommendations on the political

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1 actors, if that's what you're asking, that would be 10:00AM  
 2 involved in reviewing any sort of assessment report. 10:00AM  
 3 BY MR. HILL:  
 4 Q What is the contemplation of the "New"  
 5 School Finance conceptual framework for action to be  
 6 taken on the information contained in the 10:00AM  
 7 assessment?  
 8 A Can you restate that, please, or -- yeah,  
 9 restate it.  
 10 (The question was read as follows:)  
 11 "Q What is the contemplation of 10:00AM  
 12 the "New" School Finance conceptual  
 13 framework for action to be taken on  
 14 the information contained in the  
 15 assessment?"  
 16 THE WITNESS: It depends on the quality 10:00AM  
 17 and extent of the data that is collected. Without  
 18 knowing the details of the type of data collected,  
 19 it would be difficult to provide to you a precise  
 20 recommendation on to actually proceed with that  
 21 data. 10:01AM  
 22 BY MR. HILL:  
 23 Q Put in the context of the Williams case,  
 24 assuming the data discloses deficiencies in the use  
 25 of teachers, deficiencies in the use of

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1 instructional materials, and deficiencies in the 10:01AM  
 2 facilities, what would the "New" School Finance plan 10:01AM  
 3 conceptual framework contemplate be done following  
 4 such a report?  
 5 MS. LHAMON: Hopelessly incomplete  
 6 hypothetical. 10:01AM  
 7 THE WITNESS: You've characterized only  
 8 difficult efficiencies, I'm assuming, in funding  
 9 these resource categories. Is that fair? Is that  
 10 what you're asking?  
 11 BY MR. HILL:  
 12 Q That's one form of deficiency, and we can  
 13 certainly assume that, if that's helpful to your  
 14 answer.  
 15 A If we're to assume that you're  
 16 characterizing funding deficiencies, which may exist 10:01AM  
 17 that have limited districts from hiring, as you  
 18 indicate, quality teachers or -- then -- and if the  
 19 data indicates -- if the data that results from a  
 20 wide-scale assessment indicates that there is  
 21 insufficient funding; if the data indicates, also, 10:02AM  
 22 that a district has engaged in efficient of  
 23 resources, but has still resulted in a lack of  
 24 teachers, for example, then a possible remedy may  
 25 be -- a possible remedy may demand additional

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1 resources to allow these specific schools to meet 10:02AM  
 2 the needs, specific needs. 10:03AM  
 3 Q Is that the second stage of your plan,  
 4 where you suggest that it is necessary, then, to  
 5 allocate resources to the practices disclosed in the  
 6 assessment? 10:03AM  
 7 A Yes, that would be one action or remedy  
 8 that would be part of the second stage that you've  
 9 identified.  
 10 Q Are there others?  
 11 A Part of the wide-scale assessment might 10:03AM  
 12 identify inefficient resource use, which in  
 13 particular situations may not involve additional  
 14 resources. That would depend on local situations  
 15 and characteristics that were identified.  
 16 A recommendation consistent with the 10:03AM  
 17 second part of the "New" School Finance formula may  
 18 involve -- if inefficient use of resources are  
 19 identified -- may involve recommendations that would  
 20 help some districts use their resources more  
 21 efficiently, absent additional dollars. 10:04AM  
 22 Q Who --  
 23 A However, again, that is dependent on local  
 24 situations.  
 25 Q Who would make those recommendations?

<p style="text-align: right;">Page 719</p> <p>1 A Presumably the same committee or body of 10:04AM  2 actors that we've been speaking about all morning. 10:04AM  3 Q What role do you see in the "New" School  4 Finance conceptual framework for school boards?  5 A The specific identification of duties that  6 the school boards would have is beyond the scope of 10:05AM  7 the conceptual frame that has been developed.  8 School boards may, however, be involved in providing  9 the necessary data, at least at school district  10 level, that any assessment team would need in  11 facilitating the collection of data at school levels 10:05AM  12 as well.  13 Q The assessment that is generated from your  14 assessment team, you said that it would not be  15 detailed at the level of, say, an individualized  16 education plan; but what -- to what detail do you 10:06AM  17 expect it to describe the education program of an  18 individual classroom?  19 MS. LHAMON: Mischaracterizes the  20 testimony. Calls for speculation.  21 THE WITNESS: My testimony indicates that 10:06AM  22 the conceptual frame is not calling for the  23 engagement of an assessment team to create  24 individual education plans similar to those that we  25 use in identifying needs of Special Ed students</p>	<p style="text-align: right;">Page 721</p> <p>1 identification of schools that use a similar level 10:08AM  2 of resources. 10:08AM  3 Again, I am not -- I do not think that a  4 wide-scale assessment would involve the  5 identification of specific needs in every single  6 classroom by visiting those classrooms. 10:08AM  7 BY MR. HILL:  8 Q The method you described, would it entail  9 gathering data for an individual classroom, and then  10 using a statistical formula and applying it or  11 generalizing it to all other schools, other schools 10:09AM  12 or other classrooms?  13 MS. LHAMON: Calls for speculation.  14 THE WITNESS: In your rough description,  15 that's part of the process of engaging in that  16 methodology that I've described, yes. 10:09AM  17 BY MR. HILL:  18 Q And to make the rough description more  19 precise, what would be a proper description of that  20 system?  21 A Beyond what I've described already, in 10:09AM  22 engaging in the process of identifying  23 representative sample of schools, I'm not prepared  24 to engage in describing any full methodology,  25 methodological plan that would identify</p>
<p style="text-align: right;">Page 720</p> <p>1 across the state. It would not engage in the IEP 10:06AM  2 process for each classroom -- strike that. It would 10:06AM  3 not engage in an IEP process for each student or for  4 each classroom or for, even necessarily, for each  5 school throughout the state.  6 There is methodology that we can use that 10:07AM  7 can begin to identify a representative sample of  8 schools across the state that would not involve --  9 that would not necessarily involve the visiting and  10 observing every single student in classrooms in the  11 state. 10:07AM  12 BY MR. HILL:  13 Q How, then, would a determination be made  14 as to whether an individual classroom has adequate  15 school instruction materials to serve the needs of  16 their students? 10:07AM  17 MS. LHAMON: Asked and answered.  18 THE WITNESS: As I indicated, there is  19 method -- data collection methodology and research  20 methodology that can work using a representative  21 sample of classrooms, perhaps, or even school levels 10:08AM  22 that would be based on, for example, schools that  23 are serving students that have similar  24 characteristics, including socioeconomic  25 characteristics that would involve, perhaps,</p>	<p style="text-align: right;">Page 722</p> <p>1 representative sample schools. That is something 10:10AM  2 that I would need much more data for. 10:10AM  3 Some of the additional data necessary to  4 begin representative samples may actually be the  5 kind of data that we might begin to gather in -- in  6 collecting data at individual schools and classrooms 10:10AM  7 through some sort of pilot assessment before  8 engaging in a wider assessment. It's not clear what  9 methodology, specifically, would be developed and  10 utilized yet, until we developed the framework to  11 that level. 10:10AM  12 Q Now, at some point, the "New" School  13 Finance process suggests that statewide standards  14 would be developed that would apply to schools.  15 MS. LHAMON: Is that a question?  16 MR. HILL: That's a question. 10:10AM  17 THE WITNESS: That's consistent with, I  18 believe, the second component of the -- I'm sorry.  19 That's consistent with the first part. The  20 conceptual frame, the "New" School Finance  21 conceptual frame, does call for the development 10:11AM  22 of -- and it depends which state context we're  23 looking at -- but the development of standards or  24 the refinement of existing standards at a state  25 level.</p>

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1 In California, if we want to engage in 10:11AM  
 2 applying the concept frame of the "New" School 10:11AM  
 3 Finance, it's not clear whether we would work from  
 4 the existing standards or whether the committee of  
 5 actors and professionals involved in this wide-scale  
 6 assessment would call for the development of new 10:12AM  
 7 standards. That's beyond the scope of the  
 8 formula -- of the framework.  
 9 BY MR. HILL:  
 10 Q However, standards is an essential  
 11 ingredient to the "New" School Finance -- 10:12AM  
 12 A Yes.  
 13 Q -- conceptual framework?  
 14 A Yes.  
 15 Q And the way you've just described it, the  
 16 standards are linked to the assessments that are 10:12AM  
 17 performed of schools as you've described them this  
 18 morning. Is that correct?  
 19 A No. I think standards are linked to the  
 20 assessments of student performance, or should be  
 21 linked to the assessment of student performance. 10:12AM  
 22 Standards are -- will ultimately be part of the  
 23 framework in helping identify minimum resource  
 24 levels that would allow schools to actually meet the  
 25 set standards.

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1 Q Using the terms "inputs" and "outputs," is 10:13AM  
 2 it fair to say that the assessments are inputs and 10:13AM  
 3 the standards are outputs?  
 4 A The standards identify a set level of  
 5 outputs, if we're speaking about curriculum and  
 6 learning standards. The assessments that are linked 10:13AM  
 7 to assessment standards -- I'm sorry.  
 8 The assessments that are linked to the  
 9 learning standards could be identified as the input,  
 10 yes, because that's a resource that is used to  
 11 identify an output. 10:13AM  
 12 Q You describe the "New" School Finance  
 13 program as unique in the sense that it has a link  
 14 between inputs and outputs that is not present in  
 15 other concepts. Is that a fair statement?  
 16 A Yes. 10:14AM  
 17 Q Would you, using the widespread statewide  
 18 assessment that you've just described, would you  
 19 tell us how that is linked to the -- to the -- how  
 20 those assessments are linked to the standards?  
 21 A That would depend on the standards. One 10:14AM  
 22 vital component of a good assessment is an  
 23 assessment that tests and accounts for the  
 24 benchmarks that are set by learning standards either  
 25 by the state or local districts.

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1 Q Now, I'm referring to the -- to the 10:14AM  
 2 widespread assessments that takes place by the team 10:14AM  
 3 who visits the schools or sample schools, and I'm  
 4 trying to link that assessment to standards.  
 5 Is there such a link?  
 6 A The -- you're speaking of the data that 10:15AM  
 7 may be collected through the wide-scale assessments.  
 8 Q That's correct.  
 9 A Not about any sort of teaching -- I'm  
 10 sorry -- testing assessment?  
 11 Q Yes. 10:15AM  
 12 A Okay. Restate the question, please.  
 13 MR. HILL: Would you read it?  
 14 (The question was read as follows):  
 15 "Q Now, I'm referring to the -- to  
 16 the widespread assessments that 10:16AM  
 17 takes place by the team who visits  
 18 the schools or sample schools, and  
 19 I'm trying to link that assessment  
 20 to standards."  
 21 THE WITNESS: The link would be to the 10:16AM  
 22 extent that if we identify specific needs in  
 23 wide-scale assessments, and if we begin to actually  
 24 identify the costs associated with -- the costs  
 25 associated with supplementing the needs so that

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1 students can meet the minimum benchmarks that may be 10:16AM  
 2 set by standards, yes, there is a direct link. 10:16AM  
 3 BY MR. HILL:  
 4 Q What information has to be in the  
 5 assessment in order to make that link?  
 6 A What data, you're asking? 10:16AM  
 7 Q Yes.  
 8 A We would have to have a full account of  
 9 resources that are allocated to school districts  
 10 and, again, how school districts are allocating  
 11 those resources to school level. And we would have 10:17AM  
 12 to have a full account of how schools are using  
 13 resources as well, and that's -- we get -- when we  
 14 get to that point, we get to a level of data that  
 15 does not presently exist in California.  
 16 Q Would that data include money provided by 10:17AM  
 17 the state to school districts?  
 18 A Yes, that's the money that I'm talking  
 19 about.  
 20 Q When we use the term "state" and "state  
 21 money," how would you define that -- those terms? 10:17AM  
 22 A That would involve both the revenue limits  
 23 that are allocated to schools on a per pupil basis;  
 24 would include -- presently would include categorical  
 25 dollars and all additional, which includes both

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1 state and federal revenues. But when I'm speaking 10:18AM  
 2 about money, I'm speaking of it in terms of the 10:18AM  
 3 general existing per pupil expenditure, which also  
 4 includes any miscellaneous local funds as well.  
 5 Q So it includes property tax funds that go  
 6 directly to the school district? 10:18AM  
 7 A It's important to remember that property  
 8 tax funds first go to the state, and then are  
 9 redistributed to schools, and the bulk of that being  
 10 in the form of the revenue limit that is given to  
 11 schools on a per pupil basis. 10:18AM  
 12 Q Does it include any foundation money that  
 13 might be available to schools?  
 14 A Foundation as in private foundation?  
 15 Q Yes.  
 16 A Philanthropic money? 10:18AM  
 17 Q Yes.  
 18 A That per pupil expenditure, many times,  
 19 does not include the foundation money.  
 20 Q Would your assessment reveal what private  
 21 foundation money might be available to schools and 10:19AM  
 22 how that private foundation money is used?  
 23 A The assessment would attempt to account  
 24 for all revenue that is actually provided to local  
 25 school districts for schools and try to identify how

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1 those resources are being used. 10:19AM  
 2 Q Would it include nonrevenue materials or 10:19AM  
 3 supplies that are made available to schools?  
 4 A The assessment may include taking a full  
 5 account of those type of nonfiscal resources that  
 6 flow to schools. 10:19AM  
 7 Q Would it identify the -- whether or not  
 8 funds that are made available to school districts by  
 9 the state are adequate to perform the requirements  
 10 imposed upon school districts by the state?  
 11 A That's one of the principal objectives of 10:20AM  
 12 engaging the assessment.  
 13 Q If the assessment revealed that school  
 14 districts were required to perform activities that  
 15 were not fully funded by the state, you just said  
 16 that would be contained in the report. 10:20AM  
 17 Would the report, then -- or the  
 18 assessment, rather -- would the assessment propose  
 19 solutions to that problem?  
 20 A I think the so-called report, working  
 21 again within the hypothetical that we've been 10:20AM  
 22 developing, would identify those policy or reform  
 23 initiatives or mandates that lack the necessary  
 24 state revenues necessary to implement, and that  
 25 would be part of the report, or that would be part

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1 of the data collected from the assessment. 10:21AM  
 2 Q Now, the "New" School Finance plan 10:21AM  
 3 includes, within its conceptual framework, a  
 4 solution to the problem that we've just identified;  
 5 does it not?  
 6 A One of the possible solutions for this 10:21AM  
 7 specific problem we just spoke about in the previous  
 8 question, which is unfunded mandates. Is that a  
 9 fair characterization?  
 10 Q That can be a term.  
 11 A Is that what you're alluding to? 10:21AM  
 12 Q Well, that certainly is a description of  
 13 one aspect of what I've alluded to, but I don't want  
 14 to be confined to that, so I just take it in its  
 15 broadest context.  
 16 A Let's restate the question, then. 10:22AM  
 17 MR. HILL: Can you read it again?  
 18 (The question was read as follows:)  
 19 "Q Now, the "New" School Finance  
 20 plan includes, within its conceptual  
 21 framework, a solution to the problem 10:22AM  
 22 that we've just identified; does it  
 23 not?"  
 24 THE WITNESS: Can you be specific on the  
 25 problem we just identified?

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1 ////  
 2 BY MR. HILL:  
 3 Q A situation where a school is obligated to  
 4 perform activities for which there are insufficient  
 5 funds provided by the state.  
 6 MS. LHAMON: Just for clarification, I 10:22AM  
 7 actually thought you were talking about a school  
 8 district before that question. Was it a school, or  
 9 does it matter?  
 10 BY MR. HILL:  
 11 Q It doesn't matter whether it's schools or 10:22AM  
 12 school districts. You can answer it as to school  
 13 districts first, and then I suppose we can answer  
 14 it, again, with regards to schools, or you can  
 15 answer it completely as to both.  
 16 A In the context of either school or school 10:22AM  
 17 districts that are required to implement X program  
 18 from the state, yet insufficient revenues are  
 19 provided to adequately implement that program, the  
 20 needs assessment would identify how that specific  
 21 need is not being met and how that specific need may 10:23AM  
 22 lack the necessary resources to be properly  
 23 implemented. A possible remedy in identifying those  
 24 needs in that situation may entail additional  
 25 resources from the state level.

<p style="text-align: right;">Page 731</p> <p>1 Q Also, the needs assessment would also 10:23AM  2 identify situations where funds are moved from one 10:23AM  3 activity to another activity to fund an activity  4 where the state -- let me start over again.  5 The needs assessment would also reveal  6 circumstances where it has been necessary to divert 10:24AM  7 funds from one local activity to make up the lack of  8 funding from the state for a mandated activity. Is  9 that correct?  10 A Yes. It is hope that a well-planned and  11 well-executed assessment would identify those type 10:24AM  12 of practices. Yes.  13 MS. LHAMON: Can we take a break, if you  14 don't mind?  15 MR. HILL: Okay.  16 (Discussion off the record.) 10:24AM  17 (Defendants' Exhibits 17 was marked  18 for identification and annexed  19 hereto.)  20 BY MR. HILL:  21 Q Dr. Huerta, I would like to move now into 10:38AM  22 another phase of the "New" School Finance plan, and  23 that phase is accountability.  24 What -- I know you have talked about  25 accountability in the days we've had of deposition,</p>	<p style="text-align: right;">Page 733</p> <p>1 give you this in direct detail as identified on the 10:41AM  2 top of page 60 -- the local level accountability 10:41AM  3 would include the ability of parents, community  4 adequacy groups, teachers as well, to engage in a  5 complaint, uniform complaint procedure, that would  6 begin to address how schools might not be meeting 10:41AM  7 student needs or, also, begin to address how schools  8 may not have the resources necessary to meet needs.  9 But this type of local accountability would be a  10 first step in involving local actors in the  11 oversight of schools, and would allow discretion at 10:42AM  12 this level to attempt to either create school level  13 action plans that would work towards improving  14 schools at that level.  15 If the local level complaint procedure  16 would fail, then the "New" School Finance framework 10:42AM  17 involves the state-level complaint procedure  18 process, which is identified in pages 60, 61 and 62,  19 where state-level teams of professionals would be  20 involved in coming down to the local level and  21 assisting schools or districts in addressing the 10:42AM  22 complaints.  23 Q The enforcement or accountability  24 mechanism you just described assumes, does it not,  25 that resources have been made available to local</p>
<p style="text-align: right;">Page 732</p> <p>1 and there's accountability in the report, but for 10:38AM  2 purposes of our discussion now, can you just 10:38AM  3 summarize what the concept of accountability is that  4 is built into the "New" School Finance plan?  5 A The accountability plan that is built or  6 that is outlined in the conceptual frame of the 10:39AM  7 "New" School Finance is reliant on a set minimum  8 level of standards which involve academics which  9 would be set at the state level. That doesn't  10 preclude local levels from being part of the  11 creation of such standards; would hopefully involve 10:39AM  12 that level in allowing local professionals to be  13 part of the creation of state level benchmarks for  14 student performance.  15 The other components of accountability  16 framework that is built into the "New" School 10:40AM  17 Finance also involves the funding of the major  18 resource categories that are vital in meeting set  19 level benchmarks, academic achievement benchmarks.  20 An additional level of accountability is  21 built into the local level where local levels would 10:40AM  22 engage in the oversight of making sure that schools  23 have the resources necessary to meet their students'  24 needs. And at the local level, as described in  25 page -- and I'm pointing you to the report so I can</p>	<p style="text-align: right;">Page 734</p> <p>1 schools or school districts to meet the students' 10:43AM  2 needs that have been revealed by the assessment? 10:43AM  3 MS. LHAMON: Mischaracterizes the  4 testimony.  5 THE WITNESS: The assessment component of  6 a conceptual framework is the latter part of the 10:43AM  7 steps in the procedure and would -- would come after  8 local needs have been identified after a wide-scale  9 assessment and after some formula would be created  10 that would address local needs.  11 MS. LHAMON: Dr. Huerta, did you say 10:43AM  12 "accessible" component or "accountability" component  13 at the beginning of that sentence?  14 THE WITNESS: I don't know. What did I  15 say?  16 THE REPORTER: "Assessment component." 10:44AM  17 THE WITNESS: Would you reread my answer,  18 please, starting with Gene's question first?  19 (The record was read as follows:)  20 "Q The enforcement or  21 accountability mechanism you just 10:44AM  22 described assumes, does it not, that  23 resources have been made available  24 to local schools or school districts  25 to meet the students' needs that</p>

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1 have been revealed by the 10:44AM  
 2 assessment? 10:44AM  
 3 "THE WITNESS: The assessment  
 4 component of a conceptual framework  
 5 is the latter part of the steps in  
 6 the procedure and would -- would 10:44AM  
 7 come after local needs have been  
 8 identified after a wide-scale  
 9 assessment and after some formula  
 10 would be created that would address  
 11 local needs." 10:44AM  
 12 THE WITNESS: Strike that, and I'm going  
 13 to reanswer that or answer that again, please.  
 14 I did say "assessment."  
 15 The accountability component of the "New"  
 16 School Finance conceptual frame is the latter part 10:44AM  
 17 of the conceptual frame which would come -- which  
 18 would work in tandem with, first, having assessed  
 19 local needs and having devised a formula that  
 20 addresses those local needs.  
 21 BY MR. HILL:  
 22 Q When you say "formula," do you mean  
 23 funding formula?  
 24 A Yes.  
 25 Q Is there any component of the new finance

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1 conceptual framework that has an assumption built 10:45AM  
 2 into it that local needs will not be fully funded? 10:45AM  
 3 A The conceptual frame outlines the  
 4 wide-scale assessment that would identify what local  
 5 needs are, and then calls for the creation of a  
 6 finance formula that would fund to those specific 10:45AM  
 7 needs as set by local -- by state level minimum  
 8 benchmarks for academic performance, as well as for  
 9 benchmarks of minimum resources necessary.  
 10 Whether that formula would work toward  
 11 completely funding every need at school level, it's 10:46AM  
 12 not clear. It would depend on the extent and the  
 13 quality of the data that we have. The hypotheses of  
 14 the formula of the conceptual frame is that  
 15 wide-scale assessment would aid us in identifying --  
 16 in fully identifying local needs, and the formula 10:46AM  
 17 that would follow would fund those needs.  
 18 Q It does not contemplate the situation  
 19 where needs are identified and revealed to  
 20 policy-makers and standards set based on performance  
 21 levels established pursuant to the procedure you've 10:47AM  
 22 described and school districts being held  
 23 accountable to a standard for which there is no  
 24 money to achieve?  
 25 A The "New" School Finance reform calls

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1 for -- or strike that. 10:47AM  
 2 The "New" School Finance conceptual 10:47AM  
 3 framework identifies that if a need is identified  
 4 through a wide-scale accurate assessment, then that  
 5 need must be funded.  
 6 Q I've marked as Exhibit 17 a document 10:47AM  
 7 entitled "Crucial Issues in California Education  
 8 2000." It has the name "Huerta" in the upper  
 9 right-hand corner, and it is -- includes Chapter 4  
 10 of that publication.  
 11 A I think -- wasn't that one of the exhibits 10:48AM  
 12 already?  
 13 Q It was not marked. It was not marked.  
 14 MS. LHAMON: Do you want to make it an  
 15 exhibit?  
 16 MR. HILL: I want to make it an exhibit. 10:48AM  
 17 THE WITNESS: So you already --  
 18 BY MR. HILL:  
 19 Q I think there's an extra one for you,  
 20 Dr. Huerta, if you need.  
 21 A I've just been working off the stamped. 10:48AM  
 22 Q The one that is stamped?  
 23 A Yes.  
 24 MR. HILL: Everybody have one?  
 25 MR. SIMMONS: Yes.

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1 MR. POULOS: Yeah. 10:48AM  
 2 BY MR. HILL: 10:48AM  
 3 Q Do you recognize that document?  
 4 A Yes.  
 5 Q What is it, 16?  
 6 THE REPORTER: 17. 10:48AM  
 7 MS. LHAMON: Just to be clear, it's just  
 8 Chapter 4, and then the initial face pages of the  
 9 document?  
 10 MR. HILL: Yes, and it does not contain  
 11 the introduction and some of the other... 10:49AM  
 12 BY MR. HILL:  
 13 Q Do you recognize it, Professor Huerta?  
 14 A Yes, I do.  
 15 Q And would you describe it, please?  
 16 A This is a chapter that myself and two 10:49AM  
 17 other colleagues wrote for a publication entitled  
 18 "Crucial Issues in California Education 2000: Are  
 19 the Reform Pieces Fitting Together," which was  
 20 published in late 2000, if I recall correctly, by  
 21 Policy Analysis for California Education. 10:49AM  
 22 Q And it's part of a larger -- larger  
 23 publication. Is that correct?  
 24 A Yes. The larger publication begins to  
 25 examine a variety of different components of the

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1 state school system in California. 10:49AM  
 2 Q And the larger -- you have mentioned 10:50AM  
 3 earlier your employment experience with PACE, and  
 4 you identify, I think, Elizabeth Burr, Gerald  
 5 Hayward, Bruce Fuller and Michael Kirst, K-i-r-s-t,  
 6 Kirst, as persons with whom you worked. 10:50AM  
 7 Were they the editors of the entire  
 8 publication, "Crucial Issues in California Education  
 9 2000?  
 10 MS. LHAMON: Mischaracterizes prior  
 11 testimony. 10:50AM  
 12 THE WITNESS: The four authors listed on  
 13 the cover sheet are indeed the editors of the  
 14 publication. Some of the editors actually had  
 15 authored some of the chapters, but they were the  
 16 editors of the volume. 10:50AM  
 17 BY MR. HILL:  
 18 Q And what was your role in -- with regard  
 19 to this, with regard to Exhibit 17?  
 20 A Specifically to Chapter 4?  
 21 Q Yes. 10:51AM  
 22 A I was part of the team that researched  
 23 some of the facts, along with Neal Finkelstein and  
 24 William Furry.  
 25 Q Did you -- excuse me. I didn't mean to

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1 cut you off. 10:51AM  
 2 A And I was responsible for -- I was a 10:51AM  
 3 co-author and was responsible for providing some of  
 4 the sections contained in the chapter cooperatively  
 5 with the other individuals.  
 6 Q So your work on this meets the description 10:51AM  
 7 that you have given us earlier about what happens  
 8 when you co-author a report; you blend together and  
 9 mix together work to create one document?  
 10 A Yes, that's fair.  
 11 Q If you would turn to page 43, which I 10:51AM  
 12 think is one of the early pages of the exhibit?  
 13 MS. LHAMON: We start at page 45.  
 14 MR. HILL: I'm sorry. You start at  
 15 page 45? Excuse me. I meant page 45. Pardon me.  
 16 BY MR. HILL: 10:52AM  
 17 Q Would you look at the paragraph in the  
 18 right-hand column that has the bullet in the left  
 19 hand margin that begins with the word, it is  
 20 unlikely?  
 21 A Yes. 10:52AM  
 22 Q That paragraph reads, "It is unlikely that  
 23 even substantial adjustments to the existing school  
 24 finance system can result in financing structures  
 25 whereby the educational goals of the state are

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1 consistent with how resources are raised, allocated 10:52AM  
 2 and spent. Incremental reforms in the ways in which 10:53AM  
 3 schools are financed will not yield a coherent set  
 4 of policies."  
 5 Do you agree with that statement?  
 6 A I agree with that -- strike that. 10:53AM  
 7 Let me just read the sentence, the  
 8 paragraph before that, to put this in context,  
 9 please.  
 10 Restate the question, please.  
 11 Q I asked you if you agreed with the 10:54AM  
 12 language I just read from page 45.  
 13 A Yes, I agree with that language. And it's  
 14 important to clarify that in context, the statement  
 15 that speaks to -- or the first sentence of that  
 16 bullet which indicates it's unlikely that even 10:54AM  
 17 substantial adjustments to the school finance  
 18 system, et cetera, is in reference to the fact that  
 19 simply adjusting school fund aid, the formula absent  
 20 the discussion which we outline in the previous  
 21 bullet, which is the discussion which speaks to 10:54AM  
 22 examining how money is actually used and what money  
 23 actually buys. So in that context, that first  
 24 statement speaks specifically to that fact that  
 25 adjustments, even if they're substantial that are

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1 exclusive to a school finance formula, will not 10:55AM  
 2 result in -- will not result in the creation of a 10:55AM  
 3 school finance formula that is consistent with needs  
 4 at local levels.  
 5 Q This report is dated sometime in the year  
 6 2000. You said it was published, I think, in the 10:55AM  
 7 year 2000.  
 8 Has anything changed since this report was  
 9 published to alter your agreement or disagreement  
 10 with that paragraph?  
 11 A I think my statement clarified I do agree 10:56AM  
 12 with that statement in the context with what is  
 13 discussed in the previous paragraph. Whether  
 14 anything has changed statewide?  
 15 Q Yes, anything changed in the California  
 16 financing system that would suggest that you have a 10:56AM  
 17 different view from what is described in the  
 18 paragraph that I read, taken in the context of the  
 19 paragraph you referred to.  
 20 A No.  
 21 Q Does that suggest that it is your view 10:56AM  
 22 that California cannot incrementally modify its  
 23 state financing scheme with success?  
 24 A It's my view that incremental changes or  
 25 reforms to the school finance system in California



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1 will not yield the changes necessary to actually 10:57AM  
 2 meet both educational outcome goals. 10:57AM  
 3 Q Would you describe the current California  
 4 financing scheme as a conglomeration, a historical  
 5 conglomeration of education principles?  
 6 MS. LHAMON: I'm sorry. Were you finished 10:57AM  
 7 with your last answer?  
 8 MR. HILL: I'm sorry. I didn't mean to  
 9 cut him off.  
 10 MS. LHAMON: I'm not sure. I thought you  
 11 might have. 10:57AM  
 12 THE WITNESS: Can you restate the answer,  
 13 please? I think I was finished.  
 14 MS. LHAMON: I heard "both," and then one  
 15 listed.  
 16 (The answer was read as follows:)  
 17 "A It's my view that incremental  
 18 changes or reforms to the school  
 19 finance system in California will  
 20 not yield the changes necessary to  
 21 actually meet both educational  
 22 outcome goals."  
 23 THE WITNESS: I'll just leave it at that  
 24 because I think you're asking a follow-up anyway.  
 25 MR. HILL: Would you then state the

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1 question? 10:58AM  
 2 (The question was read as follows:) 10:58AM  
 3 "Q Would you describe the current  
 4 California financing scheme as a  
 5 conglomeration, a historical  
 6 conglomeration of education 10:58AM  
 7 principles?"  
 8 THE WITNESS: Could you tell me if the  
 9 word "conglomeration" is part of this report?  
 10 BY MR. HILL:  
 11 Q Yes, it is. Look at page 46 in the 10:58AM  
 12 first -- in the paragraph that continues over from  
 13 page 45.  
 14 A Okay.  
 15 Q About in the middle. It begins, "This  
 16 section asks" -- page 46. 10:58AM  
 17 A Restate the question, please.  
 18 Q I asked if you would describe the current  
 19 education finance system in California as a  
 20 historical conglomeration of education principles.  
 21 A Yes, I agree with that. 10:59AM  
 22 Q Do you believe that the current system is  
 23 unprincipled?  
 24 A Unprincipled?  
 25 Q Yes, unprincipled.

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1 A I'm not sure what you mean by 10:59AM  
 2 "unprincipled." 10:59AM  
 3 Q It lacks principles.  
 4 A I think the current school finance formula  
 5 lacks principles that are connected to -- strike  
 6 that, please. 10:59AM  
 7 I think the current school finance form in  
 8 California, because it is extremely disconnected  
 9 from what local needs are and is the result of  
 10 so-called conglomeration of education principles,  
 11 does lack -- does lack a coherent definition of -- 11:00AM  
 12 both of what local needs are and the money or the  
 13 resources expected to fund those needs.  
 14 Q Is another way of saying that is that  
 15 school districts are mandated to perform tasks for  
 16 which inadequate funding is provided? 11:00AM  
 17 A There is evidence that that does occur,  
 18 yes.  
 19 Q Is there also evidence that school  
 20 districts are required to divert funds from one  
 21 program to perform the mandated activities of 11:01AM  
 22 another program?  
 23 MS. LHAMON: Vague as to "required."  
 24 THE WITNESS: There is evidence that  
 25 schools do engage in using resources that have been

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1 earmarked or categorized for one program and often 11:01AM  
 2 use those resources for -- for either other programs 11:01AM  
 3 or for general use.  
 4 BY MR. HILL:  
 5 Q On page 47 of the report, there is a  
 6 description of Proposition 13. Did you participate 11:01AM  
 7 in the drafting of that description?  
 8 A I believe I did, yes.  
 9 Q There's a description of the -- under the  
 10 heading "revenue limits." Did you participate in  
 11 the drafting of that description? 11:02AM  
 12 A If not directly, either cooperatively or  
 13 in editing. I don't remember exactly.  
 14 Q On page 48, there's a description of  
 15 Proposition 98. I think you offered at one point to  
 16 give us a one-hour lecture how Proposition 98 11:02AM  
 17 operates. I won't do that.  
 18 MS. LHAMON: Thank you.  
 19 BY MR. HILL:  
 20 Q But I will ask you if you authorized the  
 21 discussion of Proposition 98 on page 48? 11:02AM  
 22 A Again, I either drafted pieces of it or --  
 23 as I indicated, I either participated in the  
 24 cooperative drafting of it or in the editing, as  
 25 with most sections of the report.

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1 Q Would you look at page 58, please. There 11:03AM  
 2 is -- and I call your attention to a paragraph in 11:03AM  
 3 the middle of the right-hand column, and I'll read  
 4 it to you: "A final significant consequence of  
 5 Proposition 98 was the creation of large pots of  
 6 one-time money each year. One-time money resulted 11:03AM  
 7 when the Department of Finance underestimated the  
 8 amount of Proposition 98 guarantee, which it  
 9 invariably did, so that at the end of the fiscal  
 10 year, Prop 98 guarantee was underfunded."  
 11 Do you agree with that statement? 11:04AM  
 12 A Yes.  
 13 Q Did you write it?  
 14 A I don't know if I wrote it directly, but I  
 15 agree with that statement.  
 16 Q Moving down the page, there's part of that 11:04AM  
 17 same paragraph, reads: "It was not possible for  
 18 districts to spend that money -- referring to the  
 19 one-time money -- on ongoing obligations such as  
 20 salaries because, in effect, that would be double  
 21 counting the money as part of the ongoing 11:04AM  
 22 Proposition 98 base."  
 23 Would you agree with that?  
 24 A Yes.  
 25 MS. LHAMON: You juxtaposed some words,

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1 but not with any real meaning. Just want to point 11:04AM  
 2 out so we're clear. 11:04AM  
 3 MR. HILL: Pardon?  
 4 MS. LHAMON: You juxtaposed some words,  
 5 but not with any real meaning.  
 6 MR. HILL: I'm sorry. 11:05AM  
 7 MS. LHAMON: That's okay.  
 8 BY MR. HILL:  
 9 Q Turn to page 59. In the middle of the  
 10 column on the left-hand side, there's a statement  
 11 that says, "But Proposition 98 also sullied the 11:05AM  
 12 decision-making process to a certain extent."  
 13 A Sorry. Hold on just a minute.  
 14 Q Can you find it, on the left-hand column?  
 15 A Got it.  
 16 Q I'll start it over. 11:05AM  
 17 A Okay.  
 18 Q "But Proposition 98 also sullied the  
 19 decision-making process to a certain extent. Many  
 20 times a legislator, whose legislative specialty was  
 21 not education, sitting on an education committee, 11:05AM  
 22 would ask for -- ask if a proposed new program was  
 23 to be funded out of Proposition 98 dollars. If the  
 24 answer was yes, then the legislator didn't care very  
 25 much if the program was passed or not because it was

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1 Prop 98 money that would be going to education one 11:06AM  
 2 way or another." 11:06AM  
 3 Do you agree with that?  
 4 A Yes.  
 5 Q Can you describe in more detail what that  
 6 sentence I just read is referring to? 11:06AM  
 7 A Yes. Let me just reread it again.  
 8 The paragraph which you read is describing  
 9 what I've defined -- or one aspect of what I've  
 10 defined as being "political pork," which is also  
 11 described in this report as well, which refers to 11:07AM  
 12 how many times categorical programs are created  
 13 either as one-time or temporary programs that are  
 14 funded outside Prop 98 dollars. And these one-time  
 15 monies are often used to fund, as I've indicated,  
 16 pet projects of, in many cases, legislators. 11:08AM  
 17 Over time, these one-time projects may  
 18 lose funding, over time, but many times many of  
 19 these projects have actually continued, and these  
 20 are programs that often fall outside any definition  
 21 of what real needs may be at local levels. 11:08AM  
 22 Q This report, in one of its footnotes,  
 23 refers to your publication that you co-authored,  
 24 Straw into Gold. I believe it's footnote 27.  
 25 A 28.

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1 Q 28; excuse me, 28. 11:09AM  
 2 This report was published in the year 11:09AM  
 3 2000, and the document straw into Gold that was  
 4 issued by PACE is dated April 2001.  
 5 Is it referring to a prior version of that  
 6 report? 11:10AM  
 7 A Yes. As footnote 28 indicates, there is  
 8 no publication date on that footnote. Rather it  
 9 uses the word "forthcoming" to refer to the fact  
 10 that this Straw into Gold report was in draft form.  
 11 It's still being completed. 11:10AM  
 12 Q Were there modifications or changes to the  
 13 form between the time it was referred to in this  
 14 Exhibit 17 and the time it was published by PACE?  
 15 A I would have to go back and look at  
 16 earlier drafts. The likelihood is we were in the 11:10AM  
 17 editing phase of the Straw into Gold report.  
 18 Whether there were any substantive changes made to  
 19 the draft that I used in reference to this footnote  
 20 and the final -- the final working paper version  
 21 that was published in 2001, I would have to go back 11:11AM  
 22 and look at my drafts.  
 23 Q You said earlier that Straw into Gold is  
 24 being published in another format?  
 25 A Yes. Myself and Norton Grubb are in the

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1 process of revising it and preparing it for 11:11AM  
 2 publication for a journal article. 11:11AM  
 3 Q And what journal has accepted the article?  
 4 A We haven't submitted yet. We are  
 5 preparing it to send it to publication.  
 6 Q Have you identified a journal that is 11:11AM  
 7 willing to publish it?  
 8 A Not specifically, but we have had many of  
 9 our peers review the paper, and it's been very well  
 10 received.  
 11 Q That was my next question. That's been 11:12AM  
 12 peer-reviewed?  
 13 MS. LHAMON: Asked and answered.  
 14 MR. HILL: Maybe it has.  
 15 THE WITNESS: Before it was published as a  
 16 working paper, a common practice at PACE was to ask 11:12AM  
 17 two blind reviewers to provide comments on the  
 18 paper, and these are individuals which are our  
 19 peers; usually they're academics. And it was well  
 20 received by those individuals, in addition to  
 21 providing substantive comments. And it's been 11:12AM  
 22 disseminated to other -- others of our peers in the  
 23 last year and a half, and it's also been well  
 24 received, and we've received some very strong  
 25 comments on the paper.

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1 ////  
 2 BY MR. HILL: 11:12AM  
 3 Q Who -- what persons would you characterize  
 4 as the peer reviewers for this article?  
 5 A If it were to go to publication?  
 6 Q Yes. 11:13AM  
 7 A The people that would be peer reviewers  
 8 for a journal article would be, in most cases, other  
 9 academics and other researchers in the field  
 10 directly related to education finance.  
 11 Q It's not been selected at this time? 11:13AM  
 12 A No. It depends upon the editorial board  
 13 we submit it to.  
 14 Q Are you aware that -- let me strike that  
 15 and, I'll start it over again.  
 16 Have you discussed this article with 11:13AM  
 17 Professor Jeannie Oakes?  
 18 A The Straw into Gold --  
 19 Q Yes. Yes.  
 20 A -- report?  
 21 Q Yes. 11:13AM  
 22 A I don't recall if I discussed that  
 23 specific article with her. I do believe she has  
 24 either read it in its entirety or perused it.  
 25 Q Has she acted as a peer reviewer?

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1 A No. 11:14AM  
 2 Q Has the expert report that has been 11:14AM  
 3 submitted in this case been discussed with Professor  
 4 Jeannie Oakes, Exhibit 1?  
 5 MS. LHAMON: Vague and ambiguous as to  
 6 whom you mean. By Dr. Huerta or by anyone? 11:14AM  
 7 BY MR. HILL:  
 8 Q I'll rephrase the question.  
 9 To your knowledge, have you discussed  
 10 Exhibit 1, the expert report submitted in this case,  
 11 with Dr. Jeannie Oakes? 11:14AM  
 12 A Dr. Oakes was the individual who had asked  
 13 myself and Norton Grubb to actually draft the  
 14 report. This would have been in December --  
 15 November or December of 2000 -- 2001. 2001.  
 16 Q Was -- 11:15AM  
 17 A Pardon.  
 18 Q Go ahead. Finish your question -- finish  
 19 your answer.  
 20 A And as I had indicated in my testimony, I  
 21 had begun the general -- the early conceptualization 11:15AM  
 22 of the expert report, which was drawn heavily from  
 23 the Straw into Gold report that Norton Grubb and I  
 24 had drafted.  
 25 Yet I was also in transition in moving my

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1 family and I to -- moving my family to New York 11:15AM  
 2 City, so I handed off my responsibilities to Laura 11:15AM  
 3 Goe. And that paper was then submitted -- or the  
 4 expert report was drafted by Laura Goe and Norton  
 5 Grubb, and then submitted to Jeannie Oakes as -- the  
 6 extent of her review on the paper, I don't know. 11:16AM  
 7 Q Are you aware that she is planning to  
 8 arrange for publication some of the expert report  
 9 submitted in the Williams case?  
 10 A Yes, I've been made aware that she will  
 11 submit it to a journal. I believe it's Teachers 11:16AM  
 12 College Record.  
 13 Q Is that the publication of Straw into Gold  
 14 that you're referring to, that same publication?  
 15 A No. The Straw into Gold publication will  
 16 be simultaneously submitted to another journal for 11:16AM  
 17 review.  
 18 Q Is Exhibit 1 one of the expert reports  
 19 that Jeannie Oakes is planning to have published in  
 20 the journal you've just described?  
 21 A I believe -- 11:16AM  
 22 MS. LHAMON: Calls for speculation.  
 23 THE WITNESS: I believe so. However, I  
 24 don't know if all the expert reports will be  
 25 included in the volume.

<p style="text-align: right;">Page 755</p> <p>1 ///</p> <p>2 BY MR. HILL:</p> <p>3 Q Are you in the process of revising</p> <p>4 Exhibit 1 for publication in an academic journal?</p> <p>5 A The expert report?</p> <p>6 Q Yes. 11:17AM</p> <p>7 A I have assisted Norton Grubb and Laura Goe</p> <p>8 in providing comments and reviewing some of the</p> <p>9 drafts that they have written on this report.</p> <p>10 Q To your knowledge, is the report then</p> <p>11 being revised for publication? 11:17AM</p> <p>12 A I'm assuming that it will be revised since</p> <p>13 the report, in its current form, is quite lengthy</p> <p>14 and out of the scope of what most academic journals</p> <p>15 will normally publish.</p> <p>16 Q Other than its length, what makes it out 11:17AM</p> <p>17 of scope for what most academic journals will</p> <p>18 publish?</p> <p>19 A Nothing that I'm aware of, other than its</p> <p>20 length.</p> <p>21 Q Was it peer-reviewed before it was issued? 11:18AM</p> <p>22 MS. LHAMON: Calls for speculation.</p> <p>23 THE WITNESS: It -- before it was issued</p> <p>24 to Jeannie Oakes?</p> <p>25 BY MR. HILL:</p>	<p style="text-align: right;">Page 757</p> <p>1 dissertation to be published. 11:20AM</p> <p>2 Q Do you have a publisher arranged for that 11:20AM</p> <p>3 dissertation?</p> <p>4 A No. But to the two previous -- or I'm</p> <p>5 sorry. The third and fourth publication on the --</p> <p>6 in the publication section of my vitae are chapters 11:20AM</p> <p>7 of my dissertation which were already published --</p> <p>8 Q I see.</p> <p>9 A -- in an edited volume.</p> <p>10 Q Looking to the dissertation itself, what</p> <p>11 is the primary thesis of that publication or that 11:21AM</p> <p>12 document?</p> <p>13 A I'll mail it to you when I'm done. The</p> <p>14 title, which reads, "The Organizational Evolution to</p> <p>15 California Charter Schools: Isomorphism or</p> <p>16 Innovation," specifically refers to the analysis 11:21AM</p> <p>17 that I engaged in to charter schools over a period</p> <p>18 of nearly two and a half years of data collection,</p> <p>19 intense data collection. And my thesis is built</p> <p>20 upon the idea that while many charter schools early</p> <p>21 in the charter school reform in California were 11:21AM</p> <p>22 involved in devising new innovative, both teaching</p> <p>23 methodologies, organizational structures and the</p> <p>24 like, over time, they have become isomorphic with</p> <p>25 the wider existing environment which specifically-</p>
<p style="text-align: right;">Page 756</p> <p>1 Q Before it was issued -- before it was 11:18AM</p> <p>2 issued -- or let me strike the word "issue." 11:18AM</p> <p>3 Was it peer-reviewed before it was</p> <p>4 provided to plaintiff's counsel?</p> <p>5 MS. LHAMON: Calls for speculation.</p> <p>6 THE WITNESS: I was not involved in the 11:18AM</p> <p>7 latter part of finalizing the report and submitting</p> <p>8 it to Jeannie Oakes, so I would not know if it was</p> <p>9 peer-reviewed at that point or not.</p> <p>10 BY MR. HILL:</p> <p>11 Q I would like you to go to the pile of 11:18AM</p> <p>12 exhibits there and get your curriculum vitae out of</p> <p>13 it, if you would, please.</p> <p>14 A Sure.</p> <p>15 Q You mentioned yesterday when -- that you</p> <p>16 had -- in talking about your employment, you were 11:19AM</p> <p>17 involved with some aspects of charter schools, and</p> <p>18 included on your resume are several publications</p> <p>19 relating to charter schools, including one that is</p> <p>20 the first one listed, that were organization</p> <p>21 evolution of two California charter schools. 11:20AM</p> <p>22 That's your doctoral dissertation?</p> <p>23 A Correct.</p> <p>24 Q Are you planning to have that published?</p> <p>25 A I am currently preparing sections of my</p>	<p style="text-align: right;">Page 758</p> <p>1 to the fact they have adopted most of the 11:22AM</p> <p>2 traditional school organizational models as well as, 11:22AM</p> <p>3 in many cases, teaching and learning models. And I</p> <p>4 used the two schools that I researched as a sample</p> <p>5 of this shift which has occurred or is beginning to</p> <p>6 occur. 11:22AM</p> <p>7 Q The third publication that you list is a</p> <p>8 part of that; you said it's a chapter of that?</p> <p>9 A Yes.</p> <p>10 Q It focuses on home schooling charter</p> <p>11 schools? 11:22AM</p> <p>12 A Correct.</p> <p>13 Q And what were your findings with regard to</p> <p>14 the use of charter schools for home schooling?</p> <p>15 MS. LHAMON: Overbroad.</p> <p>16 THE WITNESS: Home school charter schools 11:23AM</p> <p>17 in California have been extremely popular early in</p> <p>18 the movement, in the -- I'm sorry -- early in the</p> <p>19 reform in the early '90s. The vast majority of</p> <p>20 total charter school students in California were</p> <p>21 being served in home school charter settings. 11:23AM</p> <p>22 Since then that has shifted. About a</p> <p>23 third of the total charter school population is</p> <p>24 being educated in a home school setting. My work</p> <p>25 specifically at the school which I reported on in</p>

<p style="text-align: right;">Page 759</p> <p>1 that chapter looked at issues dealings with the 11:23AM  2 accountability of public dollars and whether the 11:23AM  3 home, the public home school model, which has not  4 existed prior to the charter school reform of  5 California, was a model that allowed -- was a model  6 that used public dollars accountably. 11:24AM  7 BY MR. HILL:  8 Q Is there a link between your work on  9 public schools or charter schools and your work on  10 the "New" School Finance model?  11 A My work in charter schools was -- had a 11:24AM  12 complete different focus than my work in the "New"  13 School Finance. While I identified yesterday that  14 part of my research did involve looking at how some  15 resources were being used and the identification of  16 existing resources at schools, in the charter 11:25AM  17 schools that I visited, that was not my primary  18 focus. My primary lens, which I used in entering  19 these schools originally, was to assess how local  20 actors were interpreting their role in a  21 decentralized environment, which is the environment 11:25AM  22 that charter schools operate under in California.  23 Q Does the widespread school assessment that  24 is part of the "New" School Finance model  25 contemplate the possibility that the assessment</p>	<p style="text-align: right;">Page 761</p> <p>1 year 2000, which was a proposal to fund a statewide 11:27AM  2 voucher initiative proposal. 11:27AM  3 Body language over there.  4 MR. POULOS: What about this didn't you  5 understand?  6 MS. LHAMON: Counsel for LAUSD is putting 11:27AM  7 a "thumbs down" sign.  8 BY MR. HILL:  9 Q Did you find that school vouchers was  10 serious reform?  11 A As researchers, we were -- we attempted to 11:27AM  12 provide the details of the reform perspective from  13 both sides of the issue; whether a privatization  14 attempt, which would include vouchers, was a  15 feasible way to go for California; or whether some  16 other form of school choice would be more feasible 11:28AM  17 for the California context.  18 We did not provide a firm conclusion  19 whether one was better than the other.  20 Q Looking to your "New" School Finance  21 conceptual model and the school assessment that's 11:28AM  22 carried out pursuant to that model, does it allow  23 for the assessors to resolve school site problems by  24 the use of vouchers as a mechanism?  25 MS. LHAMON: Incomplete hypothetical.</p>
<p style="text-align: right;">Page 760</p> <p>1 could conclude that it be better for the school to 11:25AM  2 function as a charter school than in the format at 11:25AM  3 which it's currently functioning?  4 A I wouldn't be able to comment on that  5 since that's much beyond the detail or scope of the  6 conceptual framework. I haven't given that any 11:26AM  7 thought.  8 Q You also on your -- indicate that you have  9 written concerning school vouchers?  10 A Yes.  11 Q And you title your school voucher article 11:26AM  12 "A Costly Gamble or Serious Reform?"  13 Does your work resolve that question?  14 MS. LHAMON: Just for clarification,  15 there's more than one article about school finance.  16 MR. HILL: I'm referring to the one 11:26AM  17 Fuller B., Huerta L., Ruenzel, D., 2000.  18 MS. LHAMON: Costly --  19 BY MR. HILL:  20 Q "A Costly Gamble or Serious Reform?"  21 California's School Voucher Initiative." 11:26AM  22 A As the title indicates, and as the  23 question mark would indicate in the title, this is  24 the question that we used to formulate the  25 hypothesis when we analyzed Proposition 38 in the</p>	<p style="text-align: right;">Page 762</p> <p>1 There's been no testimony that the assessors will 11:28AM  2 resolve school site problems at all. 11:28AM  3 THE WITNESS: The "New" School Finance  4 framework has, in no way, developed the way of  5 suggesting possible recommendations that would  6 involve the use of school vouchers as a possible 11:29AM  7 remedy.  8 BY MR. HILL:  9 Q Professor Huerta, you were shown yesterday  10 Exhibit 16, which is a declaration by Jack Londen.  11 And you were asked certain questions about 11:30AM  12 paragraph 7 of that exhibit.  13 A It's not in the pile. Does that mean it's  14 lost?  15 Q There it is, right there. You just passed  16 it. 11:30AM  17 A What happens when you lose an exhibit?  18 MS. LHAMON: We construct it. Traumatic.  19 BY MR. HILL:  20 Q If you look at paragraph 7 -- you were  21 asked certain questions about paragraph 7 -- and I 11:30AM  22 think you were requested to express your opinion on  23 certain matters that are listed there, impact of  24 school finance and so on. I'm not going to ask you  25 to restate those opinions or to -- I'm not going to</p>

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1 ask you specifically about the content of those 11:31AM  
 2 opinions. 11:31AM  
 3 My question is this: Is the opinion that  
 4 you rendered yesterday based on those questions the  
 5 first time you've expressed those opinions in that  
 6 language? 11:31AM  
 7 MS. LHAMON: Vague and ambiguous. Are you  
 8 asking if that's the first time he used those  
 9 specific words?  
 10 BY MR. HILL:  
 11 Q Yes. 11:31AM  
 12 A I think the words that I used yesterday to  
 13 describe the series of questions that were in  
 14 relation to the statements made in lines 18 through  
 15 27 of this exhibit were consistent with not only the  
 16 "New" School Finance framework, in which I have been 11:31AM  
 17 involved in creating. So no, that was not the first  
 18 time I've addressed or I've answered those questions  
 19 on those types of themes with those words.  
 20 Q Are those opinions the opinions that you  
 21 expect to express if this case goes to trial? 11:32AM  
 22 A Yes.  
 23 Q Does the -- in Exhibit 17, we earlier  
 24 asked you to comment on the discussions of  
 25 Proposition 98, Proposition 13, and some other

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1 information that is set forth in Exhibit 18. 11:33AM  
 2 Have you examined Proposition 13 in 11:33AM  
 3 relation to the "New" School Finance model to  
 4 determine whether or not there would be  
 5 modifications needed to Prop 13 to implement its  
 6 provisions? 11:33AM  
 7 A The development of the "New" School  
 8 Finance conceptual frame was not intended or was not  
 9 developed with only the state -- strike that.  
 10 The development of the conceptual frame --  
 11 strike that. 11:34AM  
 12 The development of the "New" School  
 13 Finance conceptual frame was not created with  
 14 Proposition 13 or a reform of Proposition 13 in  
 15 mind. This is a general framework that might be  
 16 applied to both California or any other state in the 11:34AM  
 17 country. Whether reforming certain aspects of  
 18 Proposition 13 to allow for the creation of a  
 19 different type of resource allocation formula, it's  
 20 not certain. That may be a possibility. That may  
 21 be part of the recommendations which a committee of 11:34AM  
 22 professionals and experts would make after engaging  
 23 in a wide-scale assessment and after engaging in  
 24 debates related to how to fund needs.  
 25 Q Given the description of the "New" School

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1 Finance model that you've given us in your 11:35AM  
 2 testimony, could it be implemented, as you've 11:35AM  
 3 described it, without modification of Proposition  
 4 13?  
 5 A It would depend on the needs that are  
 6 identified after engaging in the wide-scale 11:35AM  
 7 assessment. It would depend on the benchmarks that  
 8 are set as well.  
 9 Q What changes in the needs would require  
 10 modification of Proposition 13 for implementation?  
 11 MS. LHAMON: Calls for speculation. 11:35AM  
 12 THE WITNESS: I don't know if any specific  
 13 needs or the identification of any specific needs  
 14 would trigger the necessity to change or modify  
 15 Proposition 13. The data from the wide-scale  
 16 assessment may provide us some data. I don't know 11:36AM  
 17 what kind of data would result from that.  
 18 BY MR. HILL:  
 19 Q Have you studied Proposition 98 to  
 20 determine whether or not Proposition 98 would have  
 21 to be changed to implement the "New" School Finance 11:36AM  
 22 program as you've described in your testimony?  
 23 A Again, the framework for the "New" School  
 24 Finance was not created with Proposition 98 in mind,  
 25 but rather is a general framework if it were to be

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1 applied to California. Whether Proposition 98 11:36AM  
 2 minimum funding guarantees would have to be changed, 11:37AM  
 3 it's not certain unless we have the data that would  
 4 indicate that current resource allocation is  
 5 insufficient to meet both local needs and state  
 6 level minimums. 11:37AM  
 7 Q And if a determination is made that  
 8 current funds are inadequate to meet funding needs  
 9 revealed by application of the "New" School Finance  
 10 program, how would those needs be satisfied?  
 11 MS. LHAMON: Incomplete hypothetical. 11:37AM  
 12 THE WITNESS: It's uncertain whether, as I  
 13 indicated, the minimums guaranteed by Prop 98 would  
 14 have to be increased. It's not clear whether a  
 15 "New" School Finance formula, if that was the  
 16 recommendation to be made after implementing a new 11:38AM  
 17 school finance framework in the context of  
 18 California, it's not certain whether that would call  
 19 for the complete overhaul of the school finance  
 20 formula in California.  
 21 These are factors that would depend 11:38AM  
 22 greatly on the level and quality of data that we  
 23 collect, and these are factors that would also  
 24 depend on decisions made by a committee of experts  
 25 and other actors that we've talked about.

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2 BY MR. HILL:

3 Q Would implementation of the "New" School  
4 Finance program model in California require  
5 modification of the use of revenue limits, as we now  
6 use it in California? 11:39AM

7 A I would stress again that the conceptual  
8 framework of "New" School Finance was not designed  
9 with the revenue limit system that is utilized in  
10 California. If we were to apply the framework to  
11 California and its existing formulas for financing 11:39AM  
12 schools, it's possible that the revenue limit  
13 component of the existing school finance formula may  
14 have to be modified. However, absent the data that  
15 would be collected in conducting a wide-scale  
16 assessment, it would be very difficult to tell. 11:40AM

17 Q You talked about the assessments that are  
18 made at the school level or at the local -- strike  
19 that -- and say local level would be widely  
20 available to the public.

21 Would documents that are generated by the 11:40AM  
22 assessment committee be considered public records,  
23 in your opinion?

24 MS. LHAMON: Calls for speculation.  
25 THE WITNESS: That might depend on the

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1 protocol that is created by the committee of 11:40AM  
2 individuals who would engage in the implementation 11:40AM  
3 of the "New" School Finance principles. Data  
4 collected at school levels, at public school levels,  
5 because of its public nature, would most likely be  
6 publicly available, as is all data, nearly all data 11:41AM  
7 that is collected today on schools.

8 BY MR. HILL:

9 Q Is there no component of the "New" School  
10 Financing plan that would require the records  
11 generated by the assessment team to be public 11:41AM  
12 records?

13 A I think in spirit with protecting the  
14 privacy of students who are not public officials,  
15 all other data would probably have to be made part  
16 of the public record. 11:41AM

17 Q Would -- is it your expectation in  
18 implementing the "New" School Finance reform plan  
19 that the assessment team would deliberate on the  
20 evidence which they have gathered?

21 MS. LHAMON: Vague as to "deliberate." 11:42AM  
22 THE WITNESS: I think the assessment team,  
23 either by committee or through some other format,  
24 would engage in discussion of whatever data is  
25 collected. And it's important to remember that that

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1 assessment team would include the many different 11:42AM  
2 actors which we've talked about, including experts 11:42AM  
3 that would assist the team in analyzing some of the  
4 data that is collected.

5 BY MR. HILL:

6 Q Characterizing the process you've 11:42AM  
7 described as a "deliberation," would that  
8 deliberation take place in public?

9 A Presumably if it's a public committee, it  
10 would be information that would be publicly  
11 available. 11:43AM

12 Q Would the "New" School Finance plan  
13 contemplate -- strike that.

14 Would the "New" School Finance plan  
15 require that those deliberations be in public to  
16 ensure the success of the deliberations? 11:43AM

17 MS. LHAMON: Vague as to "New" School  
18 Finance plan. Are you talking about the conceptual  
19 framework or --

20 BY MR. HILL:

21 Q That's the only one we're talking about 11:43AM  
22 here.

23 A The new school finance formula conceptual  
24 framework does not account for the extent to which  
25 any information should be public or not. We should

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1 remember that if this is applied to the public 11:44AM  
2 schools in California, state law would probably 11:44AM  
3 require that all these documents, information, data  
4 and so forth, would be public information. I would  
5 have to review the particulars of some of the  
6 stipulations that the law may have. I don't have 11:44AM  
7 them in front of me.

8 Q But is there an element of success for the  
9 "New" School Finance plan that would require it to  
10 be conducted in public?

11 MS. LHAMON: Calls for speculation. 11:44AM

12 BY MR. HILL:

13 Q "It" meaning the deliberations.

14 A As I indicated, the "New" School Finance  
15 conceptual frame has not been developed to that  
16 level. And whether -- whether the success of the 11:44AM  
17 implementation of a "New" School Finance framework  
18 would depend on whether documents would be made  
19 public or not, I am not prepared to discuss that. I  
20 don't know.

21 As I indicated, we can assume that state 11:45AM  
22 law would require any data collected in  
23 deliberations be -- that that committee may have to  
24 be public, be made available in public record.

25 Q Where -- you've just used the term

<p style="text-align: right;">Page 771</p> <p>1 "committee," and I'll use that term. 11:45AM  2 Where the committee has a disagreement 11:45AM  3 over what its findings might be, how will those --  4 how will such a disagreement be resolved?  5 MS. LHAMON: Calls for speculation.  6 THE WITNESS: That's beyond the scope of 11:45AM  7 the conceptual frame of the "New" School Finance. I  8 would not know.  9 BY MR. HILL:  10 Q By establishing the components of the  11 assessment team, using the membership you've 11:46AM  12 described to us earlier, and looking to your  13 testimony yesterday where you said public nature  14 would likely produce disagreement, does the "New"  15 School Finance model contemplate that such  16 disagreements would have to be resolved before the 11:46AM  17 report is -- before the recommendations are acted  18 upon?  19 A Again, I think those decisions are out of  20 the scope of the conceptual frame of the "New"  21 School Finance. The protocols involved in how to 11:46AM  22 resolve disagreements and the like is much beyond  23 any detail that is provided in this conceptual frame  24 and are likely decisions that would have to be made  25 by the committee of the individuals made up of the</p>	<p style="text-align: right;">Page 773</p> <p>1 Q Before the new school education plan 11:48AM  2 framework would be implemented, would not those -- 11:48AM  3 that particular question have to be resolved?  4 A I think that's a question that would have  5 to be resolved by the individuals involved in the  6 committee or the assessment team, conscious of both 11:48AM  7 state law or other local laws that may govern those  8 type of committees.  9 Q Have you looked in to determine what law  10 might apply to those committees?  11 A In the context of California, no. That's 11:48AM  12 beyond the development of the -- or that's beyond  13 the conceptual framework that we've developed. I do  14 know that in California, the Brown Act protects or  15 requires public meetings to be held. I'm sure there  16 are other protections as well. 11:49AM  17 Q Going beyond just whether or not the  18 meeting must be public, but looking to the question  19 about how the committee would resolve differences,  20 do you believe that the criteria would have to be  21 developed for that before the "New" School Finance 11:49AM  22 plan would be implemented in California?  23 MS. LHAMON: Asked and answered.  24 THE WITNESS: I've answered that question.  25 I will point you to -- you back to my emphasis to</p>
<p style="text-align: right;">Page 772</p> <p>1 actors which we've spoken to, along with existing 11:47AM  2 state law which may govern public meetings and the 11:47AM  3 like.  4 Q Is it contemplated that the committee --  5 that the committees -- and I'm using the term now  6 that you've added to describe it, using the term 11:47AM  7 "committee" -- would be -- have different  8 composition and different rules in the various  9 school districts that they will examine?  10 MS. LHAMON: Assumes facts not in  11 evidence, that there's more than one committee. 11:47AM  12 THE WITNESS: First of all, I want to be  13 clear. Are we using the word "committee," if that's  14 the word that I introduced, synonymous with  15 "assessment team"?  16 BY MR. HILL:  17 Q Yes, I am.  18 A Okay. Very well.  19 Q Yes.  20 A I just wanted to clarify that.  21 And the answer to your question is I don't 11:47AM  22 know. It's beyond the scope of the conceptual  23 framework and anything that I have been able to  24 develop at this level, at this detailed level that  25 you're asking.</p>	<p style="text-align: right;">Page 774</p> <p>1 how the "New" School Finance framework does not 11:49AM  2 prescribe any specific governance procedures that 11:50AM  3 assessment plan or committee would engage in.  4 BY MR. HILL:  5 Q And my question goes to -- goes beyond the  6 framework and talks about implementing the framework 11:50AM  7 in California. And my question is would not the  8 question of how disputes are to be resolved among  9 committee members have to be prescribed before the  10 plan can be implemented?  11 MS. LHAMON: Asked and answered twice. 11:50AM  12 THE WITNESS: I think I've answered that  13 question. And simply to add, I think with any  14 committee, state, local or otherwise, engaging in  15 any process of fact-finding or otherwise would have  16 to have a clear protocol of both how disputes or 11:50AM  17 disagreements would be resolved. I'm not prepared  18 to provide any suggestion of how a committee would  19 specifically engage in the wide-scale assessment  20 that we just described would need to set any  21 protocol to resolve their own disputes. 11:51AM  22 MR. HILL: Just give me a couple of  23 minutes here.  24 MS. LHAMON: I'll run to the rest room.  25 We'll take a break.</p>



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1 MR. HILL: All right. Why don't we do 11:51AM  
 2 that. 11:51AM  
 3 (Discussion off the record.)  
 4 BY MR. HILL:  
 5 Q Dr. Huerta, Exhibit 15 are the handwritten  
 6 notes that you provided. 12:00PM  
 7 Are these notes -- do they reflect your  
 8 description of the conversations that were held --  
 9 that are identified on the notes? In other words,  
 10 is this your summary of the discussion that occurred  
 11 there? 12:00PM  
 12 A This is both my summary of the  
 13 communication that I had with Catherine Lhamon,  
 14 Michael Jacobs and Jack Londen, as well as my own  
 15 notes and particulars about school finance, both in  
 16 reference to the case and in general. 12:01PM  
 17 Q Without going through each line, how could  
 18 we tell the difference between the two?  
 19 MS. LHAMON: Assumes facts not in  
 20 evidence, that there is a way.  
 21 THE WITNESS: This is my own shorthand of 12:01PM  
 22 when I take notes. Many times the notes are  
 23 directed to myself. Sometimes it's obvious that the  
 24 notes are a summary of what somebody may have said,  
 25 and my way of identifying such is by simply

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1 reviewing it. 12:01PM  
 2 BY MR. HILL:  
 3 Q So on page one, where it says, "Don't be  
 4 generous, only answer the question," is that a  
 5 summary of the discussion with Catherine Lhamon and  
 6 Michael Jacobs? 12:01PM  
 7 MS. LHAMON: Just for the record, it said,  
 8 "Don't be overgenerous."  
 9 THE WITNESS: Did I say "overgenerous"?  
 10 MS. LHAMON: You left out the "over."  
 11 THE WITNESS: That's under the headers of 12:02PM  
 12 strategies. This is one of the earlier discussions  
 13 that I had with Catherine and Michael where they  
 14 were educating me on the deposition process back in  
 15 January.  
 16 BY MR. HILL:  
 17 Q That's not a note to yourself; that's a  
 18 summary of what they suggested to you as a procedure  
 19 to use in the deposition?  
 20 MS. LHAMON: Incomplete hypothetical. No  
 21 reason it couldn't be both. 12:02PM  
 22 THE WITNESS: Whether that's a note to  
 23 myself from something that I surmised of a strategy  
 24 they may have offered to me, or whether it's a  
 25 direct quote of something they instructed me to, I'm

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1 not clear. 12:02PM  
 2 BY MR. HILL:  
 3 Q Okay. Thank you.  
 4 Have you been requested by plaintiff's  
 5 counsel to do any additional work related to the  
 6 education -- new school funding analysis that you've 12:03PM  
 7 provided us by testimony in deposition?  
 8 A No. I've only been instructed to get some  
 9 rest in case I have to come back.  
 10 Q Come back for deposition?  
 11 A For more deposition or trial, whatever. 12:03PM  
 12 Q I see. All right.  
 13 MS. LHAMON: We're really hoping we'll  
 14 finish today.  
 15 MR. HILL: Indeed, we are all hoping we'll  
 16 finish today. 12:03PM  
 17 BY MR. HILL:  
 18 Q But there's nothing on the agenda, then,  
 19 that you have pending concerning the issues that you  
 20 have testified to today or -- excuse me -- this  
 21 week. 12:03PM  
 22 A No.  
 23 MR. HILL: That's all.  
 24 MS. LHAMON: That's all you have?  
 25 MR. HILL: That's all I have.

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1 MS. LHAMON: Terrific. Thanks. 12:03PM  
 2 Go off the record for a second. 12:03PM  
 3 (The luncheon recess was taken at  
 4 12:03 P.M.)  
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1 APPEARANCES OF COUNSEL:  
 2 (P.M. SESSION)  
 3  
 4 SHAUN SIMMONS, ESQ.  
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 20 LANA L. LOPER, RPR, CRR, CSR 9667, CCR 690  
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1 (The deposition of LUIS HUERTA was  
 2 reconvened at 1:13 P.M.)  
 3  
 4 LUIS HUERTA,  
 5 the witness, having been previously administered an  
 6 oath in accordance with CCP Section 2094, testified  
 7 further as follows:  
 8  
 9 EXAMINATION (CONTINUING)  
 10 BY MR. POULOS:  
 11 Q Good afternoon, Dr. Huerta. 1:13PM  
 12 A Good afternoon.  
 13 Q My name is John Poulos, and I'm one of the  
 14 lawyers that represent LAUSD in this case.  
 15 L.A. is kind of a -- in what I refer to as  
 16 an unusual situation in this litigation because the 1:13PM  
 17 plaintiffs did not sue Los Angeles Unified School  
 18 District, but Los Angeles intervened in this action  
 19 because there are obviously some important issues  
 20 that are being discussed that could affect how L.A.  
 21 delivers its services. 1:13PM  
 22 First of all, I want to express on behalf  
 23 of everyone taking a week out of your life --  
 24 A Thank you.  
 25 Q -- out of your life and speaking with us

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1 here. 1:14PM  
 2 As you know, we're pretty casual, but the 1:14PM  
 3 court reporter is taking down all the words we say.  
 4 I'm not going to go through the admonitions at this  
 5 point, but it's important that we wait for each  
 6 other to finish talking; and, also, that we try to 1:14PM  
 7 speak as clearly as we can so the court reporter can  
 8 take down the words.  
 9 Let me begin by just asking you a few  
 10 things. One of the things that I'm going to try to  
 11 do is not cover ground that's already been covered. 1:14PM  
 12 That obviously takes some on-the-fly adjustment  
 13 because you never know, particularly today, for  
 14 example, what Mr. Hill was going to talk about. But  
 15 I do want to start off with some -- a few questions  
 16 that have arisen, I guess, in the last four and a 1:14PM  
 17 half days of your deposition.  
 18 And the first of them is, could you just  
 19 briefly explain to me the difference in models --  
 20 strike that. That's not a good question.  
 21 I assume that the implementation of any 1:15PM  
 22 "New" School Finance framework will, in many ways,  
 23 be more challenging in California than in some of  
 24 the other states that we've talked about this week.  
 25 Is that a fair statement?

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1 A Considering the scale of California, that 1:15PM  
 2 is a fair statement. California has nearly, or 1:15PM  
 3 almost nearly, or over, 6 million children, and I  
 4 don't think there's another state that has both the  
 5 scale and the diversity of students that California  
 6 has. 1:15PM  
 7 Q So sheer population is one distinguishing  
 8 factor. And if I heard you correctly, also  
 9 diversity of population, that's another factor that  
 10 makes California relatively unique compared to the  
 11 other states we've talked about. 1:16PM  
 12 A Yes, that's fair.  
 13 Q What about size of the state; in other  
 14 words, it's a big state. The northern part of the  
 15 state is vastly different than the southern part of  
 16 the state. Is that a factor in implementing any 1:16PM  
 17 "New" School Finance system?  
 18 A I think that's -- the differences that  
 19 would be identified through any wide-scale  
 20 assessment would account for what -- I assume that  
 21 you're referring to the geographical differences 1:16PM  
 22 between the north and south parts of California  
 23 specifically.  
 24 Q I actually have no idea what the politics  
 25 are of any of the other states, but is there a

<p style="text-align: right;">Page 783</p> <p>1 distinction that you would be able to draw between 1:17PM  2 the politics of California, as you know it, and 1:17PM  3 those other states?  4 A In reference to how politics might affect  5 the implementation of a "New" School Finance  6 formula? 1:17PM  7 Q Yes. Thank you.  8 A I think it would be difficult for me to  9 comment on how current politics or the changing  10 politics in the next decade or whatever period would  11 affect the implementation of this type of framework 1:17PM  12 in California.  13 I do think that politics is an important  14 part or is an important issue to consider. And in  15 trying to advance this type of framework, the  16 specific effects it may have would not be clear to 1:17PM  17 me; are not clear to me.  18 Q Do you know who, in your opinion, are the  19 kind of predominant players on the statewide level  20 in California for educational policies? What I'm  21 getting at are who are the kind of key players in 1:18PM  22 statewide educational politics, if you will.  23 MS. LHAMON: Vague and ambiguous.  24 THE WITNESS: My understanding, from my  25 work in policy and research in California is that</p>	<p style="text-align: right;">Page 785</p> <p>1 Q Would that include organizations like 1:20PM  2 think tanks and, you know, the organizations that 1:20PM  3 publish or create standardized tests?  4 A That might include those organizations,  5 yes.  6 Q Do -- in your experience, do textbook 1:20PM  7 publishers have any influence on statewide politics?  8 A It's been reported that textbook  9 publishers do have some influence in state level  10 policy through the process of politics directly and  11 in the decisions that are made, yes. 1:20PM  12 Q Where I'm kind of going with this line of  13 questioning is one of the things that I took from  14 the paper and your testimony was that it -- it is  15 important in some fashion for there to be some level  16 of consistency in financing, whatever the model is. 1:21PM  17 Is that a fair understanding on my part?  18 A Yes, that's a fair assessment.  19 Q And am I correct the framework, the  20 conceptual framework you have proposed, has not  21 developed to the stage where you currently have 1:21PM  22 answers for how that can best be accomplished. Is  23 that correct?  24 MS. LHAMON: Vague and ambiguous. How  25 consistency can best be accomplished?</p>
<p style="text-align: right;">Page 784</p> <p>1 there's a variety of important players, primarily 1:18PM  2 policy-makers, which have the ability to directly 1:18PM  3 influence policy and reform initiatives that, that  4 are often implemented in schools. The influence of  5 our state superintendent of education is also  6 important as is the device and oversight of the 1:19PM  7 school, state school board as well.  8 BY MR. POULOS:  9 Q Are there any nongovernmental, you know,  10 interest groups that are more involved in state  11 educational policy than others? 1:19PM  12 MS. LHAMON: Calls for speculation.  13 BY MR. POULOS:  14 Q That you're aware of?  15 A It's well-known that the different  16 associations such as the California Teachers 1:19PM  17 Association, the American Federation of Teachers, as  18 well as the School Board Association and a couple or  19 several of the other associations, do play an  20 important part in influencing policy and education  21 in California. 1:19PM  22 There are also foundations through the  23 research that they fund and the research that is  24 created that also may have an influence in how  25 policy plays out in education in California.</p>	<p style="text-align: right;">Page 786</p> <p>1 ////  2 BY MR. POULOS: 1:21PM  3 Q Yeah, correct.  4 A I think the framework we've developed is a  5 strong effort to account for the most important  6 characteristics or the most important factors that 1:21PM  7 need to be accounted for in funding schools and  8 setting achievement standards and setting minimums  9 for resources; but the scope of the conceptual frame  10 does not provide details on -- has not developed to  11 the point of developing or predicting how politics 1:22PM  12 and other similar factors at different state levels  13 might play into the actual implementation of this  14 idea.  15 Q It is true that you and the authors of the  16 report believe that at least part of the problem 1:22PM  17 with the current state system is the kind of  18 piecemeal nature of it. Is that correct?  19 A Yes. The piecemeal policy formation that  20 you're alluding to is synonymous with the other  21 descriptors that we use, such as the conglomeration 1:23PM  22 of disconnected policy and the like. That's fair.  23 Q And I guess I've maybe perhaps incorrectly  24 made the assumption that part of those disconnected  25 policies, if you will, result from the influence of</p>

<p style="text-align: right;">Page 787</p> <p>1 interest groups, such as the ones we've talked about 1:23PM  2 in the last few minutes, on policy-making in 1:23PM  3 California.  4 Do you have an opinion as to whether  5 that's right or not?  6 A I think some of the interest groups that 1:23PM  7 we mentioned certainly, as stakeholders and players  8 in education policy, political players in  9 educational policy, most definitely have an  10 influence. The extent of their influence and extent  11 to the benefits or negative effects that their 1:24PM  12 influence may have varies, according to which  13 perspective you subscribe to.  14 Q So is it fair to say that at some point in  15 time, as -- well, assuming that a "New" School  16 Finance model is, you know, adopted in some fashion, 1:24PM  17 there will have to be some at least examination of  18 ways to promote stability in the funding system?  19 A Yes.  20 Q And I gather it's premature for me to ask  21 you about any possible concepts at this point. Is 1:25PM  22 that correct?  23 A I think we've discussed some of the issues  24 in the hypotheticals that were part of the questions  25 from this morning; but as I answered many times, the</p>	<p style="text-align: right;">Page 789</p> <p>1 that creates an environment where a local district 1:26PM  2 has to choose between maintaining facilities and 1:26PM  3 hiring experienced teachers is a flawed policy?  4 MS. LHAMON: Predictably, I do think it's  5 an incomplete hypothetical.  6 THE WITNESS: Personally, and from my 1:27PM  7 perspective as an expert in school finance, I do  8 think that finance formulas or the allocation of  9 resources which lead districts to choose one  10 resource over the other is shortsighted, especially  11 if these types of finance formula have been created 1:27PM  12 as a result of a full-scale needs assessment which  13 identifies what local needs are.  14 BY MR. POULOS:  15 Q Are you familiar with the general  16 belief -- well, strike that. 1:27PM  17 Are you aware that school districts  18 generally covet unrestricted dollars?  19 A In my experience both as a teacher and as  20 a researcher, that opinion has been generally  21 expressed to me by both teachers and administrators 1:28PM  22 in many of the schools that I visited, and different  23 professionals, both teachers and administrators, I  24 have interviewed as well.  25 Q Would you agree that any policy or outcome</p>
<p style="text-align: right;">Page 788</p> <p>1 conceptual frame hasn't been developed to that 1:25PM  2 point, no. 1:25PM  3 Q Do you have any reason to disagree with  4 the statement that predictability of ongoing funds  5 is a key educational concern for school districts  6 like Los Angeles? 1:25PM  7 A No, I do not disagree with that statement.  8 Excuse me. You asked me if I agree or  9 disagreed with it?  10 Q I kind of framed it in the negative. I  11 wondered if you did disagree with my statement. 1:25PM  12 A I don't disagree.  13 Q Okay. I think we're on the same page.  14 A Yeah.  15 Q Would you also agree that timing of  16 education, of receipt of resources -- and by that, 1:26PM  17 frankly, I'm mostly talking about dollars -- is also  18 a concern to local districts?  19 A Yes.  20 Q I'm going to ask you -- which counsel may  21 well say it's an incomplete hypothetical, but let's 1:26PM  22 just go with a couple of statements here about some  23 educational policies, and I want to see whether you  24 agree or disagree with them.  25 Do you agree that any educational policy</p>	<p style="text-align: right;">Page 790</p> <p>1 that -- well, let me strike that again. I'm not off 1:28PM  2 to a very good start. 1:28PM  3 A This is fine.  4 Q You agree that unfunded mandates place  5 school districts in very difficult positions,  6 correct? 1:29PM  7 A Yes.  8 Q Do you also share the same opinion about  9 mandates that do not include resources for capacity  10 building?  11 MS. LHAMON: Vague and ambiguous. 1:29PM  12 THE WITNESS: Generally, yes. If a policy  13 is created and if districts are required to  14 implement whatever policy is called for, but are not  15 provided the resources necessary, I think that's  16 shortsighted. 1:29PM  17 BY MR. POULOS:  18 Q At least as I understood it from the  19 report, would one example of that be, in your view,  20 the California high school exit exam?  21 A Yes, to some extent, in that while the 1:29PM  22 state has set the benchmarks required or the  23 benchmarks which students will be expected to meet  24 in passing the exam, the state has not provided the  25 necessary tools or capacity building to local</p>

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1 districts that would aid them in meeting the 1:30PM  
 2 standards; nor has the state engaged in any sort of 1:30PM  
 3 needs assessment of what -- what basic needs are  
 4 missing or absent in the school districts.  
 5 Q Would you, in your work, ever support a  
 6 program or approach that includes school reforms 1:31PM  
 7 that would possibly impose obligations on local  
 8 districts, without providing them with the resources  
 9 to meet those obligations?  
 10 A No. I think that any reform or policy  
 11 initiative that is required of local districts 1:31PM  
 12 should be created with full accounting of both what  
 13 local needs are and whether the resources necessary  
 14 to meet implementation of X reform exists at the  
 15 local level.  
 16 Q I'm going to ask you another one of these 1:32PM  
 17 double negative questions, but do you have any  
 18 reason to disagree with the statement that class  
 19 size reduction placed a tremendous strain on LAUSD's  
 20 finances?  
 21 MS. LHAMON: Lack of foundation. 1:32PM  
 22 THE WITNESS: From the research that I've  
 23 reviewed, which has aggregated on some level the  
 24 effects of class size reduction on some of the  
 25 larger districts, the research has indicated that

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1 the class size reduction reform in California has 1:32PM  
 2 placed severe burdens on districts like L.A. 1:32PM  
 3 Unified.  
 4 BY MR. POULOS:  
 5 Q I think I know the answer to this, but you  
 6 consider L.A. to be one of the larger districts, 1:33PM  
 7 correct?  
 8 A Yes. I believe L.A. Unified is the  
 9 largest district, if I'm not mistaken, in  
 10 California.  
 11 Q Do you have a sense as to where L.A. would 1:33PM  
 12 rank nationally as far as size of school district?  
 13 A If I'm not mistaken, I believe L.A.  
 14 Unified is either the largest or second largest  
 15 district, school district in the nation, next to  
 16 New York City. 1:33PM  
 17 Which is it, guys?  
 18 MS. LHAMON: New York City is first, yeah.  
 19 BY MR. POULOS:  
 20 Q If I asked you the same question about the  
 21 impact on Los Angeles' ability to keep -- to hire 1:33PM  
 22 and keep teachers, would your response be the same?  
 23 MS. LHAMON: Vague and ambiguous.  
 24 MS. GIORGI: Join.  
 25 MS. LHAMON: Just so I'm clear, are you

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1 asking does class size reduction place a burden on 1:34PM  
 2 L.A.'s ability to hire teachers? 1:34PM  
 3 MR. POULOS: Correct.  
 4 THE WITNESS: Can you rephrase that,  
 5 please?  
 6 BY MR. POULOS:  
 7 Q Let me just -- I tried to shortcut it  
 8 because I thought everyone understood what I was  
 9 talking about.  
 10 MS. LHAMON: Sorry.  
 11 BY MR. POULOS:  
 12 Q But let's go back to the drawing board.  
 13 Do you have any reason to disagree with  
 14 the statement that LAUSD must pay higher salaries to  
 15 attract and/or maintain experienced teachers?  
 16 MS. LHAMON: Lacks foundation. Also calls 1:34PM  
 17 for speculation.  
 18 MS. GIORGI: Join.  
 19 THE WITNESS: Can we go off the record for  
 20 a minute?  
 21 MR. POULOS: Sure. 1:34PM  
 22 (Discussion off the record.)  
 23 THE WITNESS: Please restate the question  
 24 or --  
 25 BY MR. POULOS:

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1 Q Do you have any reason to disagree with 1:35PM  
 2 the statement that LAUSD must pay higher salaries to 1:35PM  
 3 attract and/or maintain experienced teachers?  
 4 A There's research that has indicated that  
 5 L.A. Unified, along with some of the other larger  
 6 districts in California, have had great difficulty 1:35PM  
 7 in hiring and retaining certificated teachers, and I  
 8 agree with some of the evidence that I've read.  
 9 Q Do you know why that is?  
 10 A Whether the difficulty is as a result of  
 11 teacher behavior and how they choose districts that 1:36PM  
 12 they want to work at, or whether it's dependent on  
 13 the level of salary that is provided by L.A.  
 14 Unified, or whether it's related to the work  
 15 conditions which teachers in L.A. Unified are  
 16 subject to, I'm not clear. I would have to go back 1:36PM  
 17 and review the literature. It may be a variety of  
 18 all three of those factors.  
 19 It's also important to go back and review  
 20 whether average salaries in L.A. Unified are lower  
 21 than some of the surrounding areas, which would 1:36PM  
 22 involve also accounting for cost of living  
 23 differences that teachers may have in teaching at  
 24 L.A. Unified.  
 25 Q Will you be offering at any trial in this

<p style="text-align: right;">Page 795</p> <p>1 matter any opinions that are specific to 1:37PM  2 Los Angeles, to LAUSD? 1:37PM  3 MS. LHAMON: Calls for speculation.  4 THE WITNESS: I will offer opinions to the  5 extent that I am familiar with the specifics of L.A.  6 in reference to the question that I might be asked. 1:37PM  7 I am familiar with some of the aspects of education  8 in Los Angeles, but I'm not an expert in L.A.  9 Unified only.  10 BY MR. POULOS:  11 Q But to my recollection, there's nothing in 1:37PM  12 the report that specifically refers to LAUSD. Is  13 that also your recollection?  14 A I don't think we -- other than perhaps  15 using LAUSD as an example of a district in  16 California, I don't think -- excuse me -- I don't 1:38PM  17 think we provide any specific reference or  18 conclusion of how L.A. Unified may be used as an  19 exclusive example of the implementation of a "New"  20 School Finance framework or any other exclusive  21 example of the like. 1:38PM  22 Q Will you be offering any opinions on  23 LAUSD's management?  24 MS. LHAMON: Calls for speculation.  25 THE WITNESS: I will not offer opinions to</p>	<p style="text-align: right;">Page 797</p> <p>1 needs assessment in its district at this time? 1:41PM  2 A I'm not familiar -- strike that. 1:41PM  3 I do not know whether L.A. has engaged in  4 any full-scale needs assessment throughout its  5 district, either consistent with the "New" School  6 Finance framework or otherwise. 1:41PM  7 Q Do you agree that categorical -- you  8 understands what I mean by "categoricals," right?  9 A Yes.  10 Q -- that categorical programs impose what  11 I'll refer to as hidden costs on school districts? 1:41PM  12 A Yes, I'm aware that many categorical  13 programs place burdens on districts which ultimately  14 result in hidden costs which districts have to  15 supplement the resources allocated for specific  16 categoricals. Class size reduction is a good 1:42PM  17 example of that.  18 Q And are you aware that there are also  19 administrative costs in, you know, for lack of a  20 better word, documenting to whether you complied  21 with the categorical? 1:42PM  22 A Yes. In the outline -- strike that.  23 In the report, we do speak to the fact  24 that many categorical programs don't account for the  25 burdensome administrative costs which are associated</p>
<p style="text-align: right;">Page 796</p> <p>1 the specifics of LAUSD's specific management, but I 1:38PM  2 may offer opinions or general opinions about school 1:38PM  3 governance and administration which may have  4 relevance to L.A. Unified's management.  5 BY MR. POULOS:  6 Q But I think you've already testified, 1:39PM  7 unless I'm mistaken, that you're not going to be  8 testifying about things that are not addressed in  9 the report, correct?  10 A I'm going to be testifying on issues that  11 are covered in the expert report. However, if I'm 1:39PM  12 asked something that goes beyond the report, but may  13 include some level of my -- but may be relevant to  14 my level of expertise, I will answer it to the best  15 of my ability, as I have been all week, I think.  16 Strike that. 1:39PM  17 Q Are you aware of any California school  18 districts that are currently conducting bottom-up  19 assessment?  20 A Yes. I'm familiar -- and we outlined this  21 in the report -- a reform initiative in the early 1:40PM  22 '90s known as -- give me a minute. Hmm. I know  23 it's in here somewhere.  24 Q Let me cut to the chase.  25 Do you know whether LAUSD is doing any</p>	<p style="text-align: right;">Page 798</p> <p>1 with accounting for how dollars are spent, how 1:42PM  2 categorical dollars are spent. We speak 1:43PM  3 specifically to how the exorbitant cost of  4 administration often outweighs the intended benefit  5 of some of the categorical programs in California.  6 Q What does the "New" School Finance 1:43PM  7 conceptual model that you have articulated -- what's  8 its position on categoricals?  9 MS. LHAMON: Assumes facts not in evidence  10 that there is a position.  11 BY MR. POULOS: 1:43PM  12 Q Let me just -- I don't know if you're  13 going to answer the question. I apologize. But let  14 me be more specific. And I'm having some difficulty  15 squaring what the report said on categoricals. So  16 it might help if you looked at page 29, and then 1:44PM  17 looked at page 49 in the report.  18 A Any specific section, John?  19 Q Yeah. Let me give you the -- there's a  20 quote. It's about the first paragraph -- it's the  21 first full paragraph that says, "Overall, then, the 1:44PM  22 proliferation of categorical programs since the  23 passage of Proposition 13," da-da-da-da-da.  24 A Page 29, John?  25 MS. LHAMON: Here.</p>

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1 THE WITNESS: Oh. 1:44PM  
 2 BY MR. POULOS:  
 3 Q "... have not been especially favorable to  
 4 equity."  
 5 And I think my confusion may stem -- I  
 6 think I might be able to clear it up, but I 1:44PM  
 7 obviously need you to do that for me.  
 8 Is this sentence here referring to equity  
 9 in the sense of pure dollars spent?  
 10 A I believe this statement is referring both  
 11 to dollar equity, but also implies the wider 1:45PM  
 12 definition of equity that we're advancing throughout  
 13 the framework.  
 14 Q Okay. Can you turn to page 49, then, and  
 15 read the last paragraph of page 49?  
 16 MS. LHAMON: Continuing on to page 50 or 1:45PM  
 17 just page 49?  
 18 BY MR. POULOS:  
 19 Q Yeah, it does roll over, but what I'm most  
 20 confused about is on 49.  
 21 A Okay. 1:46PM  
 22 Q Can you help? To me, those seem  
 23 inconsistent. It seems to me that on one hand  
 24 you're saying that categoricals harm the concepts of  
 25 equity, and 20 pages later you're saying what we

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1 really need is more categoricals because 1:46PM  
 2 unrestricted spending harms equity. 1:46PM  
 3 A Allow me to clarify this.  
 4 Q That would be great.  
 5 A The paragraph beginning on page 49 and  
 6 continuing on to page 50 -- 1:47PM  
 7 Q Uh-huh.  
 8 A -- first of all, one of the key  
 9 distinctions between the categorical programs that  
 10 currently exist and the categorical program, for the  
 11 lack of a better definition, at this point that 1:47PM  
 12 would exist under the framework of a "New" School  
 13 Finance system is that categorical programs under  
 14 the new framework would be created consistent with  
 15 needs assessment at local levels in that specific  
 16 dollars would be funded, would be allocated to, for 1:47PM  
 17 example, for the funding of a specific pilot program  
 18 which may be aimed at increasing teaching and  
 19 learning practices that replicate successful  
 20 practices. These would be programs or categorical  
 21 programs that would be constrained to those 1:48PM  
 22 activities, but not restricted as in the form of  
 23 current categorical programs.  
 24 Q Okay. I think I may understand where  
 25 we're having a disconnect.

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1 Are you aware that there are currently 1:48PM  
 2 state-implemented categorical programs that do  
 3 address needs? 1:48PM  
 4 A Yes, there are a variety of different  
 5 categoricals that address needs. Whether those  
 6 needs are actually funded by the amount of 1:48PM  
 7 categoricals or whether those needs actually exist  
 8 in some of the districts that actually benefit from  
 9 those categoricals, we don't know because we haven't  
 10 engaged in a wide-scale assessment.  
 11 Q But I gather that if it were true that 1:48PM  
 12 there was a targeted categorical or block grant  
 13 towards a specific need, that that framework would  
 14 be consistent with "New" School Finance, correct?  
 15 A Yes. If we engaged first in the process  
 16 of identifying what real needs are at district or 1:49PM  
 17 school levels, and then specifically allocating  
 18 dollars to meet those needs in whatever resource  
 19 form is necessary, then dollars would be flowing  
 20 specifically to the real needs that have been  
 21 identified. 1:49PM  
 22 Q Okay. If you go back to 29, are you aware  
 23 that Los Angeles receives a large share of  
 24 categorical money that is available in the state of  
 25 California?

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1 A Yes. Los Angeles is one of the highest 1:50PM  
 2 need districts, and it does receive a high 1:50PM  
 3 proportion of categorical funding.  
 4 Q And is it your view that because  
 5 Los Angeles receives more funding than other places,  
 6 that that is harmful to equity? 1:50PM  
 7 A Rephrase your question, please.  
 8 Q Well --  
 9 A I see where you're going, but...  
 10 Q What I'm getting at is I didn't -- I  
 11 understood "New" School Finance to say that you need 1:51PM  
 12 to go beyond actual dollars spent and look at what  
 13 the needs are of the students.  
 14 A Yes.  
 15 Q And I look at this paragraph that we're  
 16 talking about on page 29 as being inconsistent with 1:51PM  
 17 that approach because if you assume that there are  
 18 instances where a district needs more money than  
 19 another district to meet student needs, that would  
 20 seem to contradict what is said here in -- on  
 21 page 29. And I'm just trying to get that squared 1:51PM  
 22 away.  
 23 MS. LHAMON: Objection. It's compound.  
 24 BY MR. POULOS:  
 25 Q It is.

<p style="text-align: right;">Page 803</p> <p>1 A That's okay. I understand. 1:51PM</p> <p>2 I think the clarification that I made in 1:52PM</p> <p>3 reference to the paragraph on page 49 is consistent</p> <p>4 with clarifying the concern that you have on page 29</p> <p>5 as well.</p> <p>6 Throughout this paper, we use the word 1:52PM</p> <p>7 "equity" to encompass not only dollar equity issue,</p> <p>8 but the true equity concerns that are related to</p> <p>9 issues of adequacy and whether resources are</p> <p>10 directed towards meeting some defined adequate level</p> <p>11 of education. The statement that you're concerned 1:52PM</p> <p>12 with on page 29 is in the context of looking at the</p> <p>13 discussion on dollar equity within that paragraph.</p> <p>14 When we talk about that, quote, this has not been</p> <p>15 especially favorable to equity, we are primarily</p> <p>16 speaking about dollar equity; but also in that 1:53PM</p> <p>17 implicit is the idea of equity advanced by the</p> <p>18 concepts of adequacy.</p> <p>19 We are in no way alluding to or trying to</p> <p>20 qualify that dollar equity is the equity that we</p> <p>21 should be most concerned with. This discussion of 1:53PM</p> <p>22 equity is part of this wider discussion in this</p> <p>23 section of the report which looks at some of the</p> <p>24 historical definitions and trends that have -- that</p> <p>25 have had differing perspectives on what equity</p>	<p style="text-align: right;">Page 805</p> <p>1 exist in schools. 1:55PM</p> <p>2 BY MR. POULOS:</p> <p>3 Q Do you believe that in order to ensure --</p> <p>4 and I'm going to use the words "equal</p> <p>5 opportunity" -- we -- and I'm just talking about</p> <p>6 California; I'm not going to say who "we" is at this 1:55PM</p> <p>7 point -- must be willing to spend unequal amounts of</p> <p>8 money per student?</p> <p>9 MS. LHAMON: Incomplete hypothetical.</p> <p>10 THE WITNESS: Assuming and knowing that</p> <p>11 students throughout the state have differential 1:56PM</p> <p>12 needs, and knowing that differential needs demand</p> <p>13 differential costs, the likelihood is that there</p> <p>14 would be a wide and varying amount of dollars that</p> <p>15 flow to schools throughout the state.</p> <p>16 Could we take a quick bathroom break? 1:56PM</p> <p>17 MR. POULOS: Absolutely.</p> <p>18 (Discussion off the record.)</p> <p>19 BY MR. POULOS:</p> <p>20 Q I just want to tie up this one area before</p> <p>21 moving on, and that is several times during the week 2:01PM</p> <p>22 you've said that the revenue limit is well</p> <p>23 equalized, but the categorical dollars make the</p> <p>24 distribution unequal. And I'm simply trying to</p> <p>25 confirm that when you say that you are stating that</p>
<p style="text-align: right;">Page 804</p> <p>1 actually means. 1:53PM</p> <p>2 Q Well, I guess, do you agree that equity is 1:54PM</p> <p>3 a difficult concept to define?</p> <p>4 A Yes.</p> <p>5 Q I --</p> <p>6 A But consistent with "New" School Finance, 1:54PM</p> <p>7 our objective is to move beyond the definition of</p> <p>8 equity which has been relied on over three decades</p> <p>9 of school finance litigation, which has been solely</p> <p>10 based on dollar equity, and to begin to</p> <p>11 conceptualize a new definition of equity which looks 1:54PM</p> <p>12 at issues of adequacy and real needs.</p> <p>13 Q I understand that.</p> <p>14 Let me go a step further and get a little</p> <p>15 bit philosophical, true equity would be almost</p> <p>16 impossible, if not impossible, to achieve. 1:54PM</p> <p>17 Do you share that opinion?</p> <p>18 MS. LHAMON: Vague and ambiguous.</p> <p>19 THE WITNESS: I believe that true equity</p> <p>20 would be extremely challenging. However, I also</p> <p>21 believe that the framework that we advanced in the 1:55PM</p> <p>22 "New" School Finance is a strong step forward to</p> <p>23 begin identifying or begin approaching a more</p> <p>24 clearly defined definition of equity, which accounts</p> <p>25 for individual needs and differential needs that</p>	<p style="text-align: right;">Page 806</p> <p>1 as a matter -- that is true, as a matter of fact, 2:01PM</p> <p>2 but that you are not implying that is a negative 2:01PM</p> <p>3 impact under the "New" School Finance.</p> <p>4 MS. LHAMON: Vague and ambiguous. Do you</p> <p>5 mean that alone is a negative impact?</p> <p>6 BY MR. POULOS: 2:02PM</p> <p>7 Q Correct.</p> <p>8 A You're correct. I've testified that the</p> <p>9 revenue limits which flow to -- the revenue limit</p> <p>10 dollars that flow to districts are highly equalized</p> <p>11 in California, whereas I've stated over 95 percent 2:02PM</p> <p>12 of our schools are within three or three hundred</p> <p>13 fifty dollars difference of each other. When you</p> <p>14 account for the different categoricals and other</p> <p>15 local money, federal and state categoricals, there</p> <p>16 is a disequalizing effect in the distribution of 2:02PM</p> <p>17 dollars across the state in terms of dollar equity.</p> <p>18 It is important to qualify that some of</p> <p>19 these disequalizing effects are aimed specifically</p> <p>20 at some of the differential needs that exist in</p> <p>21 districts. For example, as we've noted in the 2:03PM</p> <p>22 report, some of the urban districts, some of the</p> <p>23 major urban districts in California do have a</p> <p>24 higher -- slightly higher per pupil total, per pupil</p> <p>25 expenditure, than the state average, in some cases</p>



<p style="text-align: right;">Page 807</p> <p>1 than some of the suburban districts. We know that 2:03PM  2 needs in urban districts, because of student 2:03PM  3 characteristics, are for the most part higher. The  4 inequalities that exist in dollars in these urban  5 districts, some of these -- some of the dollar  6 inequalities are addressing some of the differential 2:03PM  7 needs. However, the differences in the state  8 average and the amounts that some of the urban  9 districts are actually receiving is very small, and  10 it's -- whether these differential dollars are  11 actually addressing the vast amount of differential 2:04PM  12 needs is not clear. So within that statement, I  13 have addressed the fact that when we look at  14 distribution of per pupil expenditure as across the  15 state, we know that there is dollar inequality  16 across the distribution. It's important to account, 2:04PM  17 though, that some of this inequality is by design in  18 that some of the resources that flow through  19 categorical and others are attempting to address  20 differential needs. However, whether the extent of  21 those additional dollars are actually meeting those 2:04PM  22 differential needs is not clear.  23 However, some of the data that we have  24 from some of the other experts' reports would point  25 us to believe that more resources in many cases may</p>	<p style="text-align: right;">Page 809</p> <p>1 of equity, can you please tell me what you view to 2:06PM  2 be the most important factors that you would 2:07PM  3 consider?  4 Let me be a little clearer by saying that  5 if you're comparing students in, let's say, two  6 different districts. Is it acceptable, from your 2:07PM  7 perspective, to just look at socioeconomic status.  8 A Definitely not. I think that any complete  9 assessment of differences that exist among students  10 in one district compared to another would involve  11 not only looking at socioeconomic status, as you 2:08PM  12 indicate, but would involve looking at both factors  13 within the school environment and external school  14 environment. As I've testified yesterday, these  15 would include, within the school environment, issues  16 of how schools are using their resources; the 2:08PM  17 materials that are available to them; the quality of  18 teachers; the facilities in which the students are  19 housed.  20 It would also be important to look at  21 administrative and governance models and how they 2:08PM  22 may be employed differently. These are just a few  23 examples, which I've previously described, which  24 would be -- which would need to be accounted for if  25 we were going to make any fair comparison between</p>
<p style="text-align: right;">Page 808</p> <p>1 be necessary, or in the context of the "New" School 2:05PM  2 Finance engaging in a wide-scale assessment, in 2:05PM  3 identifying how dollars are actually being used at  4 local levels is also an important component of that.  5 Q If I recall correctly, you said that you  6 have just limited knowledge about the current 2:05PM  7 proposal in the state government to distribute funds  8 in a kind of a block grant, if you will.  9 A Yes, that's true. I've only briefly  10 reviewed the new proposed plan by the governor.  11 Q Do you agree that block grants can be 2:05PM  12 problematic for districts in that they're not  13 assured of ongoing?  14 MS. LHAMON: Incomplete hypothetical.  15 Vague and ambiguous.  16 MR. POULOS: Let me rephrase it. 2:06PM  17 BY MR. POULOS:  18 Q In your experience, do you believe that  19 block grants are politically vulnerable to deletion  20 during lean budget years?  21 A That's certainly possible. However, 2:06PM  22 independent of the mechanism that would guarantee  23 funding for a block grant program, it would be  24 difficult for me to comment on that. I don't know.  25 Q In searching for an acceptable definition</p>	<p style="text-align: right;">Page 810</p> <p>1 one district and another. 2:08PM  2 Q And I gather if you had a student that was 2:09PM  3 of the same ethnicity and socioeconomic status in a  4 rural district, it wouldn't be surprising to have  5 the same student with the same ethnicity and same  6 socioeconomic student in an urban district have 2:09PM  7 higher needs.  8 MS. LHAMON: Same economic status?  9 BY MR. POULOS:  10 Q Same economic status.  11 A Yes, that's certainly possible. 2:09PM  12 Q My favorite footnote in the whole report  13 is footnote 38.  14 A Let's see. Which one is it?  15 37 or 38?  16 Q 38. 2:10PM  17 A I thought it was 38.  18 MS. LHAMON: See Grubb and Huerta.  19 MR. POULOS: I like that one.  20 BY MR. POULOS:  21 Q Can you just explain to me what you meant 2:10PM  22 or what Grubb and Goe meant -- if you can explain to  23 me what Drs. Grubb and Goe meant in paragraph 38?  24 A Let me just go back to the text in the  25 body of the report. Do you remember what page that</p>

<p style="text-align: right;">Page 811</p> <p>1 was? 2:10PM</p> <p>2 Hang on. Let's see. 2:10PM</p> <p>3 Q It's the part about --</p> <p>4 A It's the good part, right.</p> <p>5 Q Yeah, it's the part where Shaun's</p> <p>6 lawsuit -- you called Shaun's lawsuit baseless. 2:11PM</p> <p>7 MR. SIMMONS: Objection. Mischaracterizes</p> <p>8 "lawsuit."</p> <p>9 MR. HILL: Assumes facts not in evidence.</p> <p>10 MS. LHAMON: Past page 57?</p> <p>11 MR. NOLTE: It's on 57. 2:11PM</p> <p>12 THE WITNESS: Give me one minute.</p> <p>13 I don't see it on 57.</p> <p>14 MR. HILL: Page 57, second line down in</p> <p>15 the middle paragraph.</p> <p>16 BY MR. POULOS:</p> <p>17 Q Do you agree with the statement on 38?</p> <p>18 A The entire footnote?</p> <p>19 Q Yes.</p> <p>20 A Yes.</p> <p>21 Q Let me ask you a hypothetical about 2:13PM</p> <p>22 equity, and it's basically something like this: If</p> <p>23 you have a one-room schoolhouse, let's say, in</p> <p>24 Alpine County, that is otherwise, you know, clean,</p> <p>25 it's got bathrooms, it's got desks, but it's got a</p>	<p style="text-align: right;">Page 813</p> <p>1 for a varying degree or type of learning opportunity 2:16PM</p> <p>2 compared to the other, those two facilities might be 2:16PM</p> <p>3 considered unequal.</p> <p>4 Obviously, if in your scenario the small</p> <p>5 one-room schoolhouse in Alpine doesn't have the</p> <p>6 performing arts center that you mentioned in the 2:16PM</p> <p>7 Davis example, then students may not have</p> <p>8 opportunity to engage in those sort of activities at</p> <p>9 the same level. So in terms of the opportunity that</p> <p>10 may be available to students, yes, that would be</p> <p>11 perhaps unequal opportunity. However, it's also 2:16PM</p> <p>12 important to account for whatever differences in</p> <p>13 talent may exist, as far as teachers and their</p> <p>14 ability; for example, in a district like Alpine to,</p> <p>15 absent the lavish facilities, provide students with</p> <p>16 equally beneficial opportunities for learning. 2:17PM</p> <p>17 I think that your hypothetical would have</p> <p>18 to account for a lot of the different</p> <p>19 characteristics that may exist in both districts.</p> <p>20 Q But as a testifying expert in the Williams</p> <p>21 case, you don't -- well, do you believe that the 2:17PM</p> <p>22 Williams plaintiffs are asking for absolute equality</p> <p>23 in instructional materials, teachers and facilities?</p> <p>24 MS. LHAMON: Vague as to "absolute</p> <p>25 equality."</p>
<p style="text-align: right;">Page 812</p> <p>1 chalkboard, and that's about it; you've got another 2:14PM</p> <p>2 brand new facility in, let's say, Davis where you've 2:14PM</p> <p>3 got a performing arts center, a multipurpose room,</p> <p>4 a -- you know, computers in every classroom, is</p> <p>5 there a way that you would consider those facilities</p> <p>6 equal for purposes of assessing educational 2:14PM</p> <p>7 opportunity?</p> <p>8 A If the facilities are meeting the needs of</p> <p>9 the students -- strike that.</p> <p>10 What you've described in your hypothetical</p> <p>11 are two varying degrees of facilities; one which 2:15PM</p> <p>12 describes somewhat lavish facilities, is that</p> <p>13 fair --</p> <p>14 Q Yeah.</p> <p>15 A -- what you described, and another</p> <p>16 describing somewhat basic level of facilities, which 2:15PM</p> <p>17 you mentioned in the basic example would include the</p> <p>18 building, teacher -- and I think that's all you</p> <p>19 indicated. I'm going to go ahead and assume that</p> <p>20 you also would place adequate materials and so forth</p> <p>21 as part of the basic example. 2:15PM</p> <p>22 Q In both, yeah. Let's take materials and</p> <p>23 teachers out of the equation.</p> <p>24 A In the context of the opportunity that one</p> <p>25 of those scenarios might provide more opportunity</p>	<p style="text-align: right;">Page 814</p> <p>1 THE WITNESS: If you're asking me whether 2:18PM</p> <p>2 every school in the state should have a swimming 2:18PM</p> <p>3 pool and performing arts centers and other extras,</p> <p>4 which many people would characterize as, I don't</p> <p>5 think the Williams case is consistent or is asking</p> <p>6 that that be the case. 2:18PM</p> <p>7 I think it's important to -- I think it's</p> <p>8 important to first define a set of minimums that we</p> <p>9 are going to provide the resources necessary to each</p> <p>10 district to actually have. Those minimums may begin</p> <p>11 to move us toward the idea of the bare essentials 2:18PM</p> <p>12 that are necessary for students to have equal</p> <p>13 educational opportunity. And I think the focus of</p> <p>14 the Williams case is -- is -- involves that focus,</p> <p>15 but I don't interpret the focus of the Williams</p> <p>16 case -- the idea that every school should have every 2:19PM</p> <p>17 possible extracurricular lavish facility.</p> <p>18 BY MR. POULOS:</p> <p>19 Q Let's talk about the concepts of minimums.</p> <p>20 Do you agree that any single assessment is</p> <p>21 inadequate to measure student achievement? 2:19PM</p> <p>22 MS. LHAMON: Vague and ambiguous.</p> <p>23 THE WITNESS: I don't understand your</p> <p>24 question. Assessment in student tests?</p> <p>25 BY MR. POULOS:</p>

<p style="text-align: right;">Page 815</p> <p>1 Q Yeah. Do you believe in the premise that 2:20PM  2 multiple measures are necessary to measure student 2:20PM  3 achievement?  4 A Yes, I believe that multiple indicators  5 need to be used to have a full assessment of student  6 performance and student achievement. And that may 2:20PM  7 involve not only assessment in the form of tests,  8 but also assessment in the form of gathering data  9 relevant to student, individual student  10 characteristics and the like.  11 Q I'm going to speak in terms of the API, 2:20PM  12 but do you agree that the API that is given to  13 students in California is a snapshot?  14 A I do believe that the API that is applied  15 to school performance in California is a snapshot  16 that looks at aggregate test score data and does not 2:21PM  17 account for individual growth or value added that is  18 specific to student -- students.  19 Q And from the report and your testimony, I  20 gather it is also true that you've expressed a  21 concern that teachers throughout the state will 2:21PM  22 teach to the test, so to speak; is that accurate,  23 the SAT-9 I'm referring to?  24 A It has been widely reported that many  25 teachers throughout the state have engaged in the</p>	<p style="text-align: right;">Page 817</p> <p>1 MS. LHAMON: Compound. 2:23PM  2 THE WITNESS: That's possible, yes. I 2:23PM  3 think it's important to qualify that that doesn't  4 mean that standards will result in only minimum  5 levels of education. I think it's important to  6 qualify your hypothetical that if we do have 2:24PM  7 well-planned and designed standards with high  8 expectations, then that level of basic minimums  9 should be something that teachers should shoot for  10 in their instruction in attempting to ensure that  11 their students actually meet the standards. 2:24PM  12 BY MR. POULOS:  13 Q But you will acknowledge, will you not,  14 that is at least a possibility when standards --  15 when a standard is set, that it becomes the ceiling,  16 correct? 2:24PM  17 MS. LHAMON: Asked and answered.  18 THE WITNESS: I would offer the same  19 answer that I did to the previous question on that.  20 BY MR. POULOS:  21 Q Is it true that under the "New" School 2:25PM  22 Finance conceptual framework, as you've articulated,  23 that it is premature to set standards at this time?  24 MS. LHAMON: Vague and ambiguous as to  25 which standards.</p>
<p style="text-align: right;">Page 816</p> <p>1 process of teaching to the test, as the high stakes 2:21PM  2 that are involved in the current assessment system 2:22PM  3 in California has prompted that sort of behavior.  4 Q Do you view teaching to the test as sort  5 of a minimum for teaching instruction?  6 MS. LHAMON: Vague and ambiguous. 2:22PM  7 THE WITNESS: Can you rephrase that?  8 BY MR. POULOS:  9 Q Well, what I'm getting at is this notion  10 that -- well, strike that. Let me move on, and I'll  11 come back, if I can. 2:22PM  12 We've discussed Prop 98, how Prop 98 set a  13 floor for K-12 funding in the state of California,  14 correct?  15 A Uh-huh, yes.  16 Q I believe it's your testimony that in 2:23PM  17 years past and, indeed, maybe in years future, the  18 floor has become the ceiling. Is that correct?  19 A Yes.  20 Q That same concept, to me, seems present  21 when teachers teach to the test; in other words, 2:23PM  22 what you have sought when you set a standard, if you  23 set a standard in public education, history seems to  24 tell us that that is the ceiling, not the standard.  25 Do you agree with that?</p>	<p style="text-align: right;">Page 818</p> <p>1 ////  2 BY MR. POULOS:  3 Q Any standards with respect to facilities,  4 teachers and instructional materials.  5 A Excuse me. Consistent with the "New"  6 School Finance framework and following the steps 2:26PM  7 that are outlined in the conceptual frame, the  8 necessary first step would be to engage in a  9 wide-scale assessment of what needs are. And  10 assessing those needs and attempting to address  11 those needs would also involve the setting of 2:26PM  12 standards for learning, which would include actors  13 from both local district and county and state level.  14 And these standards would be not only standards  15 for -- learning standards for students, but also  16 would be standards that would provide basic minimums 2:26PM  17 for the essential resources.  18 MR. SIMMONS: Move to strike as  19 nonresponsive.  20 BY MR. POULOS:  21 Q Could the needs, the wide-scale needs 2:27PM  22 assessment you're referring to, could that be  23 accomplished on a district-by-district basis?  24 A The wide-scale needs assessment, as  25 outlined in the "New" School Finance conceptual</p>

<p style="text-align: right;">Page 819</p> <p>1 frame, has the objective of learning what actually 2:27PM  2 occurs within school and classroom level. The 2:27PM  3 idea -- one of the principal objectives of the "New"  4 School Finance framework is to shift the unit of  5 analysis from district level resource use to both  6 school and classroom level district use resources. 2:28PM  7 Q Fair point.  8 But could -- could -- consistent with the  9 framework that we're referring to in the "New"  10 School Finance framework, could not each district be  11 responsible for assessing the needs of each of its 2:28PM  12 schools?  13 A Independent of any other actors in the  14 state; is that what you're asking?  15 Q Correct.  16 A I think the opinion -- the professional 2:28PM  17 opinion of district level actors is of primary  18 importance in assessing local needs. However, the  19 team of actors that would make up -- the team of  20 actors that would engage in the local assessment  21 needs might best work with individuals or with a 2:29PM  22 representation of individuals from many different  23 levels, both from the state, county and district and  24 local.  25 Q Dr. Huerta, I'm going to apologize in</p>	<p style="text-align: right;">Page 821</p> <p>1 days are three of the primary examples that have 2:30PM  2 been used in approaching issues of finance adequacy 2:30PM  3 in states -- in the three states that we've talked  4 about.  5 There -- aside from the three states that  6 have engaged in this process, there are very few 2:30PM  7 other states that have done so, and they have  8 followed similar models or a combination of a couple  9 different models.  10 If you're asking me whether the Oregon or  11 the Wyoming model is best suited for California, 2:31PM  12 it's difficult to tell without first engaging in a  13 wide-scale assessment need or needs assessment.  14 In my work with the joint committee on  15 education finance, some of the conclusions of the  16 committee were -- pointed us toward adopting some of 2:31PM  17 the approach that has been advanced by Oregon; but  18 if I remember correctly, it wasn't a recommendation  19 to adopt what has occurred in Oregon as is, but  20 rather to borrow from the approach that Oregon has  21 used. 2:32PM  22 There was also discussion in applying some  23 of the conceptual frame toward adequacy that has  24 been used in Wyoming as well.  25 BY MR. POULOS:</p>
<p style="text-align: right;">Page 820</p> <p>1 advance if you've already answered this question, 2:29PM  2 but do you have a feeling as to which method of 2:29PM  3 identification of standards is best, is most  4 appropriate for California?  5 MS. LHAMON: Vague and ambiguous.  6 THE WITNESS: Tell me more. 2:29PM  7 BY MR. POULOS:  8 Q We've talked about the basket of goods --  9 A Oh.  10 Q -- approach that I believe was used in  11 Wyoming; and I believe we've talked about the 2:29PM  12 outlier approach that was used in Oregon; and I  13 think we've talked about sort of another variation  14 of best practices that was sort of -- well, I'm not  15 sure where it was used.  16 A The outlier approach in Ohio. 2:30PM  17 Q That's right. It was the Ohio approach.  18 Do you have a feeling as to which of those  19 approaches would be best utilized in California, or  20 is it just simply too early to make that  21 determination? 2:30PM  22 MS. LHAMON: Incomplete hypothetical that  23 it's only those choices.  24 THE WITNESS: The three examples that I've  25 offered in the discussion over the last couple of</p>	<p style="text-align: right;">Page 822</p> <p>1 Q Earlier this morning, you had testified 2:32PM  2 that parents were an equal stakeholder in children's 2:32PM  3 education, and I would like to quarrel with you  4 about that.  5 Are you aware of any research that would  6 seem to indicate that parental education is probably 2:32PM  7 the single most correlated factor in students'  8 academic success?  9 A No.  10 Q What about parental income; have you done  11 any research on that? 2:33PM  12 A Again, it's probably the most influential  13 factor.  14 Q It's the most correlated?  15 A So what question are we on?  16 Q Basically it was -- 2:33PM  17 A I think I answered the first one.  18 Q You said "no" to the first one about  19 parental education, and I was asking the same  20 question with respect to parental income.  21 A Parental income is often comprised within 2:33PM  22 the socioeconomic status classification that is  23 often used. Socioeconomic status has been found to  24 be a strong predictor of student achievement in some  25 research, yes, but not the exclusive or sole</p>

<p style="text-align: right;">Page 823</p> <p>1 indicator or most correlated characteristic that is 2:34PM  2 related to student outcomes. 2:34PM  3 Q Do you believe that -- you know, that  4 basically parents, teachers, and what I'll refer to  5 as the state, have equal interest in a child's  6 education? 2:34PM  7 MS. LHAMON: Vague and ambiguous as to  8 "interest," and to the other groups, state.  9 THE WITNESS: Could you rephrase the  10 question, please?  11 BY MR. POULOS:  12 Q Well, I think -- you referred to parents  13 as equal stakeholders, and I'm just trying to  14 identify the other stakeholders, and I guess let's  15 cut to the chase.  16 I'm trying to find out why you don't 2:35PM  17 believe that parents hold an elevated status as  18 stakeholders as opposed to the other stakeholders.  19 A My previous reply related to the question  20 you're asking now. I believe I identified parents  21 as equal stakeholders. I'm not sure if I used the 2:35PM  22 word "equal" or not. I would have to go to the  23 record. But I identify them as stakeholders in  24 sharing interests in students' education. I did.  25 Whether parents, teachers or the state</p>	<p style="text-align: right;">Page 825</p> <p>1 Q How important are community values in 2:37PM  2 education? 2:37PM  3 MS. LHAMON: Same objections.  4 THE WITNESS: As a citizen, I would reply  5 that community values probably are important to and  6 may be related to the educational opportunities and, 2:37PM  7 ultimately, the educational outcome of students.  8 As a researcher, it's not something I've  9 examined, and I'm not prepared to offer an expert  10 opinion on that.  11 BY MR. POULOS:  12 Q And if I understand correctly, the program  13 work that we've been discussing for the last five  14 days has not advanced to the stage where the exact  15 roles of local districts has been defined. Is that  16 correct? 2:38PM  17 A That's a fair assessment. As I've  18 testified, this is a conceptual framework that while  19 has -- that while it advances general ideas, it has  20 been well planned and well designed using existing  21 data and prior research, but certainly has not 2:38PM  22 advanced to the level of detail that you are asking  23 me about.  24 Q Do you agree that, as a matter of policy,  25 that the more educational decisions that are made in</p>
<p style="text-align: right;">Page 824</p> <p>1 have the highest head stake, is that what you're 2:35PM  2 asking? 2:36PM  3 Q Well, what I'm, you know, I'm interested  4 in --  5 A Strike that, please.  6 Q -- in talking about is the impact on 2:36PM  7 schools when parents are not involved in the  8 educational process and -- well, let me ask you:  9 How important do you believe parental input is in a  10 child's education?  11 MS. LHAMON: Vague and ambiguous. 2:36PM  12 Overbroad. Lacks foundation.  13 THE WITNESS: I think parental input in a  14 variety of forms is extremely important for a  15 child's education, but not the exclusive determinant  16 of whether a student will succeed or not. I think 2:36PM  17 that the input and the effect that other  18 stakeholders, involving teachers and stakeholders  19 that are involved in the educational process, have,  20 including teachers and administrators and state  21 level policyholders, is also important. I'm not 2:37PM  22 prepared to offer an opinion on which is more  23 important or whether one has more weight over the  24 other.  25 BY MR. POULOS:</p>	<p style="text-align: right;">Page 826</p> <p>1 Sacramento, the larger the chance that parents will 2:39PM  2 become less involved in education? 2:39PM  3 MS. LHAMON: Incomplete hypothetical.  4 Vague and ambiguous.  5 THE WITNESS: If you're referring to  6 Sacramento as being the state government, either the 2:39PM  7 legislature or the Department of Ed, I'm not sure.  8 BY MR. POULOS:  9 Q Yeah, I am.  10 A If you can clarify.  11 Q Yeah, either. 2:39PM  12 A Can you rephrase the question consistent  13 with that, then?  14 Q Well, if more educational decisions are  15 made in Sacramento -- strike that. That's what I  16 said before, isn't it? When you live in Sacramento, 2:40PM  17 it's so easy to refer to it as Sacramento, but...  18 But if more educational decisions are made  19 at the statewide level, whether that be in the  20 legislature or Department of Education or the State  21 Board of Education, do you believe that that may 2:40PM  22 have the impact of decreasing parental involvement  23 in education?  24 MS. LHAMON: Same objections.  25 THE WITNESS: If the decisions that you're</p>

<p style="text-align: right;">Page 827</p> <p>1 alluding to are made absent either assessment of the 2:40PM  2 local context in which they're applied, and if 2:40PM  3 they're made absent any professional judgment of  4 actors, such as teachers and principals and the  5 like, and parents, then the possibility -- the high  6 possibility exists that these type of policy reform 2:41PM  7 initiatives will be -- will not as readily address  8 the real local needs as policy reform initiatives  9 that would account for local needs and as well as  10 the voice of local professionals, including parents  11 as well. 2:41PM  12 BY MR. POULOS:  13 Q Is the notion that school districts having  14 control over spending decisions and allocation of  15 resources inconsistent with the conceptual framework  16 of "New" School Finance? 2:41PM  17 MS. LHAMON: Incomplete hypothetical.  18 Vague and ambiguous.  19 THE WITNESS: The "New" School Finance  20 framework does account for levels of local  21 discretion that would allow both decision-making 2:42PM  22 process and the use of some resources and what those  23 resources buy. However, an important part of the  24 wider framework would also define both minimum  25 education standards and minimums for funding</p>	<p style="text-align: right;">Page 829</p> <p>1 would know that. 2:44PM  2 A For me, personally in my research, my 2:44PM  3 knowledge of Prop 13 among other state policies has  4 piqued my interest and led me to examine further how  5 state or school finance formulas operate in  6 California. Whether Prop 13 was specifically 2:44PM  7 something that triggered the design of the "New"  8 School Finance framework, it certainly wasn't the --  9 it was perhaps one of the issues, but it was not  10 exclusive to Prop 13, no.  11 Q Let me ask you this: If Proposition 13 2:45PM  12 did not exist, do you still believe that there would  13 be a need for the "New" School Finance?  14 MS. LHAMON: Incomplete hypothetical.  15 THE WITNESS: It would be extremely  16 difficult to answer that question because, as I 2:45PM  17 interpret your question, you are assuming that  18 California's passing Proposition 13 has been the  19 exclusive influence that has led to the finance  20 formula that we presently have in California. Is  21 that fair? 2:45PM  22 BY MR. POULOS:  23 Q That's fair.  24 A I think Proposition 13 has been an  25 important factor that has influenced the way we</p>
<p style="text-align: right;">Page 828</p> <p>1 specific resources. 2:42PM  2 BY MR. POULOS:  3 Q This morning you testified that the  4 conceptual framework for "New" School Finance was  5 not developed to be California specific. Is that  6 correct? 2:42PM  7 A The conceptual framework was not designed  8 with the state of California -- strike that.  9 Can you ask the question again, please?  10 Q Well, I just -- my recollection of your  11 testimony this morning was that, in response to some 2:43PM  12 questions from Mr. Hill, you had said that the  13 conceptual framework was not designed specifically  14 for California, but a framework that all states  15 could look at. Is that a fair?  16 A That's a fair assessment, yes. 2:43PM  17 Q And I guess I wanted to ask the question  18 of whether it was the impact of Proposition 13 in  19 California that gave rise to, you know, the impetus  20 to look at a new paradigm in school finance.  21 MS. LHAMON: For Dr. Huerta or for his 2:43PM  22 colleagues?  23 BY MR. POULOS:  24 Q Yeah, I guess for Dr. Huerta and for  25 either any of your colleagues, to the extent you</p>	<p style="text-align: right;">Page 830</p> <p>1 finance schools -- the way we fund schools in 2:45PM  2 California, but I certainly don't think it's the 2:46PM  3 exclusive cause which has led to the formulas that  4 we use in California.  5 Q And the reason that I'm asking the  6 question was in the literature that I believe you 2:46PM  7 wrote, you know, we talk about the '50s, you know,  8 up throughout the '50s and early '60s, that  9 California was kind of the jewel of the country, as  10 far as expenditures per student. Is that consistent  11 with your recollection? 2:46PM  12 A Yeah, that's consistent. I'm not sure if  13 we used the word "jewel" or not.  14 Q And I also, and perhaps incorrectly,  15 thought that the concept of decentralized education  16 was favored in the materials. And I have to be 2:47PM  17 honest, I can't recall whether it was in your  18 article or one of the others that I read this week,  19 so I apologize for that.  20 But if you had enough money and you had a  21 decentralized system, would that obviate the need 2:47PM  22 for the "New" School Finance?  23 MS. LHAMON: Incomplete hypothetical.  24 THE WITNESS: That would depend on the  25 level of decentralization that would be defined by</p>

<p style="text-align: right;">Page 831</p> <p>1 state level policy. It would define -- it would 2:47PM  2 depend on the level of discretion that local 2:47PM  3 districts had in some more decentralized school  4 governance, state school governance systems.  5 However, regardless of decentralization,  6 we will still have to know what specific needs were 2:48PM  7 of local level, and because schools in California  8 still depend on state-level resources to a higher  9 proportion of state level resources to fund them,  10 decentralization alone would not solve the problem.  11 BY MR. POULOS:  12 Q Do you know any reason we couldn't  13 equalize on a district-by-district basis?  14 MS. LHAMON: Vague and ambiguous.  15 THE WITNESS: I think consistent with the  16 "New" School Finance framework, one of the goals is 2:49PM  17 to -- strike that.  18 Did you say "equalize" or "decentralize"?  19 BY MR. POULOS:  20 Q I said "equalize" there.  21 A One of the goals that is consistent with 2:49PM  22 the "New" School Finance framework is to equalize,  23 according to the specific needs of districts, by  24 accounting for the more specific needs that exist  25 within schools in those districts. So that is</p>	<p style="text-align: right;">Page 833</p> <p>1 fascinating. 2:51PM  2 MS. LHAMON: Although you're -- 2:51PM  3 THE WITNESS: I'm flattered.  4 BY MR. POULOS:  5 Q From your CV, it seems like there are  6 three areas you have spent a considerable amount of 2:51PM  7 your professional time: Charter schools, vouchers  8 and the "New" Finance model.  9 Would that be a fair characterization of  10 your time?  11 A Yes. 2:52PM  12 Q Could you give me a rough approximation of  13 how the pie would be split up between, you know,  14 your work in those three areas?  15 A I think the pie -- I would consider myself  16 to be an expert in all three areas. My CV reflects 2:52PM  17 both my research that I have conducted in those  18 three areas, and the publications that I have  19 written in those three areas. And it's fairly  20 evenly split in all three of them.  21 My public profile and -- which reflects 2:52PM  22 how my work has been received nationwide -- is also  23 a testament to the quality of my work as evidenced  24 by presentations, lectures and talks that I have  25 given throughout the country. I have an equally --</p>
<p style="text-align: right;">Page 832</p> <p>1 consistent with the "New" School Finance framework. 2:49PM  2 Q Just by way of history, do you know 2:49PM  3 whether Proposition 13 had the effect of reducing  4 total expenditures for education; and I'm talking  5 about on a globe -- on a statewide basis?  6 A By limiting the ability of local districts 2:50PM  7 to increase taxes and by, in most cases, rolling  8 back the local tax to 1 percent of acquisition value  9 of property, the immediate effect following the  10 years after Proposition 13 was passed was that many  11 districts did find themselves in a situation with a 2:50PM  12 large shortfall of dollars, compared to previous  13 years. There were several bail-out bills from the  14 legislature that attempted to bring or to return the  15 level of funding to schools back to what it had  16 previously been. And from there began the formula 2:50PM  17 that we presently have, amongst many other bills  18 that have passed since then.  19 Q I'm going to switch gears on you just a  20 little bit, although I have to say I find this  21 fascinating. 2:51PM  22 I want to just bump back to talking a  23 little bit about you and your career.  24 A I'm glad you find that fascinating.  25 Q That was actually the former that was</p>	<p style="text-align: right;">Page 834</p> <p>1 I have an equal interest in all three of these areas 2:53PM  2 and have been working to try to create a nexus 2:53PM  3 between a couple of the areas and look both at  4 issues of school choice and how finances are related  5 to issues of choice.  6 Q Well, I can see very clearly how two of 2:53PM  7 the areas are related. I'm curious to know whether  8 all three are related or possibly could be related.  9 A There's very little literature that has  10 looked specifically at the issue of finance or  11 resources, resource issues related to choice. And 2:54PM  12 that's one area that I am beginning to develop, not  13 only looking at how charter schools are using  14 resources in California and other states, but  15 looking at how many states actually use different  16 funding formulas for charter schools. 2:54PM  17 Q With respect to your experience in school  18 finance, is it fair to characterize your experience  19 as being primarily in policy as opposed to, you  20 know, for example, calculation of the revenue  21 limits? 2:55PM  22 A Yeah.  23 Q Let me strike that.  24 A I'll answer that.  25 Q You're not a -- are you a statistician, I</p>

<p style="text-align: right;">Page 835</p> <p>1 guess? Is that a fair question? Are you a 2:55PM  2 statistician? 2:55PM  3 A I have engaged in quantitative research.  4 I wouldn't classify myself as a statistician. If  5 you're referring to a statistician as somebody who  6 crunches the numbers at the state level in the 2:55PM  7 context of school finance formulas, certainly not.  8 Q Let me put this way: If I wanted to talk  9 about how the revenue limit is calculated, are you  10 the right person to talk to about that, or am I  11 better off talking to Goldfinger? 2:55PM  12 A Obviously, Paul Goldfinger is well  13 respected and probably has the most vast knowledge  14 of how school funding works in California.  15 My work has been from the conceptual  16 frame, which looks at issues related to both policy 2:56PM  17 and how some of this policy affects practice. I  18 would not consider myself to be an expert in the  19 intricacies of placing different weights and so  20 forth that are accounted for, in example, the  21 revenue limit which you speak of. 2:56PM  22 Q Would the same be true about the various  23 categorical programs in the state of California?  24 A If you're referring to whether I know the  25 specifics of how each categorical program is funded</p>	<p style="text-align: right;">Page 837</p> <p>1 of researchers at PACE began to explore in our 2:58PM  2 charter school work, was to enter charter schools 2:58PM  3 and begin to learn from local actors how they were  4 interpreting their roles in their decentralized  5 environment, which was part of their charter school  6 freedoms that were provided by charter school 2:59PM  7 legislation in California.  8 We were interested in learning whether  9 they were engaged in -- whether the freedoms  10 provided to them through the charter school  11 legislation allowed them to engage in innovative 2:59PM  12 practices, teaching, governance, et cetera, or even  13 resource use. And we were interested in, also, the  14 issue of whether the decentralized environment  15 encouraged more parental participation or community  16 involvement and the like. That was some of the work 2:59PM  17 that was reported in the two chapters which appeared  18 in the Inside Charter Schools book. Those two  19 chapters were also used in my dissertation.  20 However, I then engaged in a wider  21 theoretical analysis, using institutional theory, 3:00PM  22 which is theoretical perspective. That's part of  23 the sociology that began to examine, as I had  24 indicated earlier this morning, how charter schools,  25 over time, while they may have began exploring</p>
<p style="text-align: right;">Page 836</p> <p>1 and whatever weights or criteria are a part of those 2:56PM  2 decisions, I've done some research on the various 2:56PM  3 categorical programs in California, but haven't  4 engaged in the process that I described.  5 Q Can you tell me how you got the idea for  6 your dissertation? 2:57PM  7 A The initial work that we engaged in --  8 "we" being myself and a team of researchers at  9 Policy Analysis for California Education -- our  10 initial lens, I should qualify, was to simply begin  11 to examine -- and this was in 1996, which was in the 2:57PM  12 early parts of the charter school reform here in  13 California. Our objective was to begin examining  14 how local actors were interpreting their  15 decentralized environment. Specifically we were  16 interested to find whether teachers, parents and 2:58PM  17 administrators that were operating charter schools,  18 were interpreting their role in their decentralized  19 environment in forms that may have been different  20 than traditional -- strike that whole answer. Let  21 me start over. 2:58PM  22 Let me give you a little prerun, since  23 you're so interested.  24 Q I am.  25 A The initial lens, which myself and a team</p>	<p style="text-align: right;">Page 838</p> <p>1 innovation, over time, had been forced to adopt 3:00PM  2 traditional concepts of schooling, which includes 3:00PM  3 adopting traditional resource use, traditional  4 governing structures and, in many ways, teaching and  5 learning approaches.  6 Q Do you know whether any of the experts in 3:00PM  7 this case considered the charter school legislation  8 on the impact of, let's say, facilities?  9 A I don't know of any of the other experts  10 that have, no.  11 Q You received your Ph.D. from Cal, correct? 3:01PM  12 A Yes, from UC Berkeley.  13 Q Go Bears. I had to get that in there.  14 MR. HILL: They won last night.  15 MS. LHAMON: That's what you get when you  16 go five straight days. 3:01PM  17 BY MR. POULOS:  18 Q At Berkeley, did you have to defend your  19 thesis?  20 A Yes. In the graduate school of education,  21 the defense comes at the proposal stage, where we're 3:01PM  22 expected to defend our former proposal, unlike other  23 schools that -- unlike the other common defense,  24 which is the actual defense of the final document;  25 but this is a widely and equally shared process</p>



<p style="text-align: right;">Page 839</p> <p>1 that's used throughout many schools. 3:02PM</p> <p>2 Q Would it be fair to characterize Professor 3:02PM</p> <p>3 Grubb as one of your mentors?</p> <p>4 A Yes.</p> <p>5 Q And I'm going to speculate, but is it fair</p> <p>6 to characterize Ms. Goe as more of a contemporary? 3:02PM</p> <p>7 A Yes.</p> <p>8 Q Are you friendly with Ms. Goe?</p> <p>9 A Yes. She's my colleague and my friend.</p> <p>10 Q Is she currently at Cal or --</p> <p>11 A Yes, she is, I believe defending her 3:02PM</p> <p>12 dissertation this semester.</p> <p>13 Q Do you happen to know what her</p> <p>14 dissertation is on?</p> <p>15 A I believe her dissertation is on --</p> <p>16 actually, I don't know. She's herself become an 3:02PM</p> <p>17 expert in a variety of different issues, and I'm not</p> <p>18 sure which one she's chosen to actually write about</p> <p>19 for her dissertation.</p> <p>20 Q What are Professor Grubb's other areas of</p> <p>21 expertise in addition to school finance? 3:03PM</p> <p>22 MS. LHAMON: Calls for speculation.</p> <p>23 THE WITNESS: Well, I would direct you to</p> <p>24 his CV. However, I would -- I do know that he is</p> <p>25 very well respected not only in the area of school</p>	<p style="text-align: right;">Page 841</p> <p>1 MR. POULOS: We can group these together, 3:05PM</p> <p>2 save some hassle. 3:05PM</p> <p>3 MS. GIORGI: This will also be 18?</p> <p>4 MR. POULOS: Yeah.</p> <p>5 THE WITNESS: These are all the same</p> <p>6 exhibit? 3:05PM</p> <p>7 MR. POULOS: You can put them together.</p> <p>8 BY MR. POULOS:</p> <p>9 Q Dr. Huerta, Exhibit 18 are two transmittal</p> <p>10 letters: One from the Morrison &amp; Foerster firm,</p> <p>11 dated October 11, 2001; and one from the American 3:06PM</p> <p>12 Civil Liberties Union, dated December 19, 2001, and</p> <p>13 they purport to be transmitting certain materials to</p> <p>14 you in 2001.</p> <p>15 And my question is do you recall receiving</p> <p>16 these letters and the materials that accompany them? 3:06PM</p> <p>17 A Yes, I do.</p> <p>18 Q Do you recall reviewing these materials</p> <p>19 when they came?</p> <p>20 A You mean just these cover letters?</p> <p>21 Q And the backup materials that are behind 3:06PM</p> <p>22 them.</p> <p>23 And the reason just for the question --</p> <p>24 and I'll just tell you -- is that this appears to be</p> <p>25 the time where you -- it was conflicting with your</p>
<p style="text-align: right;">Page 840</p> <p>1 finance, as well as the area of community colleges, 3:03PM</p> <p>2 and among several other areas. He's an economist by 3:03PM</p> <p>3 training.</p> <p>4 BY MR. POULOS:</p> <p>5 Q He's still -- oh, excuse me.</p> <p>6 A And I would characterize him as probably 3:03PM</p> <p>7 one of the most well-respected academics in the</p> <p>8 country.</p> <p>9 Q I think on day one of the deposition,</p> <p>10 there was questions about why you were -- or you</p> <p>11 were originally approached about testifying in this 3:04PM</p> <p>12 case, and then Ms. Goe became involved. And I think</p> <p>13 this was also -- you testified that this was during</p> <p>14 the time period that you were transitioning to</p> <p>15 New York.</p> <p>16 Is it also true that this is when you were 3:04PM</p> <p>17 completing your dissertation?</p> <p>18 A Yes. Yes.</p> <p>19 MR. POULOS: I'm going to mark real</p> <p>20 quick -- what number are we up to?</p> <p>21 THE REPORTER: 18. 3:04PM</p> <p>22 MR. POULOS: Actually, 18.</p> <p>23 (Defendants' Exhibit 18 was marked</p> <p>24 for identification and annexed</p> <p>25 hereto.)</p>	<p style="text-align: right;">Page 842</p> <p>1 dissertation. And my question is whether you 3:06PM</p> <p>2 actually did ever look at these materials or whether 3:06PM</p> <p>3 it was then determined that Ms. Goe would kind of</p> <p>4 stand in your shoes?</p> <p>5 A You're correct as to the time frame.</p> <p>6 You're reminding me by these dates. This is about 3:07PM</p> <p>7 the time when I was asked, again, to participate in</p> <p>8 the Williams case and also asked to provide an</p> <p>9 expert report.</p> <p>10 Q This would have been the original time,</p> <p>11 correct, because this is 2001? 3:07PM</p> <p>12 A 2001, yes.</p> <p>13 Q And then you were unable to participate</p> <p>14 because of your dissertation?</p> <p>15 A Correct. I was completing my</p> <p>16 dissertation, and I was in transition to begin a new 3:07PM</p> <p>17 job in New York.</p> <p>18 Q So do you recall reviewing these materials</p> <p>19 in the fall-winter 2001?</p> <p>20 A Yes, I recall receiving this, along with</p> <p>21 the materials that are listed. The extent to which 3:07PM</p> <p>22 I actually reviewed the many materials that were</p> <p>23 enclosed with these cover letters, I reviewed some</p> <p>24 of them. Ultimately, I handed off these materials</p> <p>25 to Ms. Goe.</p>

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1 Q But is it fair to say that your testimony 3:08PM  
 2 the last five days does not include anything that 3:08PM  
 3 you would be recalling from these materials,  
 4 correct? I mean, if you look at the materials,  
 5 their depositions and plans and so forth -- and I  
 6 understood your testimony to be that you relied upon 3:08PM  
 7 the long list of articles that were well known to  
 8 you and the Goe and Grubb report in preparing for  
 9 the testimony --  
 10 MS. LHAMON: Mischaracterizes testimony.  
 11 BY MR. POULOS: 3:08PM  
 12 Q -- but not the -- I didn't understand you  
 13 had reviewed these.  
 14 A Sorry. In preparation for this  
 15 deposition, I did not rely on the materials that are  
 16 referenced in the exhibit that's addressed from the 3:08PM  
 17 ACLU. However, only looking at -- just briefly  
 18 looking at the list of publications, for example,  
 19 PLTF-XP-LH 004 --  
 20 Q Uh-huh.  
 21 A -- there are some citations I do recognize 3:09PM  
 22 there that I may have reviewed prior to receiving  
 23 this letter for my own work.  
 24 I guess that answers your question.  
 25 MR. POULOS: Yeah.

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1 Let's go for a few minutes, and then we'll 3:09PM  
 2 take a break, and then we'll go through to the end. 3:10PM  
 3 Does that sound good?  
 4 MS. LHAMON: Yes.  
 5 BY MR. POULOS:  
 6 Q Earlier in the -- in your deposition, I 3:10PM  
 7 believe you testified that you went over some test  
 8 questions and answers in preparation for your  
 9 deposition. Is that correct?  
 10 A Yes.  
 11 Q Were any of those deposition -- were any 3:10PM  
 12 of those practice questions written down or  
 13 transmitted to you electronically?  
 14 A No.  
 15 Q A guy can dream, can't he?  
 16 MS. LHAMON: I'm many things, but not that 3:10PM  
 17 slow.  
 18 BY MR. POULOS:  
 19 Q Did you ever request any additional  
 20 information from any of the attorneys for the  
 21 Williams plaintiffs that you were not provided? 3:10PM  
 22 A Such as reports or --  
 23 Q Yeah, any information. Did you ever say,  
 24 "Hey, I would like to look at this," and then didn't  
 25 get it?

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1 A The only document I can remember actually 3:11PM  
 2 requesting by name was, in the last three months, 3:11PM  
 3 was the -- let me give you the lawyer description of  
 4 this document -- the liability disclosure because I  
 5 had not been provided a copy at one point during my  
 6 conversations with Catherine Lhamon or Jack Londen, 3:11PM  
 7 and I was given a copy of it.  
 8 Q Lucky you.  
 9 A That was an oversight, I'm sure.  
 10 Q Did you ever -- in reaching any of your  
 11 opinions, did you ever consider any of the evidence 3:12PM  
 12 submitted by the state or any other party to the  
 13 case?  
 14 A No, I have not reviewed any of the  
 15 evidence, that I'm aware of.  
 16 Q Other than present company and the authors 3:12PM  
 17 of this report -- because I have a feeling I know  
 18 what your answers will be in that regard -- who else  
 19 do you consider to be experts in the area of school  
 20 finance?  
 21 MS. LHAMON: Is that excluding present 3:12PM  
 22 company? Don't ask for confirmation from  
 23 Dr. Huerta.  
 24 THE WITNESS: Specific to California or --  
 25 BY MR. POULOS:

Page 846

1 Q Yeah, California would be fine. 3:12PM  
 2 A In California there are a variety of my 3:12PM  
 3 colleagues that are experts in school finance; some  
 4 with particular expertise, others with more general  
 5 and broad expertise.  
 6 Would you like names? 3:13PM  
 7 Q Yeah, if you have them off the top of your  
 8 head.  
 9 A Individuals like Larry Picus at USC, who I  
 10 have mentioned; Allan Odden, who was actually  
 11 formerly at USC, now at the University of Wisconsin. 3:13PM  
 12 We've mentioned Paul Goldfinger; my colleagues Neal  
 13 Finkelstein and William Furry, who I co-authored one  
 14 of the chapters that are part of the exhibits; John  
 15 Sonsteli of California Santa Barbara, my colleague  
 16 at Public Policy Institute of California. I've also 3:13PM  
 17 mentioned Mary Perry.  
 18 There's -- I would also include the  
 19 individuals which I participated with in the master  
 20 plan committee as both experts and individuals who  
 21 have a very good working knowledge of school finance 3:14PM  
 22 issues in California.  
 23 Q Other than yourself, Dr. Grubb, and I  
 24 guess soon to be Dr. Goe, are any of these other  
 25 people that you mentioned on the Williams team?

<p style="text-align: right;">Page 847</p> <p>1 MS. LHAMON: Calls for speculation. 3:14PM</p> <p>2 THE WITNESS: Not that I'm aware of. 3:14PM</p> <p>3 BY MR. POULOS:</p> <p>4 Q Do you know if any of these other people</p> <p>5 are on the state's team, if you know?</p> <p>6 A Not that I'm aware of. I would like to 3:14PM</p> <p>7 know, but...</p> <p>8 MR. POULOS: Why don't we take a brief</p> <p>9 break, and then we'll push to the end.</p> <p>10 (Discussion off the record.)</p> <p>11 BY MR. POULOS: 3:26PM</p> <p>12 Q I can't remember what we called it but the</p> <p>13 cornerstone is the wide area assessment or wide</p> <p>14 ranking assessment, right, the first step, step one,</p> <p>15 wide scale?</p> <p>16 A Wide scale, yes. 3:26PM</p> <p>17 Q See.</p> <p>18 A I forgot.</p> <p>19 Q I was writing this. I heard it a lot, so</p> <p>20 you would think I would remember it.</p> <p>21 MS. LHAMON: "WA" in our notes. 3:26PM</p> <p>22 BY MR. POULOS:</p> <p>23 Q So I just want to talk a little bit about</p> <p>24 that. If -- and I think we talked a little bit</p> <p>25 about it, but if a district conducts the wide-scale</p>	<p style="text-align: right;">Page 849</p> <p>1 conceptual frame. 3:29PM</p> <p>2 In reference to your question directly, 3:29PM</p> <p>3 whether the resources that are presently available,</p> <p>4 you're referring to, would be sufficient to fund</p> <p>5 needs? Is that --</p> <p>6 BY MR. POULOS: 3:29PM</p> <p>7 Q No. I was just wondering whether --</p> <p>8 conceptually whether the wide area -- the wide-scale</p> <p>9 assessment could be done school by school, but</p> <p>10 within each district, and then the funds allocated</p> <p>11 to that district by the state could be spent 3:29PM</p> <p>12 accordingly.</p> <p>13 MS. LHAMON: Incomplete hypothetical.</p> <p>14 BY MR. POULOS:</p> <p>15 Q And I will address the point you just</p> <p>16 raised, but my first question was the one I 3:29PM</p> <p>17 juxtaposed.</p> <p>18 A Within the context of your hypothetical,</p> <p>19 it would be appropriate for districts, along with</p> <p>20 other actors in the assessment team, to engage in</p> <p>21 that school-by-school assessment of needs. That 3:30PM</p> <p>22 would be important for schools, for districts to</p> <p>23 engage in, if they were to engage in the process of</p> <p>24 describing resources according to needs.</p> <p>25 Where that process falls in this wider</p>
<p style="text-align: right;">Page 848</p> <p>1 assessment for each school in its district and then 3:27PM</p> <p>2 funds those needs from the money it receives from 3:27PM</p> <p>3 the state, is that process consistent with at least</p> <p>4 the framework of "New" School Finance?</p> <p>5 MS. LHAMON: Incomplete hypothetical.</p> <p>6 It's unclear what you mean by "wide-scale 3:27PM</p> <p>7 assessment." For what schools?</p> <p>8 BY MR. POULOS:</p> <p>9 Q I'm talking about the wide-scale</p> <p>10 assessment, but broken down by district, by each</p> <p>11 school in the district, as opposed to on the 3:27PM</p> <p>12 statewide basis.</p> <p>13 MS. LHAMON: Still vague as to the terms.</p> <p>14 THE WITNESS: It is possible that</p> <p>15 districts will engage in the assessments of schools</p> <p>16 within their district, but that would depend on the 3:28PM</p> <p>17 process of how the wide-scale assessment would</p> <p>18 actually be designed. We've been speaking the</p> <p>19 better part of the morning about the actors that</p> <p>20 would be part of an assessment team, which may</p> <p>21 include local -- local school level -- I'm sorry -- 3:28PM</p> <p>22 local, district teachers, parents, state level</p> <p>23 actors as well. Whether each individual district is</p> <p>24 responsible for their own assessment is not</p> <p>25 something that we've developed in detail in the</p>	<p style="text-align: right;">Page 850</p> <p>1 framework of the "New" School Finance, we haven't 3:30PM</p> <p>2 developed the school finance framework to address 3:30PM</p> <p>3 specifically how it would actually be carried out</p> <p>4 district by district, but that could be one of the</p> <p>5 scenarios.</p> <p>6 Q If a district did conduct the wide-scale 3:30PM</p> <p>7 needs assessment and determined what each school's</p> <p>8 needs were and then determined that the funding that</p> <p>9 it received from the state was inadequate to fill</p> <p>10 each identified need, does that give you -- I mean,</p> <p>11 will you able to -- are you able to conclude 3:31PM</p> <p>12 anything from those facts as I've presented them to</p> <p>13 you?</p> <p>14 MS. LHAMON: Incomplete hypothetical.</p> <p>15 THE WITNESS: Consistent with the "New"</p> <p>16 School Finance, when school districts, together with 3:31PM</p> <p>17 other officials that are part of the assessment</p> <p>18 team, engage in this assessment and then analyze the</p> <p>19 data which would reflect -- which would presumably</p> <p>20 reflect what the local needs of students are, would</p> <p>21 then provide the information that would both report 3:31PM</p> <p>22 to the state level and, hopefully, influence the</p> <p>23 state level to create a formula that could properly</p> <p>24 fund whatever needs are necessary at that level.</p> <p>25 It's important to keep in mind the other</p>

<p style="text-align: right;">Page 851</p> <p>1 framework that would involve the basic minimum 3:32PM  2 resources as well as the learning standards 3:32PM  3 component as well.  4 BY MR. POULOS:  5 Q Is the basis for the cornerstone principle  6 that we must have a wide-scale needs assessment the 3:32PM  7 fact that without such an assessment, you believe it  8 is difficult to determine the actual cost of  9 education?  10 A Yes, because I think that the data that  11 would be derived from such an assessment would 3:33PM  12 provide a more realistic and more accurate picture  13 of what real needs are, and then provide us the  14 information necessary to create a formula to  15 actually fund those needs.  16 Q So I guess it stands to reason that 3:33PM  17 without knowing costs, you can't implement reform,  18 correct?  19 MS. LHAMON: Incomplete hypothetical.  20 THE WITNESS: Without knowing needs and  21 the costs associated with funding those needs, it 3:34PM  22 would be difficult to create a formula.  23 BY MR. POULOS:  24 Q And I gather from the testimony this  25 morning, you do not know -- let me strike that.</p>	<p style="text-align: right;">Page 853</p> <p>1 district level standards and state level standards, 3:36PM  2 and some districts respond only to their district 3:36PM  3 level standards and have not fully engaged in state  4 level standards.  5 Whether that's appropriate depends on the  6 individual context. I think that school, district 3:37PM  7 levels, should engage in creating standards that are  8 specific to their unique needs of the students they  9 serve. However, it's also important to have state  10 level standards, which would provide the minimum  11 benchmarks for achievement for students. 3:37PM  12 BY MR. POULOS:  13 Q I've assumed that the reference -- and if  14 you look on page 17, it says: "Subject standards is  15 the reference to the state content standards for  16 grade level." Is that -- I just want to make sure 3:37PM  17 I'm comparing apples.  18 A Yes.  19 Q That is correct? What we're referring to  20 here on 17 and 18, the state content standards, in  21 other words? 3:37PM  22 A At the subject level?  23 Q Yes.  24 A Yes.  25 Q And I gather it would -- well, is it your</p>
<p style="text-align: right;">Page 852</p> <p>1 Is it fair to say that nobody knows what 3:34PM  2 implementation of the new finance conceptual 3:34PM  3 framework will cost?  4 A Without applying this to a specific state  5 context and without having full account of the  6 needs, it is very difficult, yes, to place a dollar 3:35PM  7 figure on the cost of the implementation of this  8 conceptual frame.  9 Q Let me run you through just a very few  10 cleanup items. On page 18 of the report you see  11 that sentence? It says, "In addition, districts, 3:36PM  12 and even some schools, sometimes have their own  13 standards which may be different than state  14 standards"?  15 A Yes.  16 Q Do you think that is appropriate for 3:36PM  17 districts to have standards that vary from the state  18 standards?  19 MS. LHAMON: Incomplete hypothetical.  20 THE WITNESS: This sentence is referring  21 to the historical -- or what has happened in 3:36PM  22 California historically, where the creation and  23 development of tests, over the last ten to fifteen  24 years, and along with different mandates from the  25 state that there are differing standards, both</p>	<p style="text-align: right;">Page 854</p> <p>1 opinion that standards that are set without any 3:38PM  2 realistic basis of achieving them are 3:38PM  3 counterproductive?  4 MS. LHAMON: Vague and ambiguous.  5 THE WITNESS: If standards are set and  6 then are absent any -- whatever resources that are 3:38PM  7 necessary to build capacity at the local level, then  8 we might characterize it as counterproductive.  9 BY MR. POULOS:  10 Q Well, let me give you an example. If --  11 and I believe this is correct -- but if each 3:38PM  12 9th-grader is expected to know algebra, according to  13 the state standards, but, in fact, only something  14 like 30 percent know algebra by 9th grade, what does  15 that standard hope to accomplish?  16 MS. LHAMON: Calls for speculation. 3:39PM  17 Incomplete hypothetical.  18 BY MR. POULOS:  19 Q I mean, what is to be gained by  20 establishing that standard?  21 A I think any standard has the objective of 3:39PM  22 setting some set level or minimum benchmark of  23 expected achievement. I don't think that -- strike  24 that, "I don't think that."  25 Rather, I think that standards that are</p>

<p style="text-align: right;">Page 855</p> <p>1 set, absent any realistic -- strike that. 3:39PM</p> <p>2 What did I say at the beginning? 3:39PM</p> <p>3 (The answer was read as follows:)</p> <p>4 "A I think any standard has the</p> <p>5 objective of setting some set level</p> <p>6 or minimum benchmark of expected 3:40PM</p> <p>7 achievement. I don't think that --</p> <p>8 strike that, 'I don't think that.'"</p> <p>9 THE WITNESS: Let me continue from there.</p> <p>10 Setting standards without knowing what</p> <p>11 local capacity is to actually meet those standards 3:40PM</p> <p>12 can, as you indicate, be a futile or perhaps</p> <p>13 counterproductive process. That's why it's</p> <p>14 important that if we are going to set standards,</p> <p>15 that we engage in the wide-scale assessment to</p> <p>16 address needs and fund those needs and build the 3:40PM</p> <p>17 capacity at local levels to meet standards.</p> <p>18 BY MR. POULOS:</p> <p>19 Q Thank you.</p> <p>20 Can you turn to page 34 real quick. This</p> <p>21 was discussed several days ago, but where you see 3:41PM</p> <p>22 the sentence there that says, "Principals and other</p> <p>23 school leaders seem to lack the capacity to make</p> <p>24 cost-effective spending decisions."</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 857</p> <p>1 they're still subject to many of the bureaucratic 3:43PM</p> <p>2 demands and the resource patterns that are in line 3:43PM</p> <p>3 with traditional ways of doing schooling.</p> <p>4 Q And maybe you just answered my question,</p> <p>5 but I was going to ask you whether this statement</p> <p>6 here is consistent with your research in the area of 3:43PM</p> <p>7 charter schools.</p> <p>8 A The latter part of the statement which</p> <p>9 speaks specifically to principals responding</p> <p>10 piecemealwise to respond to meet needs rather than</p> <p>11 driving spending is a statement that is consistent 3:43PM</p> <p>12 with some of the patterns that I saw. However, in</p> <p>13 charter schools -- however, the specific theme of</p> <p>14 looking at resource use patterns in charter schools</p> <p>15 is not my main objective and not something that I</p> <p>16 was -- consciously set out to observe independently 3:44PM</p> <p>17 from other factors that I was looking at. And what</p> <p>18 I just indicated is consistent with some of the</p> <p>19 school-based management research that I spoke to.</p> <p>20 Q Okay. Thank you.</p> <p>21 I had a little bit of confusion when we 3:44PM</p> <p>22 had some discussion about the production functions,</p> <p>23 and I would just like to see whether I have it</p> <p>24 straight; and that is, that the "New" School Finance</p> <p>25 theory cannot be explained by a truly linear</p>
<p style="text-align: right;">Page 856</p> <p>1 Q I don't know if we ever got a resolution 3:41PM</p> <p>2 to what you believe was meant by "capacity." I 3:41PM</p> <p>3 mean, are you -- I assume you're not saying that all</p> <p>4 principals and school leaders are kind of dimwits.</p> <p>5 Is that a correct assumption?</p> <p>6 A In context -- the context you refer to 3:41PM</p> <p>7 which specifically says the principals and other</p> <p>8 leaders seem to lack the capacity to make</p> <p>9 cost-effective spending decisions references the</p> <p>10 Boyd and Hartman work, which I believe -- however,</p> <p>11 I'm not certain -- does have some review of schools 3:42PM</p> <p>12 that have engaged in school-based management</p> <p>13 approaches to governance. And the school-based</p> <p>14 management literature has shown that while some</p> <p>15 discretion or more discretion is provided to schools</p> <p>16 that are engaging in this governance process that 3:42PM</p> <p>17 hasn't necessarily translated into more achievement</p> <p>18 because of the challenges of -- that some schools</p> <p>19 have encountered in local decision-making process.</p> <p>20 The limitations --</p> <p>21 Q Sorry. 3:42PM</p> <p>22 A Let me finish.</p> <p>23 The limitations in many ways, on some of</p> <p>24 the new literature on school-based management, talks</p> <p>25 about while schools may be given wider discretion,</p>	<p style="text-align: right;">Page 858</p> <p>1 function. Is that correct? 3:45PM</p> <p>2 There are too many variables which delve 3:45PM</p> <p>3 into the nonlinear arena, if I understood your</p> <p>4 testimony. Is that correct?</p> <p>5 A I think what I testified to was -- I just</p> <p>6 want to clarify -- 3:45PM</p> <p>7 Q That would be great.</p> <p>8 A -- your assumption.</p> <p>9 In section 2 of the expert report,</p> <p>10 beginning mostly on page 36 where we begin to</p> <p>11 outline models of traditional production functions 3:45PM</p> <p>12 in its most basic form, for example, equation 1 on</p> <p>13 page 37, and then the model production functions</p> <p>14 that we outlined in the following pages in the</p> <p>15 equations 2, 3 and 4, those are attempts to simply</p> <p>16 represent that variables related to resources or 3:46PM</p> <p>17 family background or instructional conditions,</p> <p>18 themselves, have subvariables that ultimately can</p> <p>19 compound the interaction that these variables</p> <p>20 ultimately have in the linear regression formula.</p> <p>21 Our objective in providing a more detailed 3:46PM</p> <p>22 representation of the different subvariables that</p> <p>23 exist in the general variables is our attempt to</p> <p>24 show that while the results of the production</p> <p>25 function literature that exists in school finance</p>

<p style="text-align: right;">Page 859</p> <p>1 have been widely debated, regardless of the debates, 3:47PM  2 the production function literature -- the production 3:47PM  3 function methodological approach has still not been  4 able to account for those nonlinear factors which  5 are important in fully accounting for the  6 relationship between resources and student 3:47PM  7 achievement.  8 Q Thank you.  9 Have you examined -- have you or anyone on  10 the team examined the effect of the current school  11 finance system on any individual school district? 3:47PM  12 MS. LHAMON: Calls for speculation.  13 THE WITNESS: Are you referring to myself  14 and my colleagues that created the conceptual frame?  15 BY MR. POULOS:  16 Q Correct. 3:48PM  17 A I'm sorry. Repeat your question.  18 Q Just have you or any of your colleagues,  19 professors -- Professor Norton (sic) and Ms. Goe --  20 examined the effect of the current school finance  21 system on any individual school district? 3:48PM  22 A I personally have not engaged in any field  23 work in California that has solely begun to look at  24 the effects of finance formulas at that level.  25 I do not know about Ms. Goe's current</p>	<p style="text-align: right;">Page 861</p> <p>1 MS. LHAMON: Vague and ambiguous as to 3:50PM  2 "suffer." 3:50PM  3 MS. GIORGI: Join.  4 THE WITNESS: I think that's a very broad  5 statement.  6 BY MR. POULOS: 3:50PM  7 Q Does it adversely impact -- does the fact  8 that the -- does the fact that the state's  9 educational policies appear to be uncoordinated with  10 financing policies adversely impact each student in  11 California? 3:51PM  12 MS. LHAMON: Calls for speculation.  13 THE WITNESS: To answer that question  14 precisely would involve some level of wide-scale  15 assessment of looking at the effects of the -- of  16 school policies and school finance on students. We 3:51PM  17 obviously have evidence that we -- that many of our  18 students in schools throughout the state are  19 performing well in the context of the current  20 general school policy regime, if we want to label it  21 as that, but we also have evidence that some 3:52PM  22 students are not doing well in the same context of  23 the wider policy regime.  24 BY MR. POULOS:  25 Q Well, is it -- I mean, if a school has</p>
<p style="text-align: right;">Page 860</p> <p>1 research and whether she's engaging in that sort of 3:48PM  2 analysis. 3:49PM  3 I can't speak to Norton Grubb's past work  4 in whether he has actually sort of engaged in this  5 sort of work.  6 Q But anyway, you have not? 3:49PM  7 A I have not.  8 Q Is that something that you think would  9 make sense to do at some point?  10 MS. LHAMON: Vague and ambiguous.  11 THE WITNESS: Certainly consistent with 3:49PM  12 the "New" School Finance conceptual frame, that  13 would be part of the process of the wide-scale  14 assessment.  15 BY MR. POULOS:  16 Q Likewise, have you analyzed the impact of 3:49PM  17 the current state finance system on any of the  18 Williams plaintiffs in this case?  19 A No.  20 Q Have you ever talked to any of the  21 plaintiffs in this case? 3:49PM  22 A No, I have not.  23 Q Do you agree that all students in the  24 state of California suffer from disconnected finance  25 and educational policies?</p>	<p style="text-align: right;">Page 862</p> <p>1 funds to, let's say, to build a multipurpose room, 3:52PM  2 but it can't build the multipurpose room because it 3:52PM  3 doesn't have funds to operate the multipurpose room,  4 would that impact every student at that school?  5 MS. LHAMON: Incomplete hypothetical.  6 THE WITNESS: I don't know. 3:52PM  7 BY MR. POULOS:  8 Q Do you know whether the current API is  9 coordinated with the state content standards? That  10 was a bad question.  11 Do you know whether state content 3:53PM  12 standards have been incorporated into the SAT-9?  13 A It's my understanding that the state has  14 been piloting a test which is aligned with the state  15 content standards. This is a test that is being  16 given in tandem with the SAT-9. 3:53PM  17 It's also my understanding that the state  18 has begun to provide or has begun to include results  19 from this test in the calculation of the API and has  20 actually begun to weigh the results of the content  21 standards-based test more heavily than that of the 3:53PM  22 SAT-9. That's the extent of what I know about the  23 test.  24 Q Thank you. And you're right, I misspoke.  25 I think I said "incorporate" instead of "in</p>

<p style="text-align: right;">Page 863</p> <p>1 conjunction with." 3:54PM  2 Am I correct that you do not know whether 3:54PM  3 more new dollars are needed to pay for adequate  4 facilities, textbooks and credentialed teachers in  5 the state of California?  6 A We have, through various sources that have 3:54PM  7 conducted research looking at these areas, evidence  8 that points to the lack of resources which may exist  9 in funding these three basic resource categories.  10 In order to determine the extent of whether more  11 money is necessary, we would first have to engage in 3:55PM  12 the wide-scale assessment that would look at  13 resource distribution and resource use in districts  14 and how -- and what money is buying, and including  15 the assessment of student needs and the needs of  16 student needs. 3:55PM  17 Once we would have data from that  18 assessment, we would be able to more accurately  19 determine whether more resources are necessary in  20 those categories that you mentioned. We do know --  21 and I would point you to some of the evidence not 3:56PM  22 only in the expert reports, but some of the evidence  23 from -- that we have talked about at length  24 throughout the week -- we do know that in facilities  25 that there is a very obvious lack of resources as</p>	<p style="text-align: right;">Page 865</p> <p>1 THE WITNESS: I don't understand the 3:58PM  2 question. 3:58PM  3 BY MR. POULOS:  4 Q Is there anything you're presently  5 intending to testify about at trial that we have not  6 talked about at your deposition? 3:58PM  7 MS. LHAMON: Same objection. Lacks  8 foundation.  9 THE WITNESS: I'm prepared to discuss the  10 contents of the expert report and entertain  11 questions that may be within my expertise; but to my 3:58PM  12 knowledge, without knowing what other questions may  13 come up, I'm not sure we've discussed those now or  14 not.  15 BY MR. POULOS:  16 Q Is there any aspect of the expert report 3:59PM  17 that you would like to discuss with me, but that you  18 have not?  19 MS. LHAMON: Assumes facts not in evidence  20 that he would like to discuss any part of it with  21 you. 3:59PM  22 THE WITNESS: No.  23 BY MR. POULOS:  24 Q Then, Dr. Huerta, I want to thank you on  25 behalf of everybody. I would like to thank you for</p>
<p style="text-align: right;">Page 864</p> <p>1 evidenced by the fact that the bulk of money that's 3:56PM  2 provided to schools for facilities funding is 3:56PM  3 outside some of the basic revenues that are given to  4 schools, and it's evidenced by the fact that schools  5 throughout the state are operating in delapidated  6 buildings, and as evidenced by the ability of the 3:57PM  7 state to provide -- or I'm sorry -- as evidenced by  8 the backlog that exists at the state of many  9 districts, hundreds of districts throughout the  10 state, that have filed for matching funds for school  11 construction. 3:57PM  12 MS. GIORGI: Objection. Nonresponsive.  13 Move to strike.  14 BY MR. POULOS:  15 Q To your knowledge, has there been any  16 wide-scale assessment that would serve as a 3:57PM  17 sufficient basis for the foundation for the "New"  18 School Finance theory being conducted in California?  19 A No, I do not know of any wide-scale  20 assessment that has been conducted that would  21 provide us evidence of some of the factors that are 3:58PM  22 consistent with the "New" School Finance framework.  23 Q Have we discussed at your deposition all  24 the opinions that you intend to offer at trial?  25 MS. LHAMON: Calls for speculation.</p>	<p style="text-align: right;">Page 866</p> <p>1 taking this week and for your responses and taking 3:59PM  2 the time to testify here. And I believe this 3:59PM  3 concludes your deposition.  4 A You're welcome.  5 MS. GIORGI: Does Shaun have any  6 follow-up? 3:59PM  7 MR. SIMMONS: I have no follow-up.  8 MS. LHAMON: Can we go off the record for  9 a second?  10 (Discussion off the record.)  11 MR. SIMMONS: Counsel, can we stipulate 4:02PM  12 that the original of the deposition will be  13 delivered to counsel for plaintiffs at Morrison &amp;  14 Forster; that the reporter will be relieved of  15 responsibility for the transcript; that copies of  16 exhibits attached to this deposition may be used in 4:03PM  17 the same fashion as originals; and that the witness  18 will have 45 days from the date of the transmittal  19 letter from the report to Morrison &amp; Foerster to  20 make changes to the deposition; and that in the  21 event such changes -- and that if any such changes 4:03PM  22 are made, that they will be communicated to all  23 parties in this litigation; and if no such changes  24 are communicated, that any unsigned copy of the  25 deposition may be used as --</p>

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1 MS. GIORGI: The original. 4:03PM  
 2 MR. SIMMONS: -- the original? 4:03PM  
 3 MS. LHAMON: So stipulated.  
 4 MR. POULOS: Two little clarifications.  
 5 One, we're relieving the court reporter of her  
 6 obligation to maintain the original transcript? 4:03PM  
 7 MR. SIMMONS: Yes.  
 8 MR. POULOS: And then that any changes  
 9 will be circulated to the parties within 45 days,  
 10 correct?  
 11 MS. LHAMON: Yes, so stipulated. 4:04PM  
 12 MR. POULOS: Agreed.  
 13 MR. HILL: Agreed.  
 14 MS. GIORGI: Agreed.  
 15 MS. LHAMON: Thank you all.  
 16 (TIME NOTED: 4:04 P.M.) 4:04PM  
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 19  
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 22  
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 24  
 25

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1 I declare under penalty of perjury  
 2 under the laws of the State of California  
 3 that the foregoing is true and correct.  
 4 Executed on \_\_\_\_\_, 2003,  
 5 at \_\_\_\_\_, \_\_\_\_\_.  
 6  
 7  
 8  
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 10 \_\_\_\_\_  
 11 SIGNATURE OF THE WITNESS  
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1 STATE OF CALIFORNIA ) ss:  
 2 COUNTY OF LOS ANGELES )  
 3  
 4 I, LANA L. LOPER, RPR, CRR, CSR 9667,  
 5 CCR 690, do hereby certify:  
 6  
 7 That the foregoing deposition of LUIS HUERTA was  
 8 taken before me at the time and place therein set  
 9 forth, at which time the witness was placed under  
 10 oath and was sworn by me to tell the truth, the  
 11 whole truth, and nothing but the truth;  
 12  
 13 That the testimony of the witness and all  
 14 objections made by counsel at the time of the  
 15 examination were recorded stenographically by me,  
 16 and were thereafter transcribed under my direction  
 17 and supervision, and that the foregoing pages  
 18 contain a full, true and accurate record of all  
 19 proceedings and testimony to the best of my skill  
 20 and ability.  
 21  
 22 I further certify that I am neither related to  
 23 counsel for any party to said action, nor am I  
 24 related to any party to said action, nor am I in any  
 25 way interested in the outcome thereof.

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1 IN WITNESS WHEREOF, I have subscribed  
 2 my name this 1st day of April, 2003.  
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 7 \_\_\_\_\_  
 8 LANA L. LOPER, RPR, CRR, CSR 9667, CCR 690  
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