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

--oOo--

ELIEZER WILLIAMS, et al., )  
)  
Plaintiffs, )

vs. )

No. 312 236

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

DEPOSITION OF  
DEBRA ISRAEL

August 29, 2001

Volume I

(Pages 1 - 234)

REPORTED BY: CARLA SOARES, CSR 5908  
RMR, CRR

(05-110971)

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EXHIBITS MARKED FOR IDENTIFICATION

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1 represented by CATHERINE E. LHAMON, Attorney at Law,  
 2 appeared as counsel on behalf of the Plaintiffs.  
 3 O'MELVENY & MYERS, LLP, 400 South Hope Street,  
 4 Los Angeles, California 90071-2899, represented by  
 5 MICHAEL T. ROSENTHAL, Attorney at Law, appeared as  
 6 counsel on behalf of Defendants.

--oOo--

8 EXAMINATION BY MR. ROSENTHAL  
 9 MR. ROSENTHAL: Q. Good morning, Ms. Israel.  
 10 My name is Mike Rosenthal, and I represent the State of  
 11 California in this litigation.

12 Can you please state and spell your name for  
 13 the record, please?

14 A. It's Debra Israel. D-e-b-r-a, I-s-r-a-e-l.

15 Q. Can you tell me the -- your current address,  
 16 please?

17 MS. LHAMON: I'm going to instruct her not to  
 18 answer because that's private information.

19 MR. ROSENTHAL: What's the basis for the  
 20 instruction?

21 MS. LHAMON: I said it's private information.

22 MR. ROSENTHAL: That's the basis for  
 23 instructing the witness not to answer, because it's  
 24 private information?

25 MS. LHAMON: That's right. We have a

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 2 IN AND FOR THE COUNTY OF SAN FRANCISCO  
 3 --oOo--  
 4

5 ELIEZER WILLIAMS, et al., )  
 6 )  
 7 Plaintiffs, )  
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 9 vs. ) No. 312 236  
 10 )  
 11 STATE OF CALIFORNIA; DELAINE )  
 12 EASTIN, State Superintendent of )  
 13 Public Instruction; STATE )  
 14 DEPARTMENT OF EDUCATION; STATE )  
 15 BOARD OF EDUCATION, )  
 16 )  
 17 Defendants. )  
 18 )  
 19 \_\_\_\_\_ )  
 20 )

--oOo--

21 BE IT REMEMBERED that, pursuant to Notice, and  
 22 on Wednesday, August 29, 2001, commencing at 9:39 a.m.  
 23 thereof, at 275 Battery Street, San Francisco,  
 24 California, before me, Carla Soares, a Certified  
 25 Shorthand Reporter, personally appeared  
 DEBRA ISRAEL

called as a witness by the Defendants, who, having been  
 first duly sworn, was examined and testified as follows:

--oOo--

ACLU FOUNDATION OF SOUTHERN CALIFORNIA, 1616  
 Beverly Boulevard, Los Angeles, California 90026-5752,

1 protective order in this case, as you know.

2 MR. ROSENTHAL: You understand that order does  
 3 not cover depositions?

4 MS. LHAMON: I disagree.

5 MR. ROSENTHAL: You understand that the order  
 6 does not cover third-party witnesses?

7 MS. LHAMON: I disagree with you.

8 MR. ROSENTHAL: You understand other witnesses  
 9 have given their addresses in prior depositions?

10 MS. LHAMON: I do understand that.

11 MR. ROSENTHAL: Do you also understand that  
 12 your instruction to the witness not to give her address  
 13 hinders our ability to pay the witness fee that you are  
 14 complaining about?

15 MS. LHAMON: I don't understand that. You can  
 16 send it to us. I'm her counsel.

17 MR. ROSENTHAL: I understand that, but the  
 18 witness fee amount depends on the travel from her home  
 19 address to the place of the deposition.

20 MS. LHAMON: That's something we can work out  
 21 later, Michael, as you know.

22 MR. ROSENTHAL: Do you understand that in order  
 23 to subpoena this witness for trial, we need her address?

24 MS. LHAMON: I don't understand that. I'm her  
 25 lawyer. You can send it to us.

1 MR. ROSENTHAL: You're still instructing the  
2 witness not to give her address?  
3 MS. LHAMON: Yes.  
4 MR. ROSENTHAL: You also understand there's a  
5 discovery request out for this information?  
6 MS. LHAMON: I do.  
7 MR. ROSENTHAL: Is your intention not to  
8 produce this information?  
9 MS. LHAMON: I think that's something we can  
10 discuss, later, Michael.  
11 MR. ROSENTHAL: Q. You're going to follow your  
12 counsel's instruction?  
13 A. Yes.  
14 Q. Do you understand that by following your  
15 attorney's instruction, you may need to come back for a  
16 second day of testimony?  
17 A. Okay.  
18 Q. Ms. Israel, have you ever been deposed before?  
19 A. No.  
20 Q. Do you understand what a deposition is?  
21 A. Yes.  
22 Q. Can you tell me what your understanding is?  
23 A. My understanding is that I am here to answer  
24 your questions regarding my declaration that I gave  
25 regarding this case, and it would then be used in -- if

1 there was a trial.  
2 Q. Okay. You understand that sitting next to us,  
3 we have a court reporter who is transcribing everything  
4 that we say, basically?  
5 A. Yes.  
6 Q. And at the end of the -- at the end of the  
7 deposition, you'll receive a copy of the transcript and  
8 you'll have an opportunity to review that.  
9 Do you understand that?  
10 A. Yes.  
11 Q. And you'll have the opportunity to make any  
12 changes to the transcript that you feel are necessary.  
13 Do you understand that?  
14 A. Yes.  
15 Q. Do you also understand that any -- that if you  
16 do make any changes, any attorney in this case can  
17 comment on the changes you make at trial or any other  
18 proceeding?  
19 A. Yes.  
20 Q. Do you understand that you are under oath here  
21 today, and the testimony you're giving is subject to  
22 penalty of perjury?  
23 A. Yes.  
24 Q. So even though you're sitting here in an  
25 informal setting, you understand that your testimony

1 carries the same weight as it would in a court of law?  
2 A. Yes.  
3 Q. And because we have a court reporter here, it's  
4 helpful if you can give verbal answers to all of my  
5 questions, so things like shaking your head and nodding  
6 your head, those are things that are difficult to  
7 transcribe.  
8 A. Right.  
9 Q. So to the extent you can give verbal answers,  
10 that would be helpful.  
11 A. Okay.  
12 Q. Do you understand that?  
13 A. Yes.  
14 Q. Also, to make the court reporter's life a  
15 little bit easier, it's helpful if there's only one of  
16 us speaking at a time. So to the extent possible, if  
17 you can let me finish my question before you give your  
18 answer, I promise to try to do the same, and let you  
19 finish giving your answer before I move on to the next  
20 question.  
21 A. Okay.  
22 Q. Do you understand that?  
23 A. Yes.  
24 Q. Also, it's important that you listen to my  
25 questions carefully. If for any reason you don't

1 understand my question, just let me know, and perhaps I  
2 can rephrase it and, you know, we can try to get a  
3 question that you understand better.  
4 Do you understand that?  
5 A. Yes.  
6 Q. And if you don't ask me to rephrase a question,  
7 I'll assume that you understand the question.  
8 Is that fair?  
9 A. Yes.  
10 Q. Also, I don't want you to guess in response to  
11 any of my questions. If you can estimate, that's the  
12 sort of response I would like.  
13 Do you understand the difference between  
14 guessing and estimating?  
15 A. Yes.  
16 Q. Also, if you ever need a break to go to the  
17 bathroom, need a drink of water, anything like that --  
18 we'll take a scheduled lunch break at some point,  
19 sometime in the afternoon, I guess. So if you need a  
20 break, just let me know, and I'll be happy to take a  
21 break.  
22 A. Okay.  
23 Q. The only thing I ask is that before we go on to  
24 a break, if I have a question pending, if you can just  
25 give me the answer to that question, and then we can

1 take the break.  
 2 Do you understand that?  
 3 A. Yes.  
 4 Q. Also, sometimes during depositions, you'll  
 5 remember something later in the day that's responsive to  
 6 a question I asked earlier. If that happens at some  
 7 point today, just let me know that you've remembered  
 8 something that was responsive to an earlier question,  
 9 and we can go back and get that information.  
 10 Do you understand that?  
 11 A. Yes.  
 12 Q. Do you have any questions about any of these  
 13 ground rules?  
 14 A. No.  
 15 Q. Okay. Is there any reason why you may be  
 16 unable to give your best testimony today?  
 17 A. No.  
 18 Q. Are you taking any medication?  
 19 A. No.  
 20 Q. Have you had any alcoholic beverages?  
 21 A. No.  
 22 Q. No medical conditions that would impede your  
 23 ability to remember things?  
 24 A. No.  
 25 Q. Very good.

1 Are you represented by counsel today?  
 2 A. Yes.  
 3 Q. And can you tell me who your counsel is?  
 4 A. Catherine Lhamon.  
 5 Q. Do you have an understanding as to when that  
 6 representation began?  
 7 A. Yes.  
 8 Q. Can you tell me when the representation began?  
 9 A. Oh. Representation, I assume it begins with  
 10 today. This is the first time she's representing me  
 11 officially.  
 12 Q. Can you tell me what you did to prepare for  
 13 today's deposition?  
 14 A. I just reviewed my declaration.  
 15 Q. Did you review that on your own?  
 16 A. Um-hum. Yes.  
 17 Q. Do you remember when you reviewed that?  
 18 A. Within -- it was about in the last two weeks.  
 19 Q. Did you review any other documents to prepare  
 20 for your deposition?  
 21 A. No.  
 22 Q. Did you have any contact with Ms. Lhamon to  
 23 prepare for your deposition?  
 24 A. Not to prepare for it, really. Just to ask  
 25 questions about what's expected of me here.

1 Q. Did you have a meeting with Ms. Lhamon?  
 2 A. I met with her to just --  
 3 MS. LHAMON: Debra, I'm going to instruct you  
 4 not to talk about the content of our meeting. You can  
 5 answer whether we met and when.  
 6 THE WITNESS: Okay. Right. Yes. I met with  
 7 her.  
 8 MR. ROSENTHAL: Q. Do you recall when you met  
 9 with Ms. Lhamon the last time?  
 10 A. I think it was about two weeks, three weeks  
 11 ago.  
 12 Q. Was the purpose of that meeting to assist you  
 13 in preparing for today's deposition?  
 14 THE WITNESS: Do you want me to --  
 15 MS. LHAMON: That's okay.  
 16 THE WITNESS: I was just asking her questions  
 17 about sort of the procedure in terms of --  
 18 MS. LHAMON: Debra, you can just say, yes, it  
 19 was to prepare.  
 20 THE WITNESS: I'm sorry.  
 21 MR. ROSENTHAL: Q. So was it your  
 22 understanding that that meeting was to -- was held in  
 23 connection with preparing you for your deposition today?  
 24 A. Yeah, I guess. Yeah, I guess it was.  
 25 Q. Was there any other reason for the meeting?

1 A. No.  
 2 Q. Was that the only meeting you had with  
 3 Ms. Lhamon to prepare for your deposition?  
 4 A. Yes.  
 5 Q. Was anybody else present at that meeting?  
 6 A. No.  
 7 Q. Did you meet with any other attorneys to  
 8 prepare for your deposition today?  
 9 A. No.  
 10 Q. Do you remember how long you met with  
 11 Ms. Lhamon?  
 12 A. No. I don't think it was more than an hour. I  
 13 really couldn't tell you exactly.  
 14 Q. Approximately an hour, or was it less than  
 15 that?  
 16 A. Yeah, I'd say about an hour.  
 17 Q. Do you recall where you met?  
 18 A. We were in a cafe.  
 19 Q. Here in San Francisco?  
 20 A. Yes.  
 21 Q. Did you have any telephone conversations with  
 22 Ms. Lhamon to prepare -- in connection with preparing  
 23 for your deposition today?  
 24 A. We talked on the phone prior to the meeting  
 25 about meeting, so yes.

1 Q. Do you recall how soon before the meeting that  
2 telephone conversation was?

3 A. About a week before. Sorry I don't have exact  
4 moments in time.

5 Q. That's okay. As I've said in prior  
6 depositions, I don't remember what happened yesterday,  
7 so it's not unusual.

8 When you spoke to Ms. Lhamon prior to your  
9 meeting, did you have an understanding at that point  
10 whether Ms. Lhamon was representing you?

11 A. Prior to the meeting? Yeah, I felt -- yeah, we  
12 discussed -- well, I'm not supposed to say what we  
13 discussed.

14 MS. LHAMON: You can just say yes or no.

15 THE WITNESS: No.

16 MR. ROSENTHAL: Q. Do you recall the first  
17 time you discussed with Ms. Lhamon the possibility of  
18 her representing you in connection with this matter?

19 A. I believe it was probably during one of the  
20 phone conversations prior to our getting together to  
21 meet.

22 Q. Do you recall there being more than one phone  
23 conversation in the month or two before your meeting?

24 A. About that? No, not about that, no. About her  
25 representing me?

1 Q. Right.

2 A. No.

3 Q. So the phone conversation you testified to that  
4 took place approximately a week before your meeting, is  
5 that when you first discussed the possibility of having  
6 Ms. Lhamon represent you?

7 A. Yeah, right. That's when -- yes.

8 Q. Do you recall how long that telephone  
9 conversation was?

10 A. No.

11 Q. Was it more than ten minutes, if you know?

12 A. Yeah, I think it was more than ten minutes. I  
13 just don't remember how long we talked.

14 Q. Was it less than an hour?

15 A. Probably.

16 Q. I'm just trying to get a rough idea. That's  
17 all.

18 A. I don't remember.

19 Q. Other than any attorneys in this case, have you  
20 spoken with anybody else in connection -- about your  
21 deposition today?

22 A. You mean officially in terms of what I'm doing  
23 here, or just that I'm here?

24 Q. Either one.

25 A. I just informed my family that I would be here

1 in order to make arrangements for child care.

2 Q. Have you discussed it with anybody else?

3 A. No.

4 Q. Did you discuss your testimony with your family  
5 at all, or were you just telling them you were going to  
6 be away for the day?

7 A. No, not the specifics of what's in the --  
8 nobody knows what I said in the declaration.

9 Q. Did you tell them what the case was about?

10 A. Sure. Yes.

11 Q. What did you tell them?

12 A. I told them that the parents, children and  
13 teachers and some administrators were involved in a case  
14 against the State of California based on the conditions  
15 of the schools.

16 Q. Did you tell that to a specific person or more  
17 than one person?

18 A. Various people. People that I'm familiar with  
19 through work and in the community, as well as family.  
20 Many of them already know about it.

21 Q. Let's first focus on the ones you told in  
22 connection with your deposition today. Was that just  
23 family, or was that -- did that also include some work  
24 colleagues?

25 A. Just -- as far as I can remember, there's one

1 colleague, and then just family that I was -- you mean  
2 that I'm actually involved at this point, or just  
3 discussing it in general?

4 Q. I'd like you to focus on just telling them --  
5 you mentioned that you spoke to some people about your  
6 deposition occurring today.

7 A. Right.

8 Q. So I'm going to focus on those conversations.  
9 Anything you've told them about you testifying here  
10 today?

11 A. I think all I said was that I was doing it. I  
12 don't think I got into details of what I'd said in my  
13 declaration or anything like that.

14 Q. Did you have conversations with work colleagues  
15 and family members and other people about the case other  
16 than regarding your deposition today?

17 A. Yeah.

18 Q. We'll come to those in a little while.

19 A. Okay.

20 Q. You said there was one work colleague that you  
21 had a conversation with that you were testifying here  
22 today. Do you know -- can you tell me the name of that  
23 colleague?

24 A. Do I need to tell you the name of that  
25 colleague?

1 Q. That's the question, yes.  
 2 A. Yeah. It doesn't matter. The teacher is Staci  
 3 Ross-Morrison.  
 4 Q. Can you spell her name, please?  
 5 A. Staci is S-t-a-c-i, and then Ross-Morrison is  
 6 hyphenated. R-o-s-s, Morrison, M-o -- I don't know if  
 7 it's two Rs or one. M-o-r-r-i-s-o-n, I think.  
 8 Q. Is she a teacher?  
 9 A. Yes.  
 10 Q. At what school?  
 11 A. Garfield.  
 12 Q. Do you know what grade she teaches?  
 13 A. I don't know this year, no.  
 14 Q. Do you know what she taught last year?  
 15 A. Fifth grade.  
 16 Q. So she taught fifth grade during the 2000-2001  
 17 school year?  
 18 A. Yes.  
 19 Q. Will she be speaking at Garfield this upcoming  
 20 year?  
 21 A. Yes.  
 22 Q. Can you tell me about your conversation with  
 23 Ms. Ross-Morrison?  
 24 A. I told her about the case, that it was  
 25 happening, that there -- the teachers and parents and

1 students and administrators throughout the state were  
 2 getting involved with the case. All I said about the  
 3 case was that it involved the current conditions of the  
 4 school and things that had happened in the past --  
 5 schools, not just school, but schools in California.  
 6 Basically all I said was that the purpose of  
 7 it, as far as I knew, was to find a way to get the state  
 8 to be responsible for the conditions and to help the  
 9 districts improve some of the problems that we're  
 10 having.  
 11 Q. Did you tell her you were testifying here  
 12 today?  
 13 A. I can't remember if at that point I knew that I  
 14 was going to be doing a deposition. I think I told her  
 15 I was involved, that I had given a statement, but I  
 16 can't remember.  
 17 Q. Do you recall when this conversation took  
 18 place?  
 19 A. Sometime over the summer. We saw each other, I  
 20 think, in July, and maybe in early August we got  
 21 together. But, you know, I can't recall when I -- when  
 22 we actually had the conversation. I just know it was  
 23 probably over the summer sometime.  
 24 Q. And do you recall what Ms. Ross-Morrison said  
 25 in response?

1 A. I think she just asked me questions about, you  
 2 know, what was going on. I can't remember the details  
 3 of the conversation. It wasn't a very in-depth  
 4 conversation.  
 5 Q. Do you remember the types of questions she  
 6 asked you?  
 7 A. Not specifically, no.  
 8 Q. Did you have any other conversations with  
 9 Ms. Ross-Morrison about this case, or was that the only  
 10 conversation you had with her?  
 11 A. I think that was the only conversation.  
 12 Q. Did you have any conversations with anybody  
 13 else regarding the substance of this matter at any time?  
 14 A. Just letting my family know, husband and mom,  
 15 you know, about the deposition today. They both knew.  
 16 Q. Have you talked to any other colleagues at work  
 17 about this case? Not just regarding your deposition,  
 18 but I'm talking about broader now.  
 19 A. I don't think so because I haven't been there  
 20 since July 2nd, and I don't recall having any  
 21 conversations with anybody else.  
 22 Q. When you say you haven't been there since July  
 23 2nd, you mean you haven't been --  
 24 A. That was the last day of school for the school  
 25 year.

1 Q. Where did you have the conversation with  
 2 Ms. Ross-Morrison?  
 3 A. I don't know. It could have been either at her  
 4 home or on the telephone.  
 5 Q. Is Ms. Ross-Morrison a social friend as well?  
 6 A. Yes.  
 7 Q. Did you have any conversations with any  
 8 colleagues about this case prior to July 2nd?  
 9 A. You know, I can't remember right now. I'm  
 10 trying to think when I first gave my declaration. I  
 11 don't remember the date. Probably around the time of  
 12 the declaration.  
 13 I don't remember specific people at this point,  
 14 but I'm sure, you know, I must have mentioned it to  
 15 people that the case was going on, and I was still at  
 16 work at that point. So probably, yes, before July.  
 17 Q. But you don't recall who the conversations were  
 18 with?  
 19 A. No. But I'm a pretty active person at the  
 20 site, so during meetings, you know, we talk a lot about  
 21 what issues are going on at our school site and in the  
 22 district, and it may have come up. But I honestly can't  
 23 remember.  
 24 Q. Do you remember generally the substance of any  
 25 of these conversations?

1 A. Just the same statement that there was a case,  
 2 and that there were people, you know, in the community  
 3 getting involved and trying to do something to improve  
 4 the schools. I think we all knew about it from the  
 5 media because I'm trying to remember the first time I  
 6 heard about it. But there were some other teachers at  
 7 our school site that were also involved, and so people  
 8 were, you know, having conversations about it at work.  
 9 Q. Do you recall what other teachers were involved  
 10 in this case?  
 11 A. The only one I know, I think he mentioned it to  
 12 me, might have been Tony Gomez, or Anthony Gomez.  
 13 Q. And is he a teacher at Garfield?  
 14 A. Um-hum.  
 15 Q. Do you know what grade he teaches?  
 16 A. He taught kindergarten. I assume he's still  
 17 there as a kindergarten teacher. I don't know. I  
 18 haven't talked to him.  
 19 Q. You mean he taught kindergarten during  
 20 2000-2001?  
 21 A. Right.  
 22 Q. Do you know if he's coming back to Garfield  
 23 this upcoming year?  
 24 A. I don't know, but I assume he is. I haven't  
 25 heard anything different.

1 Q. Do you know how to spell his last name? I  
 2 think I can guess, but --  
 3 A. G-o-m-e-z.  
 4 Q. Okay. Any other teachers you're aware of being  
 5 involved in this case?  
 6 A. They're not -- does it matter if they're still  
 7 there or not? It doesn't matter?  
 8 There were two other teachers who are no longer  
 9 teaching there. Does that matter? Do you want people  
 10 who are still there?  
 11 Q. Both. Any teachers that you're aware of who  
 12 were involved at one point or another.  
 13 A. The other two that I know of are Laura  
 14 Aguirre --  
 15 Q. Can you spell that?  
 16 A. A-g-u-i-r-r-e -- and Patti Shannon. And  
 17 Shannon, just S-h-a-n-n-o-n.  
 18 Q. And is that Patti with an I?  
 19 A. Don't know. Sorry.  
 20 Q. And are neither of those teachers currently  
 21 teaching at Garfield?  
 22 A. No.  
 23 Q. Do you know when they left?  
 24 A. I think Laura was gone last year on leave or  
 25 something. I don't really know. She wasn't there,

1 though. Patti, I think it's been at least two years.  
 2 Q. Meaning that Patti has not been there for the  
 3 2000-2001 and the 1999-2000 school year?  
 4 A. Right. And I could be off. There might be  
 5 another year in there. But I don't remember seeing her  
 6 for the last two years.  
 7 Q. Do you have an understanding why Ms. Aguirre  
 8 left Garfield?  
 9 A. No. What I was guessing was --  
 10 MS. LHAMON: Wait. He told you not to guess.  
 11 THE WITNESS: No, I'm not sure.  
 12 MR. ROSENTHAL: Q. Have you heard any rumors  
 13 or any discussion about why she may have left?  
 14 A. There was a point where she had told me herself  
 15 that she was having physical health problems, but I  
 16 don't know if that's the reason why she didn't come back  
 17 or not.  
 18 Q. Was that why she was on leave?  
 19 A. I'm not sure.  
 20 Q. Did you ever hear anybody say that that's why  
 21 she was on leave, was for health reasons?  
 22 A. No. Administration wouldn't tell us.  
 23 Q. But she was on leave the entire school year  
 24 last year?  
 25 A. I don't remember her -- yeah. I don't know if

1 she was on leave or she wasn't an employee of that  
 2 school any longer. It was not clear.  
 3 Q. But in either case, she was not there for the  
 4 entire 2000-2001 school year?  
 5 A. Right.  
 6 Q. How about Ms. Shannon? Do you have an  
 7 understanding as to why she left?  
 8 A. Patti Shannon had some serious health problems  
 9 because of her work at the school, that was my  
 10 understanding, and was advised by a physician not to be  
 11 there unless she had a cleaner environment.  
 12 I'm aware of this partly because I was on the  
 13 faculty council, which is a union granted committee that  
 14 teachers are on at our school sites. I was also a union  
 15 rep for the building. And so I was kept aware of what  
 16 was going on with her.  
 17 So she didn't -- she tried to return but was  
 18 not given a cleaner environment, and then she was unable  
 19 to return to that school. That's what I'm trying to  
 20 remember, what year that was, but I know she wasn't  
 21 there last year or the year before.  
 22 Q. Do you recall when she tried to return?  
 23 A. There was a day -- I'm not going to give you a  
 24 year because I can't remember. There's a day when  
 25 teachers have to return before students, and we have

1 sort of like an in-service, and I remember her coming in  
2 that day, that one day. And she was really sick, and  
3 she was unable to stay. And that was the last time I  
4 think she was at the school for work.

5 Q. So this was during the late summer just before  
6 the start of the school year?

7 A. Right. There's like a day or two where you  
8 have to come in and do a workshop. And she showed up,  
9 and then subsequently left that day and did not return.

10 Q. Do you have an understanding as to what sort of  
11 health problems she was experiencing?

12 A. The things that I remember her telling us and  
13 documenting were I think sinus problems. I know she  
14 developed ongoing asthma problems where she -- she had  
15 lots of medications. She brought a breathing machine  
16 with her. It got -- it was very bad. She just  
17 deteriorated over time. That's all I was made aware of.

18 Q. You said it was documented. Were you shown  
19 documents from --

20 A. She had physicians, you know, write letters  
21 saying that she had these problems, and she was unable  
22 to work in that environment because of it.

23 Q. And why did you have access to those letters?

24 A. I think what happened at that point was, she  
25 was trying to gain support, and she came to me as a part

1 that representative of the union meets once a month at a  
2 representative council with all the other reps with the  
3 union body. And so things get processed from that  
4 faculty council then to the union body if they don't get  
5 resolved by the faculty council at the school site.

6 So we heard, you know, everything that was an  
7 issue for someone. It would come there.

8 Q. When you say an administrator could attend, do  
9 you mean the principal generally?

10 A. Principal or vice principal, whoever is  
11 assigned, yeah. They're usually there.

12 Q. Did the faculty council meet on a regular  
13 basis?

14 A. Yes. Once a month.

15 Q. And you said that you recalled at least  
16 generally this case being discussed at meetings  
17 generally. Did it occur at faculty council meetings on  
18 occasion?

19 A. I remember Patti coming in to at least one,  
20 probably more than one -- it was a long time ago so it's  
21 hard to remember -- presenting her concerns about the  
22 environment and the fact that it was not a clean  
23 environment and that there were problems with the  
24 children's health, there were problems with various  
25 staff members' health.

1 of the group that I was a member of looking for support  
2 from the staff and looking for union support. I think  
3 she had a file folder with various documents in it to  
4 prove that she indeed had these health problems.

5 Q. Do you still have copies of those letters?

6 A. I don't think I kept anything. I think she  
7 just showed me from her own. I don't remember asking  
8 her for copies.

9 Q. You said you were a member of the faculty  
10 council; is that right?

11 A. Right.

12 Q. Can you tell me what that is?

13 A. The faculty council is a group of teachers at  
14 any school site. You're elected by your staff, your  
15 co-workers. And you meet to basically address whatever  
16 concerns and issues the staff are dealing with, and they  
17 need, you know, a place to bring it to. And then if we  
18 can't solve it there, we're the body that is responsible  
19 for referring it to a union rep who would then file a  
20 grievance on behalf of the school or the individual who  
21 is having an issue.

22 The administrator is allowed to attend these  
23 meetings. They're not a member of the faculty council.  
24 And then it basically is a way to communicate with the  
25 larger -- what happens is, there's a representative, and

1 At one point, there was a list of teachers who  
2 were experiencing some kind of health issues who worked  
3 in that part of the building. This is all centered  
4 around one part of our building, which has since been  
5 modernized.

6 But it was an ongoing issue for at least one  
7 year. And we were pretty instrumental in getting the  
8 district to respond. It took a long time to have them  
9 come in and clean it up. But she was the driving force  
10 to help have that, you know, happen.

11 Q. You said she presented some -- her concerns  
12 about the environment at one of these meetings. Was  
13 that in connection with a discussion about this lawsuit  
14 or was that removed from that?

15 A. No, this was before the lawsuit, or at least my  
16 awareness of the lawsuit.

17 Q. Do you recall the lawsuit coming up in any  
18 discussions at faculty council meetings?

19 A. No.

20 Q. Just generally?

21 A. No.

22 Q. So you don't think this lawsuit was discussed  
23 at any faculty council meetings?

24 A. Not at any of the ones I was present at. I  
25 wasn't always there this last year, so it could have.



1 Q. Now, you say that the -- we'll come back to  
2 some of the health concerns you raised, but you said the  
3 faculty council was instrumental in getting the district  
4 to respond to some of Ms. Shannon's concerns; is that  
5 right?

6 A. She spearheaded a lot of finding out who the  
7 contacts were in the district, and we would go together,  
8 some of us, not the whole, you know, committee or the  
9 council, and meet with various district representatives  
10 and have -- try and get them to come in at least to see  
11 what was going on. And then it took at least another  
12 year before any improvements were made.

13 Q. So would you say that the faculty council is an  
14 effective means for having problems that teachers are  
15 experiencing, having them addressed?

16 A. It's become one. It wasn't in the past, but  
17 yes, it is.

18 Q. You also mentioned that you're a union rep for  
19 the building. Can you just tell me what your role is as  
20 far as that's concerned?

21 A. Right. I was. I'm not this year. What that  
22 means is, if there's a concern of a teacher based on a  
23 contract violation, a work place-related issue, they  
24 could bring it to me individually. Or when we had -- I  
25 was responsible -- I was one of -- there was four of us.

1 I was responsible for helping organize a meeting so  
2 staff members could come and share their concerns.

3 I was also responsible for attending the rep  
4 council meetings once a month, or we rotated that, and  
5 bringing up our issues from our school site there.

6 Also, you're supposed to be able to be  
7 available to help file a grievance with someone if they  
8 need to go to that point.

9 Q. You said you were the union rep. Do you recall  
10 what time period you were the union rep?

11 A. I think I did it for two years, I believe. So  
12 this was the -- the last year was 2000-2001, and then  
13 1999-2000. I don't think -- I might have been a  
14 substitute or something before that. I really remember  
15 the last two years being my most involved, for at least  
16 two years, two school years.

17 Q. The past two school years?

18 A. Right.

19 Q. But you're not the union rep anymore?

20 A. No.

21 Q. You mentioned earlier that issues that are  
22 raised at the faculty council meetings are then brought  
23 to the attention of the union rep. Is that the same --  
24 I mean, were issues raised at the faculty council  
25 meetings and then brought to you during that two-year

1 period?

2 A. Right.

3 Q. So you were the union rep who then raised it  
4 at --

5 A. We tried to have -- right. We had a procedure  
6 whereby staff members could anonymously fill out a  
7 concern form and submit it to a faculty council box, and  
8 then those were put on the agenda. We tried to have  
9 union reps on the faculty council so they would be there  
10 to hear what was going on.

11 So generally, that would be the ideal, is that  
12 the union rep would be at that meeting. Sometimes they  
13 weren't, and then we would follow up with the chair and  
14 find out, you know, is there some reason why we need to  
15 bring that to a union meeting if it was something we  
16 couldn't resolve ourselves.

17 Q. Do you recall how large the faculty council  
18 was, approximately?

19 A. It can vary. Because we're such a big school,  
20 we tried to have at least two people, or at least one  
21 person per grade level. So most of the time there was  
22 about eight to -- maybe eight to ten people, including  
23 the administrator.

24 Q. You mentioned earlier that various concerns and  
25 grievances got added to the faculty council's agenda.

1 Is this a written agenda?

2 A. Yes.

3 Q. Are those maintained by somebody on the faculty  
4 council?

5 A. Yes.

6 Q. Are there any other documents that are  
7 generated by the faculty council?

8 A. I don't believe so. Just -- I think we just  
9 had the minutes and the agenda. Well, actually, the  
10 agenda -- you know, I know we keep records of the  
11 minutes. I don't know if they keep the agendas in the  
12 binder with the minutes. I'm sorry. That may be a  
13 mistake on my part.

14 Q. But at some point, the agendas --

15 A. They'd have minutes.

16 Q. It's a written document?

17 A. It's written, yes, so we know what we're  
18 talking about that day.

19 Q. There are also minutes created for each  
20 meeting?

21 A. Yes.

22 Q. Do you know who maintains those?

23 A. There's a secretary who was supposed to type  
24 them all up, distribute them to -- everybody at the  
25 school site gets a copy who is in the union, and there's

1 a binder where the minutes are supposed to be filed. So  
2 that's, you know, what's supposed to happen.

3 Q. Do you know who was the secretary during the  
4 2000-2001 school year?

5 A. No. I can't remember. I'm sorry.

6 Q. Do you know who the secretary is currently?

7 A. No. They have to have elections. The school  
8 year hasn't really started yet.

9 Q. Do you personally maintain a copy of the  
10 minutes from faculty council meetings?

11 A. No, I don't.

12 Q. Do you recall who else was on the faculty  
13 council, I guess, during the 2000-2001 school year?

14 A. Well, the teacher that I mentioned before, Tony  
15 Gomez, was our chair, Elizabeth Johnson, who is the  
16 computer prep teacher. I can't remember. I really  
17 didn't go to a lot of the meetings the last few months.  
18 There's definitely more than that. I just don't  
19 remember who they are right now.

20 Q. If I showed you a list of teachers of the  
21 school, might that help you?

22 A. It could.

23 Q. I'll come back to that, then.

24 A. Some of the people were new because of  
25 turnover, and I don't know if it would be health for the

1 Q. You testified earlier that it was your  
2 understanding that this was a case on behalf of parents,  
3 children, teachers and administrators to essentially get  
4 the state to be more responsible for conditions at  
5 schools in California.

6 MS. LHAMON: Objection. Mischaracterizes the  
7 testimony.

8 MR. ROSENTHAL: Let me get my question out  
9 first.

10 Q. Do you have an understanding as to what relief  
11 the plaintiffs are seeking in this action?

12 MS. LHAMON: Same objection.

13 MR. ROSENTHAL: Q. You can answer.

14 MS. LHAMON: I'm sorry. You only don't answer  
15 if I instruct you not to answer.

16 THE WITNESS: Okay. Thank you. I'm being  
17 extra, extra, extra careful.

18 MS. LHAMON: Thank you. I appreciate it.

19 THE WITNESS: What relief? Say it again.

20 MR. ROSENTHAL: Q. Do you have an  
21 understanding what relief plaintiffs are seeking in this  
22 action?

23 A. My understanding is that the expectation would  
24 be to have the state -- I don't have the solutions for  
25 it, but the overall objective, I believe, was to find a

1 Patti Shannon issues. They might not have been there.

2 Q. Have you ever seen a copy of the complaint in  
3 this action?

4 A. I don't think so. I probably didn't read it.  
5 Sorry.

6 Q. Do you recall being sent a copy of the  
7 complaint or given a copy of the complaint?

8 A. Well, I'm asking. I received a copy with my  
9 declaration, and I think I just didn't get to read it  
10 yet.

11 Q. It's a big fat document.

12 A. Yeah. I have a pile of papers. I read my  
13 declaration, and I never went back to the rest of the  
14 papers.

15 Q. Do you remember reading any other declarations?

16 A. Yes.

17 Q. Do you recall whose declarations you read?

18 A. I read -- let's see -- the two teachers that I  
19 mentioned, Patti and Laura, and a child and a parent.  
20 These were all from Garfield. That's it.

21 Q. Do you remember the name of the child and  
22 parent?

23 A. I can't remember.

24 Q. Was it Kim Parks?

25 A. Parks, yeah. Parks. Okay.

1 way to have the state monitor and support the districts  
2 at their district level so that these conditions  
3 improve.

4 I don't have specific ways that they're  
5 supposed to do that, but basically to be able to  
6 implement whatever their monitoring support relationship  
7 is to the individual school districts throughout the  
8 state, that that isn't happening or we wouldn't have the  
9 conditions that we have. That's how I -- my personal  
10 take on it. Responsibility. I guess there's an  
11 expectation of the state to provide more support.

12 Q. And where did that understanding come from?

13 A. When I asked about what the specifics -- you  
14 know, what was the point of the lawsuit in the first  
15 place, that was sort of the areas that -- the answers  
16 that I got, that's sort of the areas that they focused  
17 on.

18 Q. Can you tell me when you first heard about this  
19 lawsuit?

20 A. That's what I was trying to remember earlier.  
21 I believe it was this year sometime, and it may have  
22 been spring. I just don't have the -- I know it's on my  
23 declaration somewhere. Whenever I gave my declaration,  
24 it wasn't too long before that.

25 Q. Do you recall approximately how long before you

1 signed your declaration you first heard about the  
2 lawsuit?

3 A. I think it was within a month or a few weeks.  
4 It could have been two months. I'm sorry. I don't  
5 remember.

6 Q. But within a month before then, or could it  
7 have been longer?

8 A. It could have been longer, but I don't think it  
9 was a lot longer. I mean, as soon as I knew that this  
10 was happening, I was very interested in becoming a part  
11 of it because of my experiences as a teacher in the  
12 district. So once I knew, okay, what can I do. So I  
13 don't think it was longer than two months. I know  
14 you're trying to find a specific time, but I don't have  
15 one.

16 Q. Can you tell me how you first became aware of  
17 the lawsuit?

18 A. I think the first time -- in the back of my  
19 mind, there's something about something in the media,  
20 you know. As a teacher, we hear about what's going on.  
21 But then specifically, I remember speaking on the  
22 telephone with Catherine, and she was letting me know  
23 about the case and that if I was interested, I, you  
24 know, I could be interviewed and I could provide my own  
25 personal experiences as a teacher.

1 Q. You said you first remember something in the  
2 media. Was that a news article?

3 A. That's what I'm trying to remember. A news  
4 article, or could it have been through the union,  
5 because we get a lot of information from our lobbying  
6 piece, the CTA.

7 Q. Can you tell me what the CTA is?

8 A. Sure. I'm sorry. It's the California Teachers  
9 Association, and that's sort of our advocate, you know,  
10 the advocacy part of the -- we're a member of the OEA,  
11 the Oakland Education Association, which is part of the  
12 National Education Association.

13 Q. Do you recall what you read in this news  
14 article or other materials you received?

15 MS. LHAMON: Objection. Mischaracterizes the  
16 testimony. She didn't testify that she did read a  
17 newspaper article.

18 MR. ROSENTHAL: I said, or other materials she  
19 received.

20 MS. LHAMON: She didn't testify she received  
21 any other material. She said she may have.

22 MR. ROSENTHAL: Q. Do you recall hearing about  
23 this case through some documents that you either read in  
24 a newspaper or something like that or received through  
25 one of the organizations you just discussed?

1 A. It could have also been on the news. I don't  
2 remember where I heard it, but I know that I remember  
3 hearing there would be a lawsuit against the State of  
4 California, and that there was a lot of upset people in  
5 the state government, the governor.

6 I remember something about the governor being  
7 really outraged and upset. We talked about it, you  
8 know, as a faculty, some of us together, the response to  
9 the lawsuit. That stands out in my mind. That's how  
10 I'm remembering being made aware of it.

11 Q. What stands out in your mind?

12 A. The governor's response to it.

13 Q. What do you recall about that?

14 A. I just remember sort of -- there was a lot of  
15 upset feelings and that, you know, just something about  
16 him feeling like, well, why name me, or why -- what is  
17 that, how is that going to help, or something like that.  
18 And we were all just discussing in general the reaction,  
19 politics, our feelings about the case. I can't even  
20 remember who I was talking to if you're going to ask me  
21 that.

22 Q. That was my next question.

23 A. Okay.

24 Q. Was that at one of the faculty council  
25 meetings?

1 A. No. I think it was just sort of, you know,  
2 talking together after school or at lunch time or  
3 something like that.

4 Q. What was your reaction to the governor's  
5 reaction?

6 A. My own? I was a little disappointed that he  
7 wasn't willing to just maybe have a more compassionate  
8 response; that here we are, the teachers in the schools  
9 that are really suffering, and we didn't look like we  
10 were getting a supportive response, you know, instead  
11 of -- it would have been nice to hear, "You're right.  
12 Your schools really are falling apart, and we're going  
13 to do everything we can to work on that." So we were  
14 concerned.

15 Q. Is that the reaction of the other people you  
16 were discussing this with as well, or did people have  
17 other reactions?

18 A. I don't remember. I don't remember.

19 Q. Do you recall any other information about the  
20 source of your initial knowledge of this case?

21 A. No.

22 Q. Do you remember the source of information  
23 focusing on the governor's reaction?

24 A. No. That's what I'm trying to remember, if it  
25 was just sort of a news story on television or on the

1 radio or in an educator's newsletter. I can't remember.  
 2 Q. Do you recall when that was approximately?  
 3 A. I know it was before I spoke to Catherine,  
 4 which must have been in spring. So it may have been  
 5 earlier spring or late winter. I can't remember when it  
 6 was first announced in the media.  
 7 Q. We were talking about the spring and winter or  
 8 late winter. Are we talking 2000 or --  
 9 A. 2001. This year.  
 10 Q. Did you do anything as a result of first  
 11 hearing about the lawsuit?  
 12 MS. LHAMON: Objection. Vague.  
 13 THE WITNESS: I don't remember doing anything  
 14 specific other than having conversations with people  
 15 about it.  
 16 MR. ROSENTHAL: Q. How did you first come into  
 17 contact with Ms. Lhamon?  
 18 A. She telephoned me.  
 19 Q. Had you ever spoken to Ms. Lhamon before that  
 20 phone call?  
 21 A. No.  
 22 Q. Had you ever heard of Ms. Lhamon before that  
 23 phone call?  
 24 A. No.  
 25 MS. LHAMON: I'm not famous?

1 MR. ROSENTHAL: Getting there.  
 2 Q. Were you surprised to hear from Ms. Lhamon?  
 3 A. Was I surprised? No.  
 4 Q. What did she tell you during that telephone  
 5 conversation?  
 6 A. Just, I think, general information about what  
 7 she was doing and what the case was about, and letting  
 8 me know that as a teacher at Garfield, I might be  
 9 someone that could become involved in terms of giving,  
 10 just, information about my experiences as a teacher that  
 11 might help the case.  
 12 Q. How did you respond?  
 13 A. Pretty enthusiastically. I had a lot of  
 14 concerns about the school and was really glad that  
 15 somebody was doing something on a major scale about it.  
 16 So my response was positive.  
 17 Q. Did you ask Ms. Lhamon how she got your phone  
 18 number?  
 19 A. I probably did, but I can't remember if it was  
 20 from another teacher at the school. That's sort of a  
 21 vague memory at this point.  
 22 Q. Did Ms. Lhamon ask you to do anything at that  
 23 point in order to assist her in this litigation?  
 24 A. I just sort of remember her saying, "If you're  
 25 interested, you know, think about it and let me know.

1 And if you'd like to, I can interview you about your  
 2 experiences on the phone."  
 3 Do you recall -- I don't think at that  
 4 particular point that she interviewed me, but I can't  
 5 remember if it was that phone call or later on after I  
 6 thought about it. I'm pretty sure it was in that phone  
 7 call that we did the interview.  
 8 Q. So at some point, Ms. Lhamon did interview you?  
 9 A. Um-hum.  
 10 Q. Can you tell me about that? Was that a phone  
 11 conversation?  
 12 A. That was a phone conversation.  
 13 Q. Can you tell me about that?  
 14 A. It's where I provided my declaration.  
 15 Q. What do you mean, that's where you provided  
 16 your declaration?  
 17 A. I -- she interviewed me over the telephone, and  
 18 we considered that the statements that I gave were used  
 19 in my declaration.  
 20 Q. Did you actually write your declaration, or was  
 21 that something that Ms. Lhamon prepared, or somebody  
 22 else?  
 23 A. Yeah. Well, I assume that she prepared it and  
 24 then it was sent to me for editing, which I did, just in  
 25 terms of being -- making it as clear as possible, you

1 know, to be more specific with it. And then I signed it  
 2 and returned it.  
 3 Q. Do you recall what edits you made to your  
 4 declaration?  
 5 A. No, not specifically, but I think it was just  
 6 kind of fine-tuning. If there was something that I  
 7 thought might be too vague, I just wanted to be as clear  
 8 as possible, very specific about the concerns I had, and  
 9 not to be sort of under one big, you know, umbrella of  
 10 problems at the school. So I wanted it to be very, very  
 11 detailed so that it would be communicated to whoever it  
 12 needs to be communicated to.  
 13 Q. How did you make the edits to the declaration?  
 14 Did you physically write them on the document?  
 15 A. Did I physically write them? I think I -- I  
 16 think what I did was write it on a -- I can't remember  
 17 if it was on the e-mail and I e-mailed back the edits.  
 18 I mean, I hand-did it on my own copy, and then I  
 19 e-mailed what I felt needed to be changed back, and then  
 20 I was mailed a final copy of it.  
 21 Q. Do you still have a copy of the handwritten  
 22 changes you made to the declaration?  
 23 A. No. I think what I did -- you know how you  
 24 look at it -- maybe I do. You know, I really don't  
 25 know. I shouldn't say that. I don't know if I still

1 have it.

2 Q. Do you maintain any sort of file about this  
3 case?

4 A. I think I did start one so I can check, you  
5 know, if that's something that I need to look for.

6 Q. But you recall also e-mailing your changes, so  
7 you typed in changes and then e-mailed them to  
8 Catherine?

9 A. I think so, yes.

10 Q. Do you recall how many changes you made to your  
11 declaration? I'm just trying to get a sense of volume  
12 of the edits.

13 A. Oh, just like maybe a few sentences here and  
14 there.

15 Q. After you made those edits, you were sent a  
16 revised copy of your declaration?

17 A. Right. Yes.

18 Q. Did you make any additional edits at that time?

19 A. No.

20 Q. You signed your declaration and sent it in to  
21 Ms. Lhamon?

22 A. Yes.

23 Q. During your initial phone conversation with  
24 Ms. Lhamon, was it your belief that this lawsuit was  
25 brought to fix the conditions at Garfield and other

1 that, you know, that we find that that's the result.

2 Q. Do you know if all districts are experiencing  
3 the sort of problems you're experiencing in Oakland?

4 A. I have no idea. Oh, in Oakland, there's only  
5 one school district. We're one school district. You  
6 mean other schools in the school district?

7 Q. Let me rephrase the question.

8 Do you know if other districts are experiencing  
9 the sorts of problems that you are experiencing in the  
10 Oakland Unified School District? Do you understand the  
11 question?

12 A. No. When you say "district," it usually means  
13 a separate entity, a separate unified school district on  
14 its own. Within Oakland, there's only one unified  
15 school district.

16 Q. I understand that. I'm trying to find out if  
17 you have an understanding of other districts --

18 A. Okay. Within the State of California, am I  
19 aware if there are other districts experiencing similar  
20 problems?

21 Q. Right.

22 A. Yes.

23 Q. Do you know if there are other districts in the  
24 State of California that are not suffering similar  
25 problems?

1 schools?

2 MS. LHAMON: Objection. Asked and answered and  
3 mischaracterizes the prior testimony.

4 THE WITNESS: I'm not sure that I believe it's  
5 going to change the conditions. I think what I was  
6 hoping for is that it would get the attention of the  
7 people who are supposed to help us out and get things  
8 started.

9 I don't know that it's going to actually  
10 change, you know, the concerns that are in my  
11 declaration just because of this case. I'm hoping that  
12 what it does is become an instrument somehow in getting  
13 those things done. But I believe that's going to have  
14 to happen from the district level ultimately.

15 MR. ROSENTHAL: Q. Why do you think they would  
16 have to come from the district level?

17 A. I think that -- I think that it's the  
18 administration of how things come down into the school.  
19 We need it to come from the state in terms of managing  
20 things, but we can't have the state running around to  
21 every single school fixing all the concerns that I have.

22 What I'm hoping is that their administration  
23 gets itself together to help support the district to  
24 implement the changes. That's what I'm saying.

25 So ultimately, I'm hoping that the suit does

1 A. I don't know specifics, but I know I have  
2 friends whose spouses or people that I've met work in  
3 other districts in California, and no, they don't have  
4 the same -- some of the same levels of concerns and  
5 problems that we have at Garfield.

6 MS. LHAMON: Debra, we've been going for about  
7 an hour. Do you want to take a break, or are you okay  
8 to keep going?

9 THE WITNESS: Maybe just a couple more  
10 questions, and then a quick break.

11 MR. ROSENTHAL: Okay. No problem.

12 THE WITNESS: Thanks.

13 MR. ROSENTHAL: Q. Just to sort of summarize,  
14 I'm not trying to put words in your mouth, but there are  
15 some districts that are experiencing problems like the  
16 ones you've described in your declaration, and there are  
17 other districts where those issues do not exist; is that  
18 right?

19 A. Um-hum.

20 Q. Do you have an understanding as to why that's  
21 the case?

22 A. That's the big question. Personally, I believe  
23 what happens is that we have inequities based on income,  
24 and it's pretty clear when you look at -- if you go  
25 visiting the school sites.

1 If I'm in an environment like I was where it's  
2 predominantly a low-income neighborhood, you're going to  
3 see a lot of the things that I brought up in my  
4 declaration. If I even just travel up into the hills of  
5 Oakland in my own city, I don't see the same conditions.  
6 And that's a sort of middle class, upper middle class  
7 environment.

8 So my gut feeling and what I'm seeing is, a lot  
9 of it is economical, or economics, based on people's  
10 income levels. And I believe there's a lot of racism  
11 involved that separates -- within the same city, not  
12 just among school districts -- who's getting a better  
13 education. I really believe that, and I'm seeing it  
14 clearly. So those are my two big assessments of what's  
15 going on.

16 I think the level of education of the families  
17 of the students affects their ability to address these  
18 concerns with their elected officials a lot of times.  
19 They're not as knowledgeable and astute, and so they  
20 don't get what they need for their schools as well as  
21 the educated middle class parents who go right to their  
22 city council member and, you know, demand that those  
23 books be in that classroom in September.

24 And there's a language barrier a lot of the  
25 times, in the flatland schools in Oakland, especially.

1 And I'm sure that's -- you see that consistently amongst  
2 the other districts in California, that sometimes the  
3 language, not being an English-only school, or the  
4 parents are speaking another language, it really  
5 interferes with their ability to communicate with their  
6 district and get the support they need.

7 Q. Do you also believe that some districts are  
8 managed better than others?

9 A. I guess so. I mean, I haven't been in one yet  
10 so I don't know what that looks like. I really don't  
11 know what that looks like.

12 I mean, I know there are some districts where  
13 superintendents are on trial for mismanaging money and  
14 money being missing. That happened in Oakland where we  
15 had an audit, and there was all kinds of money not where  
16 it needed to be.

17 So I realize there are a lot of problems that  
18 I'm not even aware of bureaucratically. And we're a  
19 huge district. We're really large, so that, you know,  
20 that happens also. Also, the fact that the schools are  
21 too big. There's too many kids, and they're  
22 overcrowded.

23 Q. So do you believe that the Oakland Unified  
24 School District is managed efficiently?

25 MS. LHAMON: Objection. Calls for speculation.

1 She's already testified that she doesn't have knowledge  
2 of it.

3 THE WITNESS: Based on what I'm seeing being in  
4 the buildings and working in those classrooms, I don't  
5 feel that it is.

6 MR. ROSENTHAL: Q. Do you have contact with  
7 any of the Oakland Unified School District  
8 administration?

9 A. At this point, I don't. During the school year  
10 I was involved in meeting with one of the school board  
11 members regarding small schools and developing smaller  
12 schools, and I'm still involved -- well, I guess I sort  
13 of am. There's one. He's a -- I forgot. I just had a  
14 meeting with him.

15 I'm in a neighborhood organizing group for that  
16 neighborhood where the school is, and we just met with  
17 the superintendent's chief of staff regarding building  
18 new schools in that neighborhood.

19 Q. What did you call that organization? It was a  
20 neighborhood organizing committee?

21 A. Yeah. What it is, it's called -- the  
22 organization itself is called Oakland Community  
23 Organizations, or OCO, and OCO has been very  
24 instrumental in helping us eliminate the year-around  
25 rotating classroom schools, which Garfield was one of,

1 whereas people had to move every three months to a  
2 different classroom, and then they would go off on  
3 vacation for a month and come back, and the next group  
4 would go off, because we didn't have enough classrooms  
5 at the schools.

6 They're also very involved in helping get small  
7 new schools built in Oakland. And I'm a member of one  
8 of their local organizing committee. This is  
9 a congregation-based organization, so they're mostly  
10 organized through churches in the community and  
11 neighborhood groups and people like me, teachers who are  
12 interested.

13 Q. Would you say the Oakland Community  
14 Organizations are another means by which change in the  
15 Oakland schools is encouraged?

16 A. Yes.

17 Q. And is it effective at bringing about that  
18 change?

19 A. Yes.

20 Q. Any other -- you gave the example of the  
21 year-around school being terminated. Any other examples  
22 you can think of that --

23 A. Improvements?

24 Q. Right.

25 A. Well, one of the biggest ones was passing a

1 small schools policy, which allowed individual teachers  
 2 with parents and community organizations involved to  
 3 start and design their own school, which would have a  
 4 minimum, you know, or a maximum number of students at no  
 5 more than maybe 2- to 400, where I'm in a school with a  
 6 thousand kids. And that move is part of a reform  
 7 movement in education that's all over the country, and  
 8 it came to Oakland through another organization, which  
 9 is in Oakland also, called Bay Area -- wait. Bay Area  
 10 Coalition for Equitable Schools.

11 They helped write the small schools policy, and  
 12 OCO helped organize the parents and the community at  
 13 large to go to the school board and demand, you know,  
 14 that they enact the policy. That happened over a number  
 15 of -- maybe two to three years. This is the first year  
 16 that the new small schools will be opening this year.

17 Q. Do you know how many of the new small schools  
 18 will be opening this year?

19 A. I believe it's six. It keeps changing.

20 Q. Do you know the names of the new schools, by  
 21 any chance?

22 A. I know -- there's too many of them. I think  
 23 one is Ascend, A-s-c-e-n-d. I don't remember the other  
 24 ones.

25 Q. Is that an elementary school?

1 groups?

2 A. Yeah, as far as I know.

3 MR. ROSENTHAL: Do you want to take a break?

4 That's fine.

5 (Recess taken.)

6 MR. ROSENTHAL: Q. Do you understand that  
 7 you're still under oath?

8 A. Yes.

9 Q. Do you understand that you'll be under oath for  
 10 the entire day, even after we take breaks, so I don't  
 11 need to keep you asking you that question?

12 A. Yes.

13 Q. Very good.

14 Just before our break, you mentioned that the  
 15 Bay Area Coalition for Equitable Schools drafted a --  
 16 they were responsible for the policy, the small schools  
 17 policy.

18 A. Um-hum.

19 Q. Are you involved in that organization at all?

20 A. No. I went to meetings with them, but I'm not  
 21 working with them.

22 Q. Okay. Also, earlier we were talking about your  
 23 conversations with Ms. Lhamon, and we had gotten to the  
 24 point in time where you sent back your signed  
 25 declaration to Ms. Lhamon.

1 A. Is Ascend elementary? I think so. The  
 2 district has employees hired specifically to work on it,  
 3 so they know more than -- I don't know.

4 Q. You said that you're on the local organizing  
 5 committee of a, I guess a suburb of the Oakland  
 6 Community Organizations.

7 A. Right.

8 Q. You said you had a meeting with the  
 9 superintendent's chief of staff?

10 A. Right.

11 Q. Do you have regular meetings with members of  
 12 the Oakland Unified School District administration?

13 A. I -- how it works is that if there's a  
 14 particular issue that's come up, we identify the  
 15 official that we need to meet with to address that  
 16 concern. So it depends on what the project is that  
 17 we're working on.

18 Right now, we're going to be meeting with city  
 19 council members and probably more district -- there are  
 20 always going to be meetings with district officials  
 21 because they're constantly trying to get them to deal  
 22 with the school issues because we're in such need of new  
 23 schools.

24 Q. When these issues arise, have the  
 25 administration officials been willing to meet with the

1 A. Yes.

2 Q. Did you have any conversations with her  
 3 subsequent to that?

4 A. Since the -- yes.

5 Q. Can you tell me the next conversation you had  
 6 with her, going chronologically?

7 A. Okay. After I sent back the declaration -- I  
 8 have to think. I think she called me and let me know  
 9 that I may receive something asking me to do the  
 10 deposition. I believe she said it would come from the  
 11 lawyers if it came, and I never got anything. And then  
 12 she mentioned that I may be asked to help with the case  
 13 by giving a deposition, you know, would I be interested  
 14 in doing that.

15 Q. Was that one conversation?

16 A. I can't remember if -- yes, that was one  
 17 conversation. Yeah.

18 Q. So you discussed the possibility of giving a  
 19 deposition --

20 A. Right.

21 Q. -- in that conversation?

22 A. Yes.

23 Q. Did you discuss anything else?

24 A. No.

25 Q. Do you recall when that conversation occurred?

1 I can try to help you by -- we'll tie it to your  
2 declaration.  
3 A. Right. After the declaration, I would think  
4 about a month after the declaration was signed. I  
5 remember it being a while that I hadn't talked to her.  
6 Q. How did you respond to Ms. Lhamon telling you  
7 about the potential for a deposition?  
8 A. I just said to explain to me what that meant  
9 and how that would involve me further in the case to  
10 make sure I understood, but I felt comfortable with it.  
11 Q. She explained it to you?  
12 A. Yes.  
13 Q. Can you tell me what she said?  
14 A. That I would be asked by the lawyers  
15 representing the state questions about what I said, what  
16 was in my statement. I believe that's what I was here  
17 for.  
18 Q. Did she tell you how it would further involve  
19 you in the case?  
20 A. She said there's a potential that if it went to  
21 trial, that I could be called as a witness.  
22 Q. How did you respond to that?  
23 A. Fine. It was fine with me.  
24 Q. You testified earlier that you received some  
25 documents regarding this case. Did you get those

1 documents from Ms. Lhamon?  
2 A. Yes.  
3 Q. You testified that you believe you received a  
4 copy of the complaint, a copy of your declaration. Did  
5 you receive copies of the other declarations that you  
6 read?  
7 A. Yes.  
8 Q. Did you receive any other materials from  
9 Ms. Lhamon?  
10 A. I can't remember all of the names of the  
11 different things. I think there was a pile of papers,  
12 and one of them was the one that you mentioned to me  
13 earlier that I haven't read yet, and I can't remember  
14 what the other one is.  
15 MS. LHAMON: That's okay. It's your testimony.  
16 THE WITNESS: I can't remember what it's  
17 called.  
18 MR. ROSENTHAL: Q. Other than those papers,  
19 did you receive any other materials from Ms. Lhamon?  
20 A. No.  
21 Q. Did you have any communications with Ms. Lhamon  
22 after the conversation where you first discussed your --  
23 the possibility of a deposition?  
24 A. Another conversation on the phone --  
25 MS. LHAMON: After that point, you shouldn't

1 discuss the contents of the conversation, but you can  
2 certainly testify as to whether you had them.  
3 THE WITNESS: Yes, there was a conversation  
4 after that.  
5 MR. ROSENTHAL: Q. Can you tell me when that  
6 next conversation was? Actually, strike that. Let me  
7 ask a different question.  
8 Are there any other conversations that you had  
9 with Ms. Lhamon that you haven't already testified to  
10 today? Are we missing any of the conversations in your  
11 sequence of --  
12 A. I don't think so, no.  
13 Q. Do you recall when you first met Ms. Lhamon in  
14 person?  
15 A. That was the -- what I mentioned earlier where  
16 we met, and then -- oh, gosh. I think that was about  
17 three weeks ago.  
18 Q. That was the meeting in the cafe?  
19 A. Yeah.  
20 Q. Have you ever spoken to any other lawyers  
21 representing the plaintiffs in connection with this  
22 action?  
23 A. No.  
24 Q. Do you know who represents the plaintiffs in  
25 this action?

1 A. I believe it's just the ACLU.  
2 Q. Have you had any written communications with  
3 anybody regarding this lawsuit?  
4 A. Written -- no.  
5 Q. Any other e-mails to anybody about this  
6 lawsuit?  
7 A. No.  
8 Q. You haven't had any sort of e-mail contact with  
9 Ms. Lhamon other than giving her your comments on the  
10 declaration?  
11 A. Just the date of this and the address of this  
12 deposition today.  
13 Q. That was confirmed by e-mail?  
14 A. Um-hum.  
15 Q. I'm now going to ask you some questions about  
16 your personal educational background and professional  
17 background.  
18 A. Okay.  
19 Q. Can you tell me -- let me start with where you  
20 graduated from high school and go forward. As far as  
21 your education, tell me where you went and what degrees  
22 you received.  
23 A. Okay. Oakland High School in Oakland. I  
24 graduated. Then I went to San Francisco State  
25 University and graduated there with a BS. Then I went



1 to California State University at Hayward and obtained a  
2 teaching credential.

3 Q. Can you tell me when you graduated high school,  
4 what year?

5 A. 1980.

6 Q. And you said you received a BS from San  
7 Francisco State. What year was that?

8 A. Many years later. I think officially it says  
9 1988.

10 Q. And do you recall what your major was?

11 A. Many majors, but I ultimately -- let's see. I  
12 finished with a bachelor's in health science.

13 Q. Do you recall -- can you tell me when you  
14 received your teaching credential from Cal State  
15 Hayward?

16 A. There's two. There's a preliminary credential  
17 which I finished -- I'm so fuzzy about dates and years  
18 and all of this, but I think it was two years ago  
19 summer, so actually it might have been '98. Let's say  
20 '99, 2000. I'm sorry. '99 summer. I'm sorry. That  
21 was the school year. Okay.

22 Q. So you believe you received your preliminary  
23 credential in the summer of 1999?

24 A. I think so. I think that's when I finished  
25 that last class, and I rushed to apply to get it. That

1 Q. And you took those also at Cal State Hayward?

2 A. No. Well, I think one of them. Another one I  
3 took -- I think it's Holy Names College in Oakland, an  
4 extension program.

5 Q. Do you hold any other credentials, teaching  
6 credentials?

7 A. No. The only thing I would add is that along  
8 with the preliminary credential, the program I'm in  
9 automatically, based on the classes they offered, gave  
10 you an additional emphasis, which was the CLAD  
11 credential. So I guess it might be considered an  
12 additional credential. I don't know if they call it a  
13 credential or certificate. What that does is, it allows  
14 you to teach second language children, and the course  
15 work was completed with the preliminary credential work.

16 MS. LHAMON: Debra, for the court reporter's  
17 benefit, CLAD is an acronym; is that right?

18 THE WITNESS: You know what? I'm not really  
19 good at what CLAD stands for.

20 MR. ROSENTHAL: Q. But it's C-L-A-D?

21 A. C-L-A-D. I'm sorry.

22 MS. LHAMON: That's okay.

23 THE WITNESS: I didn't memorize that one.

24 MS. LHAMON: We can find it.

25 MR. ROSENTHAL: Q. We've heard it before.

1 can be -- we can find that out if we needed it exact  
2 because it's on the document.

3 Q. But that's the best you recall as you sit here  
4 today?

5 A. Yeah. I think so.

6 Q. Is there a second credential, then?

7 A. Yes.

8 Q. You said there was two credentials.

9 A. The clear credential I applied for, and it's --  
10 I haven't -- I'm trying to think when it -- maybe in  
11 2000 I completed everything for that. It had to be in  
12 2000. So that means I'm fully credentialed now by the  
13 State of California.

14 Q. Do you recall when you first started taking  
15 courses at Cal State Hayward to obtain your preliminary  
16 credential?

17 A. I think it was winter of '97.

18 Q. Do you recall when you completed your course  
19 work?

20 A. I believe it was '99. That was the last class.

21 Q. Did you take any other classes in connection  
22 with getting your clear credential?

23 A. Yes. You do have to take at least two  
24 additional courses, or three, and I did those after I  
25 finished my preliminary.

1 A. Okay. Good.

2 Q. So do you recall when you received the CLAD,  
3 I'll call it a credential?

4 A. I believe it was complete upon completing all  
5 the courses for the preliminary. So I would assume that  
6 would have been about the same time, summer of '99.

7 Q. Okay. Now I'm going to go into your  
8 professional background. I'm going to start with your  
9 most recent position and work our way backwards.

10 A. Okay.

11 Q. Can you tell me where you're currently  
12 employed?

13 A. I'm currently employed, and I'll make this  
14 clear, until the 31st of this month at Oakland Unified  
15 School District.

16 Q. After August 31st, will you no longer be  
17 employed by the Oakland Unified School District?

18 A. No. As of right now, that's all I know. Yeah.

19 Q. Do you have -- have you obtained employment  
20 somewhere else after August 31st?

21 A. No, not yet.

22 Q. Can you tell me why you're no longer employed  
23 by Oakland Unified School District?

24 MS. LHAMON: Objection. Mischaracterizes the  
25 testimony. She didn't say she wasn't employed. She

1 said she only knows about through August 31st.  
 2 THE WITNESS: Still answer it?  
 3 MS. LHAMON: Yes.  
 4 THE WITNESS: I decided, based on my  
 5 experiences at the school and seeing the conditions of  
 6 the classrooms and the school in general, that I felt  
 7 that I needed to work outside of the classroom and work  
 8 on improving the conditions as a community organizer and  
 9 advocate for the school and the kids and the parents.  
 10 That's why I'm not sure where I'm going yet. But that  
 11 kind of all resulted in being an active teacher the last  
 12 couple of years in an effort to improve the schools.  
 13 MR. ROSENTHAL: Q. But basically -- I'm not  
 14 trying to put words in your mouth, but you decided to  
 15 quit teaching?  
 16 A. For now.  
 17 Q. In The Oakland Unified School District?  
 18 A. Yes.  
 19 Q. At least for this year coming up?  
 20 A. Right.  
 21 Q. Can you tell me where you were employed prior  
 22 to working for the Oakland Unified School District?  
 23 A. I was employed at the American Red Cross.  
 24 Q. And do you recall when that was?  
 25 A. I believe it was 1994 until I left to go to the

1 credential program in 1997.  
 2 Q. Can you tell me what you did for the American  
 3 Red Cross?  
 4 A. I was a program coordinator.  
 5 Q. What did you do for them?  
 6 A. I was responsible for everything related to one  
 7 of their youth prevention programs.  
 8 Q. Do you remember what the name of the program  
 9 was?  
 10 A. It was called Reaching Adolescents and Parents.  
 11 Q. Can you tell me what the goal of the program  
 12 was?  
 13 A. The main objective was to reach pre-adolescents  
 14 and almost adolescents, fourth through sixth graders in  
 15 the classroom and their parents, in an effort to help  
 16 prevent a variety of problems they were having when they  
 17 got to middle school. So this was an intervention  
 18 program, and it worked in conjunction with the school  
 19 district in Richmond, California.  
 20 Q. What was the name of the district? Was it  
 21 Richmond School District?  
 22 A. It's West Contra Costa Unified School District.  
 23 But I was employed by Red Cross.  
 24 Q. Did you work with students at schools in the  
 25 West Contra Costa Unified School District?

1 A. Yes.  
 2 Q. Do you remember which schools?  
 3 A. Several elementary schools. One in particular  
 4 I remember is Peres. It's P-e-r-e-s. I can't really  
 5 remember all the other ones. Wherever I could get the  
 6 program in, that's where I would go.  
 7 Q. And what did you do just on a day-to-day basis?  
 8 A. On a day-to-day basis, I recruited and trained  
 9 and supervised volunteers who would then either go with  
 10 me or on their own to deliver the educational component  
 11 of the program.  
 12 I also organized meetings with parents and  
 13 their children and teachers at the school sites to do  
 14 trainings with them about communication and facilitating  
 15 the well-being of their kids.  
 16 I also was a member of a task force which was  
 17 comprised of various health organizations that worked in  
 18 the school district, and we, as a group, worked on  
 19 getting grants and programs into the school district to  
 20 help, you know, in terms of prevention programs.  
 21 I also taught some of the classes in the  
 22 classrooms.  
 23 Q. You said there was an educational component to  
 24 the program. What did that entail?  
 25 A. Right. There was about an 11-session program,

1 so one hour a week for 11 weeks, or however we arranged  
 2 it, with a curriculum. There's a book for it, a  
 3 scripted curriculum. And the -- each session had  
 4 something to do with making decisions or teaching the  
 5 kids about conflict management or dealing with pregnancy  
 6 prevention issues, dealing with puberty education.  
 7 We were sort of -- if the nurse couldn't get to  
 8 them, we did the whole fifth grade,  
 9 this-is-what's-happening-to-you-as-you-get-older class.  
 10 I can't remember all the different sessions,  
 11 but it lasted for a couple of months.  
 12 Q. And had you been trained to lead the  
 13 educational component of this program?  
 14 A. Yes.  
 15 Q. And do you think you did a good job at it?  
 16 A. Yes.  
 17 Q. Did you have any teaching credentials at that  
 18 time?  
 19 A. No. I was trained as a health educator.  
 20 That's the degree that I got from San Francisco State,  
 21 and I'd worked in that kind of work before.  
 22 Q. So your experience was, in addition to the  
 23 training you received, was sufficient to teach the  
 24 educational component?  
 25 A. Um-hum. Yes.

1 Q. Can you tell me where you were employed prior  
2 to working for the American Red Cross?

3 A. I was employed at the AIDS Project of the East  
4 Bay in Oakland.

5 Q. Can you give me the years? I'm assuming --

6 A. I said '94 there, right?

7 Q. Right.

8 A. When did I start? It may have just been from  
9 maybe '92 to '94.

10 Q. Did you have a title?

11 A. I was a peer education coordinator there.

12 Q. And what were your responsibilities generally?

13 A. Somewhat similar, but what we did there was, we  
14 worked directly with teenagers at schools and in  
15 community organizations to deliver AIDS education  
16 prevention messages and materials, literature.

17 We did workshops. There was a music, art and  
18 drama component where we got the kids to produce  
19 something, an art show or a theater piece or a music  
20 performance, with an AIDS prevention message in it, and  
21 that was presented to the public. We also trained them  
22 to be peer educators so that they could educate their  
23 peers on their own.

24 I was sort of an office administrator organizer  
25 person. I also worked in conjunction with another

1 Prevention, which is an abuse prevention program that  
2 worked in the schools, also. I think that's -- before  
3 that, I was a teacher's assistant for years and years as  
4 a college student in San Francisco. I worked in the  
5 children's centers here and some private nursery  
6 schools.

7 Q. I'm going to focus in on your employment in the  
8 Oakland Unified School District.

9 First of all, why did you decide to become a  
10 teacher?

11 A. Couple of reasons. One is, I'd been in the  
12 classroom as a visiting educator with a program. I'd  
13 never been in my own classroom with the same set of kids  
14 all day long, and I really wanted to see what it would  
15 be like for me to have a stable classroom environment  
16 where I'm not moving with a different set of kids, you  
17 know, every week, and to build those long-term  
18 relationships with the kids and get to see their  
19 progression over a year instead of just sort of popping  
20 in and out as a health educator and then leaving and  
21 never seeing the kids again.

22 So I heard that Oakland was in dire need of  
23 teachers in 1996, I believe, in the summer. There was a  
24 huge call. It was all over the place in the media. And  
25 there was, like, a big day when everybody was supposed

1 coordinator who was directly at the school sites working  
2 with the kids.

3 Q. Did you work with particular schools?

4 A. I'm sure we did. I only remember one of them  
5 right now, the Oakland Street Academy. It's a charter  
6 school in Oakland. I remember we went there quite a  
7 bit. We did a lot of street outreach also in the  
8 community.

9 Q. Did you work with schools only in the Oakland  
10 Unified School District or also other districts?

11 A. I'm only remembering that we were focusing on  
12 Oakland at that point.

13 Q. Can you tell me where you were employed prior  
14 to working for the AIDS Project, East Bay?

15 A. It was simultaneous at one point because I  
16 remember doing two part-time shifts. I worked at a  
17 fertility clinic as a health educator. It was called  
18 Reproductive Technologies, Incorporated. I know it  
19 moved. It was in Oakland. I think it's in Berkeley  
20 now.

21 Q. What was your title there?

22 A. Health worker.

23 Q. Did you hold any positions prior to working  
24 there?

25 A. I worked as a workshop leader for Child Assault

1 to come right up and get interviewed. So I was a part  
2 of that mad rush to be a teacher.

3 And I found out about the partnership program  
4 with Cal State Hayward in Oakland which allowed me to  
5 work and go to school simultaneously and obtain a  
6 credential. I was really attracted to that because I  
7 wasn't able to afford to quit working to be a  
8 student-teacher, although they actually made me be a  
9 student-teacher for a few weeks in the beginning. That  
10 was one of the reasons.

11 The other reason is, my -- the current job I  
12 had at the Red Cross was coming to an end in terms of  
13 the grant period. And so it was kind of a decision  
14 about struggling with trying to find more grant money or  
15 exploring this other part of my career that I hadn't  
16 done yet. So I decided to go ahead and apply.

17 Q. Did you first become employed with the Oakland  
18 Unified School District for the 1996-1997 school year?

19 A. Actually, what happened was, because I came  
20 into the partnership program I think in January or  
21 February of '97, they didn't place me in a classroom  
22 until April of '97, and that was as a long-term  
23 substitute, basically, and I was considered a potential  
24 intern. I was applying for the internship credential,  
25 which allows you to work as a, you know, teacher in the

1 district.

2 Q. Just to clarify, you were hired -- you first  
3 started -- you were first placed in a classroom in April  
4 of 1997 as a long-term substitute?

5 A. For that year.

6 Q. Right. And had you already applied to the  
7 program at Cal State Hayward at that time?

8 A. Yeah. They're the ones that found the position  
9 for me. The district wasn't willing to consider it a  
10 permanent position, so I was hired as a sub. Actually,  
11 I think I was the fifth sub that year in that classroom.  
12 So it was one of those classrooms from hell, if you'll  
13 pardon my expression.

14 Q. Did you eventually become the permanent teacher  
15 in that classroom?

16 A. I think they always considered me, on paper,  
17 the long-term sub for that school year. It ended in  
18 August or July. I think we were in through August. We  
19 were a year-around school.

20 Q. But you remained the teacher in that class  
21 until the end of that school year?

22 A. Yes.

23 Q. And do you recall -- can you tell me what grade  
24 that was?

25 A. Second.

1 The entire time you were employed by the  
2 Oakland Unified School District, did you always work at  
3 Garfield Elementary?

4 A. Yes.

5 Q. Can you tell me what your next position was at  
6 Garfield?

7 A. The following year, I stayed on again as a  
8 fourth grade teacher.

9 Q. Do you recall when that school year started?

10 A. That was '97-'98, so that would be '98-'99.

11 Q. Were you always on sort of the same rough  
12 calendar from September to July?

13 A. Yes.

14 Q. Okay.

15 A. I'm sorry. It's not always September to July.  
16 The calendar varied depending on what cycle you were on.  
17 We had four tracks. That's what I'm having a hard time  
18 remembering, what year I was on, what month we started  
19 and what month we came back.

20 Q. Were you on different tracks at different  
21 times?

22 A. Yeah. By the time I was a fourth grade  
23 teacher, I think I stayed on Track D, but it changed.

24 We took turns having different schedules. Every year,  
25 you'd have a new schedule even though you'd be on the

1 Q. What was the next position you held at Oakland  
2 Unified?

3 A. I stayed at Garfield, and I came back in the  
4 fall as an intern, and I was a fourth grade teacher at  
5 that point. I was considered a sheltered English  
6 instruction teacher.

7 Q. Do you recall when, what month you started in  
8 that class?

9 A. We started in -- wait. I'm sorry. There was a  
10 year-around schedule, so that year I think I came in in  
11 September. We can find a calendar if we need to check.

12 Q. Do you recall when that school year ended?

13 A. I don't remember the month. I think it might  
14 have been July.

15 MS. LHAMON: Could I ask a point of  
16 clarification?

17 MR. ROSENTHAL: Sure.

18 MS. LHAMON: Debra, were you at Garfield for  
19 the entire school year of that following school year, so  
20 you started whatever the first day of school was?

21 THE WITNESS: Right.

22 MS. LHAMON: Okay. Thanks.

23 MR. ROSENTHAL: Q. And did you -- well, why  
24 don't you tell me where your next position was.  
25 Actually, strike that.

1 same track. So that way you'd get a turn to have off  
2 one month in the summer whereas last summer you probably  
3 worked the whole summer. I just can't remember which  
4 ones were which.

5 Q. Are there any documents that would clear this  
6 up?

7 A. I believe you could obtain a calendar from the  
8 school district if they keep it on record showing the  
9 dates.

10 Q. So do you think you were on Track D the entire  
11 time you were a fourth grade teacher?

12 A. I believe so.

13 Q. Do you remember what track you were on when you  
14 were a second grade teacher when you first started?

15 A. C.

16 Q. Do you remember what the school year was for  
17 Track C, when it began and when it ended?

18 A. Which year?

19 Q. Let me ask this first: Was the only time you  
20 were on Track C when you were hired as a long-term  
21 substitute in the second grade class?

22 A. Yes.

23 Q. So how about that year?

24 A. I believe we were off in May, and that was the  
25 summer I worked the whole summer, June, July and August,

1 so our last day was in August.  
 2 Q. Just so I'm clear, Track C wouldn't always have  
 3 the same school year from year to year?  
 4 A. No.  
 5 Q. It would change?  
 6 A. What happens is, on the calendar, there's four  
 7 lines, A, B, C, D. You'd bump the bottom one up to the  
 8 top, and everybody would go down one. So you'd all get  
 9 a turn to have a different month off every year, and  
 10 that way, you know, you didn't have to always work June,  
 11 July and August. Next year, you should have off one of  
 12 those summer months.  
 13 Q. Okay. So after your second year as a fourth  
 14 grade teacher, which you believe ended in July of '99,  
 15 did you continue to work at Garfield after that?  
 16 A. Yes.  
 17 Q. Was that still as a fourth grade teacher?  
 18 A. Yes.  
 19 Q. And do you remember when that school year began  
 20 and ended?  
 21 A. Well, the school year -- it's still the same  
 22 for us as it was for everyone else, which would be  
 23 '99-2000. I just don't know what month I came in.  
 24 Q. Did the school year always roughly begin in the  
 25 fall?

1 A. Yes.  
 2 Q. And it would end roughly sometime in the  
 3 summer?  
 4 A. At the end of August.  
 5 Q. So after your third year as a fourth grade  
 6 teacher, did you work as a fourth grade teacher for one  
 7 additional year?  
 8 A. Yes.  
 9 Q. That was this past school year?  
 10 A. Yes.  
 11 Q. So you worked as a full-time fourth grade  
 12 teacher for four years?  
 13 A. Yes.  
 14 Q. When did this past school year end?  
 15 A. July 2nd was the last teacher day.  
 16 MS. LHAMON: This was for your track?  
 17 THE WITNESS: Actually, now we're on one track.  
 18 This was the first year, if I'm correct in remembering,  
 19 that we eliminated the four-track cycle. So that was  
 20 for everybody.  
 21 MR. ROSENTHAL: Q. So for the 2000-2001 school  
 22 year, you were on a traditional school year calendar?  
 23 A. It's a modified traditional calendar because we  
 24 requested from the district a little bit of a variation  
 25 in the breaks in the vacations, and so that's why we

1 were in until July 2nd, whereas the traditionals were  
 2 out the middle of June.  
 3 Q. So somewhere during the school year, you had a  
 4 longer break?  
 5 A. Yes.  
 6 Q. Was that for Christmas or spring break, do you  
 7 remember?  
 8 A. All three. I think we had an additional day or  
 9 two around Thanksgiving, a three-week winter break, and  
 10 I think almost a two-week spring break.  
 11 Q. Do you recall when the 2000-2001 school year  
 12 began?  
 13 A. Usually it's the day after Labor Day. We all  
 14 start the same day.  
 15 Q. Can you describe for me the physical structures  
 16 that make up Garfield Elementary?  
 17 A. Okay. There's a main building with, I don't  
 18 know how many, at least half of the number of  
 19 classrooms. There's an additional wing. It has a lower  
 20 and an upper level, and the majority of our lower grades  
 21 are in those two floors. There are -- I believe there  
 22 are four portables being used on the yard, and then  
 23 there's a cafeteria and auditorium on one side.  
 24 Q. Is the cafeteria and auditorium, are those  
 25 separate structures or are those attached to one of the

1 buildings?  
 2 A. It's still attached to the main building.  
 3 Q. Is the wing also attached to the main building?  
 4 A. It is. It's like an extension.  
 5 Q. Does the main building also have two floors?  
 6 A. Part of it does, yes.  
 7 Q. Are classrooms -- strike that.  
 8 Do you know the total number of classrooms  
 9 there are at Garfield Elementary?  
 10 A. I should. I don't know off the top of my head.  
 11 I'm sorry.  
 12 Q. Can you estimate?  
 13 A. It's between 30 and 35 or so. I don't know if  
 14 I'm including the portables in that. The kindergarten  
 15 teachers share a classroom. That's why I'm not  
 16 absolutely sure how many there are.  
 17 Q. Do you know why kindergarten teachers share  
 18 classes?  
 19 A. We don't have enough classrooms for everybody.  
 20 Q. What do you mean by them sharing?  
 21 A. They have an a.m. and a p.m. schedule since  
 22 they're not a full day yet, not at our school site. So  
 23 the morning teacher comes in and teaches with their kids  
 24 for about three and a half hours, and there's a little  
 25 bit of overlap where the two teachers are there

1 together. The kids leave, and then the afternoon kids  
2 come in, all in the same classroom.

3 I don't believe the kids are all in the room at  
4 the same time. They try not to do that. They try and  
5 schedule different things so that they're not, but  
6 they're in the same room. And I think we have eight  
7 kindergarten teachers. That's what I'm a little fuzzy  
8 on, so that would mean there's four kindergarten  
9 classrooms.

10 Q. But kindergarten is for approximately a half  
11 day, there's a morning session and an afternoon session?

12 A. Right. With a different teacher for each  
13 session.

14 Q. Do the classrooms at Garfield have numbers or  
15 other ways of identifying them?

16 A. We have numbers in the main building and  
17 letters in the wings, and the portables have numbers.

18 Q. Going back to the classes that you taught, do  
19 you remember where the second grade class you taught was  
20 located?

21 A. I don't remember all the different rooms I was  
22 in because we rotated. I was the rover. That means you  
23 get to be the one who moves every month, which was  
24 horrendous. But I was in a lot of different classrooms  
25 in the wings. I think they were all upstairs, because

1 A. Yeah.

2 Q. And also moving every few months to different  
3 classrooms?

4 A. Yes.

5 Q. And how about this past year?

6 A. I received my own classroom for the first time  
7 and stayed in it all year.

8 Q. Was that in the main building?

9 A. Yes.

10 Q. Do you remember the classroom number?

11 A. Twenty-one.

12 Q. Were all teachers made to move from their  
13 classes every few months, putting aside this past year  
14 when you didn't move?

15 A. No.

16 Q. Only certain teachers were?

17 A. It was based on a couple of things. One was  
18 that we had enough classrooms so not everybody had to  
19 move every time. We were broken up into teams, and your  
20 team, in one of those years, decided if one person would  
21 move, if everybody would move, or if there was enough so  
22 someone could stay.

23 Usually the principal decided who would stay,  
24 and it was a major point of contention. It was  
25 documented at faculty council meetings, you know. And

1 there's an up and a down. And that's when I was, you  
2 know, walking in new. Here, pack and move every month.

3 Q. How about your first year as a fourth grade  
4 teacher?

5 A. I was assigned to a room in the main building,  
6 and again, we shared -- you were in three different  
7 classrooms throughout the year. You moved every two or  
8 three months.

9 Q. How about your second year?

10 A. I'm sorry. I'm getting emotional thinking  
11 about this.

12 My second year, I was in the main buildings. I  
13 stayed in the main building as a fourth grade teacher  
14 the whole time.

15 Q. Did you move to a different classroom every few  
16 months?

17 A. Yes.

18 MS. LHAMON: Debra, we can take a break at any  
19 point if you want to.

20 THE WITNESS: That's okay.

21 MR. ROSENTHAL: Q. If you need to take a break  
22 at any time, just let me know.

23 A. Thanks.

24 Q. And your third year as a fourth grade teacher,  
25 were you again in the main building?

1 what we were told was, there was an additional job  
2 called a literacy coach that some teachers were invited  
3 to take on outside of regular school hours, and that as  
4 an incentive to have them do that, they would get their  
5 own room. That was one of the things we were told.

6 The other one was, people who were unable to  
7 move physically, that it would be, you know, impossible  
8 for them because of something that was hindering them  
9 from moving, physically challenging for them to move  
10 every few months.

11 If there were any other reasons, I don't know  
12 what they were. But we did, in fact, have some, and I  
13 don't remember the numbers of how many people didn't  
14 have to move. The majority of us did move, and I always  
15 moved.

16 Q. Do you recall -- if it varies during any of  
17 those years, let me know. But during that three-year  
18 period when you were moving as a fourth grade teacher,  
19 on average in a particular school year, how many times  
20 would you move? How many different classrooms would you  
21 be in during a school year?

22 A. Just three. Usually what happened was, there  
23 were four people on your team, and the fourth one,  
24 whoever it was, was always on vacation while you were in  
25 their room, and then you'd move again maybe two or three

1 months later. So I moved either three or four times in  
2 a year.

3 Q. I'm just trying to get an understanding as to  
4 why you had to move. You were in one classroom and you  
5 moved to another classroom?

6 A. Yeah. The way it works is, you don't have  
7 enough classrooms for the -- well, then it was over a  
8 thousand students. So what happens is, every month, one  
9 of the tracks was off for 30 days. When they came back,  
10 the person who was in the room needed to go on vacation,  
11 and they stayed in that room now for maybe two or three  
12 months until it was their time for a break.

13 So your breaks were -- every three months or  
14 so, you were off for 30 days. And during your 30-day  
15 break, someone was now moved into your room, and you  
16 would take the next person's room who was going to go  
17 off.

18 So you really needed to understand this whole  
19 mechanism, which I can tell by the look on your face,  
20 it's very complicated. Especially if you're new and  
21 you're walking in and you have no idea, except you're  
22 going to be a teacher. You now have to understand who's  
23 going on vacation next because you have to start packing  
24 and go get ready to move into their room when they go on  
25 vacation, and then be prepared in two or three months to

1 just left vacant?

2 A. Yes.

3 Q. But everybody was on break during that time?

4 A. Not everybody. Only one track would be gone at  
5 a time. So three-fourths of us were there and the other  
6 fourth was out. But it was still crowded. It didn't  
7 really help that much.

8 MS. LHAMON: Debra, I see you're tearing up,  
9 and it's really okay if you want to take a break.

10 THE WITNESS: No, I'm okay.

11 MR. ROSENTHAL: Q. Are you sure?

12 A. Yes.

13 MR. ROSENTHAL: I actually wouldn't mind taking  
14 a break.

15 THE WITNESS: That's fine.

16 (Recess taken.)

17 MR. ROSENTHAL: Q. Okay. Before our break, we  
18 were talking about moving from, you know, class to class  
19 during certain periods of teaching at Garfield. Do you  
20 have an understanding as to why that stopped during this  
21 past year?

22 A. About two years ago, I'm sure it was more than  
23 just the one organization, but I got involved with  
24 Oakland Community Organizations, I'll just call it OCO.  
25 And they had already organized parents at another school

1 do the same thing.

2 So that's -- the only reason is, we were  
3 overcrowded. There was nowhere to put the kids. So  
4 they were -- you know, we'll come up with this great  
5 schedule, and you'll get vacations all the time.

6 It was very disruptive, not only because we had  
7 to pack all our stuff, but to, every three months, go  
8 away for a month in the middle of your teaching year, it  
9 was really disorienting, especially as a new teacher.  
10 That's why we fought so hard to get rid of that kind of  
11 schedule.

12 Q. Again, I'm not trying to put words in your  
13 mouth, so let me make sure I understand.

14 Were there -- it was basically that there were  
15 four teachers who were sharing three classrooms?

16 A. Yes.

17 Q. There was always one of them who was on  
18 vacation?

19 A. Right, and that was the majority. That wasn't  
20 everyone. There were some people that stayed in their  
21 room. They had the same schedule as we did. They had  
22 the same breaks, but nobody moved into their room, they  
23 never had to move out. Right.

24 Q. So when they were -- when the teachers who had  
25 permanent classrooms were on breaks, those rooms were

1 called Hawthorne, year-around, which is one of the very  
2 sort of infamous in terms of its overcrowding, around  
3 helping to pressure the school board and the  
4 superintendent and whoever we could, the city, to help  
5 us stop year-around roving or rotating, as we called it.

6 So it started with meeting with them  
7 individually, with school board members, and doing  
8 research meetings with them about, what could we do.  
9 And in that period, we had two different  
10 superintendents. We started with -- I know I'm blocking  
11 his name out because he wasn't very supportive. I'm  
12 sorry. He works for the City of Oakland now.  
13 Dr. something.

14 Anyway, then we hired Dennis Chaconas, and he  
15 made it a big deal publicly that he was going to do  
16 everything he could to stop year-around schools and this  
17 overcrowding.

18 So I participated in public meetings, school  
19 board meetings and city council meetings. We had  
20 neighborhood actions where we had huge numbers of  
21 people, couple of thousand people came out, and I spoke  
22 at one of those meetings to describe the things I've  
23 just told you about, how horrible it was for me, for the  
24 kids, for the parents.

25 Parents were complaining they didn't know what

1 day they were supposed to bring their kids back to  
2 school, and they'd get mixed up with the calendar. It  
3 was hard to find child care with the schedule the way it  
4 was in the middle of the year, the vacations.

5 So my belief is that the community input and  
6 the presence we had in front of the school board and the  
7 city really made an impact, and hiring Dennis and having  
8 his support.

9 Q. So is it fair to say that Mr. Chaconas was  
10 supportive of ending year-around education in Oakland?

11 A. Yes.

12 Q. And the superintendent prior to Mr. Chaconas  
13 was not supportive?

14 A. We didn't see the response the same way, you  
15 know, the enthusiasm and the actual putting into place  
16 what steps needed to happen. That's my memory of it.

17 Q. So again, not putting words in your mouth, but  
18 was it a priority for Mr. Chaconas?

19 A. Yes.

20 Q. Was he able to bring about the changes that you  
21 sought?

22 A. Yes, although it didn't happen everywhere. It  
23 happened with us. It didn't happen at Hawthorne yet.  
24 That's supposed to be happening this year.

25 Q. You said before that it was infamous for its

1 A. I think it's because we actually had some space  
2 in our yard to put the portables that we needed to make  
3 it so that we would all have our own room. We were  
4 missing -- I know there were two classrooms made  
5 available on the yard, two portables made available for  
6 classroom use. I can't remember if any other space was  
7 taken over for it.

8 But Hawthorne doesn't have anywhere else to  
9 build. They're over, way over what they should be. So  
10 we kept it as kind of the same number of kids. I think  
11 we lost a little bit. I thought we were at 1,100 at one  
12 point, and we're down to a little under a thousand.

13 Q. You testified earlier that there were four  
14 portables at Garfield. So were not all four of them  
15 there the entire time you were there?

16 A. No. There's one new one that was added. Of  
17 the four, two were being used as classrooms while I was  
18 there. One of them was being used for the special  
19 education program, and that person was moved out so we  
20 could take it over as a classroom, and they were moved  
21 into a small office, which was like a supply room, to do  
22 their work.

23 So we had -- those are the two additional  
24 portables. The brand-new one and the special ed  
25 portable were taken to make room.

1 overcrowding.

2 A. Yeah.

3 Q. What do you mean by that?

4 A. They started out as sort of a main building.  
5 Then they added another building, then they added  
6 another building, then they have portables all over  
7 their yard. So the school just sort of ate up whatever  
8 land was attached to it, mostly with portables and these  
9 wing extension things. It became like a village.

10 Teachers always complained they didn't know the  
11 other teachers. They hardly ever got to know the kids.  
12 There were so many problems with the physical building,  
13 and that was -- there was mold. It was, you know, in  
14 the paper. There was a lot of attention brought to it.  
15 But it took years and years and years before they did  
16 anything.

17 They were one of the sites that was very  
18 active, as a few of us are, well, were, in having the  
19 Montgomery Ward building knocked down, which is close to  
20 Hawthorne, so they could put new small schools there.  
21 And they actually do have a plan of starting a new small  
22 school there in September.

23 Q. Do you know why Garfield was able to move from  
24 a year-around schedule to a modified traditional  
25 schedule?

1 Q. Do you know when those first became available?

2 A. That was last fall, 2000.

3 Q. And were they made available so that Garfield  
4 could go to the modified traditional calendar?

5 A. Yes.

6 Q. Do you recall what the student enrollment was  
7 at Garfield during the time you were there? Why don't  
8 we start from when you first started, and you can tell  
9 me how it changed, to the extent you know.

10 A. I don't know when I first started what it was.  
11 I can't remember. But I think what I just told you was,  
12 I think it was a little over a thousand a couple of  
13 years ago, and then this last fall, it was a little  
14 under. Maybe about 980 or something like that. That's  
15 a vague memory. And I was told projections were that it  
16 would even be a little bit lower this year where they  
17 might have one teacher less. But I can't confirm it. I  
18 didn't ask yet.

19 Q. During the 2000-2001 school year, did all  
20 teachers have their own classrooms other than the  
21 kindergarten teachers?

22 A. Except the kindergarten, yes.

23 Q. Do you know if that's going to be the case for  
24 this year going forward? Have you heard anything about  
25 that?



1 A. I don't know. I don't know if they're getting  
 2 more portables for the kindergartens not to share. I  
 3 don't think so.  
 4 Q. Have you heard that there would be any of the  
 5 roving or rotating going on this year?  
 6 A. No. I'm sure there won't be.  
 7 Q. Can you just tell me roughly, I don't expect  
 8 you to know exact percentages, but just the ethnic and  
 9 racial breakdown of the students at Garfield?  
 10 A. The majority of the kids are either Latino or  
 11 Southeast Asian, from China, their ancestry. There's a  
 12 decreasing number of African-American students. There's  
 13 some South Pacific students, small, but very much  
 14 present in the community, Tongan and maybe Samoan, but  
 15 Tongan, we have a pretty strong amount of Tongan  
 16 families. And then there's sort of a smattering of  
 17 Arabic. Who am I missing? There might be a couple of  
 18 American-Indian students, and maybe just a couple of  
 19 Caucasian students.  
 20 That's pretty much reflective of the  
 21 neighborhood.  
 22 Q. How about just a general description of the  
 23 neighborhood and the general area that the school  
 24 serves?  
 25 MS. LHAMON: Objection. Vague.

1 Go ahead.  
 2 THE WITNESS: Okay. We're bordered by a  
 3 heavily-traveled major street, which is International --  
 4 I'm sorry, not International -- what is it, Foothill  
 5 Boulevard. Lots of traffic, lots of buses and noise.  
 6 On the other side, there's a residential -- two sides.  
 7 Sort of mostly residential. And then on the fourth  
 8 side, it's another busy thoroughfare. Some mixed use,  
 9 commercial and residential.  
 10 MR. ROSENTHAL: Q. Is the neighborhood  
 11 single-family homes, apartment building, a mix of the  
 12 two?  
 13 A. It's a mix. I would say it's mostly  
 14 single-family homes.  
 15 Q. How about the, roughly, again, the  
 16 socioeconomic status of the nearby residents?  
 17 A. It's pretty much a low-income neighborhood,  
 18 although because of gentrification and property values  
 19 being what they are, even in that neighborhood, in the  
 20 low-income neighborhoods, everything is shooting up, so  
 21 it's beginning to change somewhat. Families are  
 22 starting to leave because of high rent.  
 23 So there's more of a mix of families, but it's  
 24 still mostly families with young children and extended  
 25 families with, you know, grandparents and other

1 relatives living together. So there's multitudes, you  
 2 know, large families in one unit a lot.  
 3 Q. How active would you say the parents of  
 4 students are in being involved in school affairs?  
 5 MS. LHAMON: Objection. Vague as to "active."  
 6 THE WITNESS: There's always sort of a small  
 7 group of very active parents, depending on their  
 8 connection or relationship with the teacher, I think.  
 9 The teachers who really make an effort to involve the  
 10 parents get a wonderful response overall.  
 11 We've been trying to organize parent outreach  
 12 over the last year to start a PTA there. There hasn't  
 13 been an active parent group in the traditional sense of  
 14 the school like a PTA, but there's been lots of parent  
 15 groups meeting for various reasons together.  
 16 MR. ROSENTHAL: Q. And are those kinds of  
 17 meetings well attended by parents?  
 18 A. Some of them are. I think there's classes  
 19 being taught for parents there during the day, and those  
 20 are well-attended, English classes. Some of the Spanish  
 21 bilingual parents got together and had kind of a group  
 22 that would meet to talk about their concerns.  
 23 We also have what's called the SSC and the BAC.  
 24 School Site Council is SSC, and BAC is Bilingual  
 25 Advisory Committee. Those are pretty well-attended.

1 Q. Can you tell me what the School Site Council  
 2 does?  
 3 A. School Site Council is sort of the deciding  
 4 unit regarding budgetary issues. It has to have parents  
 5 on it, staff, and administrators. It can also have  
 6 community -- I think there can be community organization  
 7 input. So they discuss where the money is going to go  
 8 for various needs at the school site.  
 9 Q. And do they meet regularly?  
 10 A. Yeah. That's a once-a-month meeting.  
 11 Q. Are you a member of the School Site Council?  
 12 A. I was last year, yeah.  
 13 Q. That's the 2000-2001 school year?  
 14 A. Yes.  
 15 Q. How about the Bilingual Advisory Committee?  
 16 Can you tell me what they do?  
 17 A. I wasn't a member of that group, but my belief  
 18 is that they meet to discuss the direction and the needs  
 19 of the bilingual students. And so there's bilingual  
 20 teachers on it and the parents and the administrator.  
 21 Q. Do you know if they meet regularly?  
 22 A. Yeah, I think they meet once a month, also.  
 23 MR. ROSENTHAL: We can mark this as an exhibit.  
 24 Exhibit 1, I guess.  
 25 (Whereupon, Deposition Exhibit 1 was marked

1 for identification.)  
 2 MR. ROSENTHAL: Q. I'll ask you to take a  
 3 quick look at this document just to see if you recognize  
 4 it.  
 5 A. Yes.  
 6 Q. Do you recognize it?  
 7 A. Yes.  
 8 Q. Can you tell me what this document is?  
 9 A. This is the declaration that I gave to  
 10 Catherine Lhamon.  
 11 Q. This is the final declaration that you signed  
 12 and sent to her?  
 13 A. Yes.  
 14 Q. And it says you signed it on May 6th, 2001.  
 15 Does that seem right to you?  
 16 A. Yeah. Yes.  
 17 Q. And is this the declaration that you testified  
 18 about earlier today?  
 19 A. Yes.  
 20 Q. I'm going to give you as long as you need to  
 21 just read the declaration, and if you can let me know if  
 22 there's anything in this declaration that was incorrect  
 23 at the time that you signed it.  
 24 A. Okay.  
 25 MR. ROSENTHAL: Let's go off the record while

1 she's reading.  
 2 (Recess taken.)  
 3 MR. ROSENTHAL: Q. Have you had an opportunity  
 4 to review your declaration?  
 5 A. Yes.  
 6 Q. And is there anything contained in that  
 7 declaration that you believe to have been inaccurate at  
 8 the time you signed it?  
 9 A. No.  
 10 Q. Are there any things contained in the  
 11 declaration that are inaccurate as you sit here today?  
 12 A. There was an improvement on one of the things.  
 13 Is that what you mean? I mean, it was true then, but  
 14 it's been repaired now.  
 15 Q. Why don't you tell me about that.  
 16 A. It was the moldy cabinet in Room 20, which is  
 17 next door to me. It took two years, but they cleaned it  
 18 out at the end of the year this past year, so late  
 19 spring of 2001. I'll find it.  
 20 Q. Is it paragraph 10?  
 21 MS. LHAMON: No. 10.  
 22 THE WITNESS: Okay. Right.  
 23 MR. ROSENTHAL: Q. So the cabinet you referred  
 24 to in paragraph 10 is cleaned out, or it's no longer in  
 25 the classroom?

1 A. Well, they actually pulled the whole thing off  
 2 the wall, cleaned out the wet -- there had been a leak  
 3 or something. They never really quite figured it out.  
 4 It was wet and it was mildewy for two years. So they  
 5 chopped up the wall and plastered it with new, you know,  
 6 whatever, Sheetrock or something, and put a brand-new  
 7 cabinet in. That was right at the end of the year.  
 8 Q. At the end of this past school year?  
 9 A. This past school year, yeah.  
 10 Q. Any other things that are no longer true?  
 11 A. I think the wings -- I think I said it, though,  
 12 in here, that the carpet had been replaced. I'm not  
 13 sure if I said that. Walls had been put up. I  
 14 mentioned that. But as far as I know, nothing else has  
 15 been done in there. Well, the air filtration system was  
 16 cleaned out, and it works now. The air conditioning  
 17 works there. I don't think they did anything with the  
 18 roof yet of the entire school.  
 19 Q. Going back to an area we discussed a little bit  
 20 earlier, when you received a copy -- when you received  
 21 the first copy of your declaration from Catherine, did  
 22 she send you anything else with that declaration?  
 23 A. No. No.  
 24 Q. Was there a cover letter that accompanied the  
 25 declaration?

1 A. I don't remember. Probably there was something  
 2 just letting me know that this was what it was and to go  
 3 over it, but I can't remember.  
 4 Q. Might you have that in your file of documents  
 5 relating to this case?  
 6 A. Possibly, and I made a note to check on that.  
 7 Q. I'm going to ask you not to destroy or throw  
 8 out any of those documents that you currently have in  
 9 your file or anything relating to this case because they  
 10 may be subject to discovery at some point.  
 11 Do you understand that?  
 12 A. Yes.  
 13 Q. Thank you.  
 14 Basically what I'm going to do is go through  
 15 this declaration with you pretty much sentence by  
 16 sentence. In some instances, we can deal with a few  
 17 sentences together, and I just want to find out the  
 18 specifics and additional details about the information  
 19 you provide in the declaration.  
 20 A. Okay.  
 21 Q. Why don't we start with paragraph 4.  
 22 MS. LHAMON: There's a whole bunch of  
 23 sentences.  
 24 THE WITNESS: Okay.  
 25 MR. ROSENTHAL: Q. Have you had a chance to

1 just briefly look at that paragraph?  
 2 A. Yes.  
 3 Q. One of the things you say in paragraph 4 is  
 4 that schools in poorer neighborhoods are not as good as  
 5 schools in richer neighborhoods.  
 6 A. Right.  
 7 Q. What is the basis for that statement?  
 8 MS. LHAMON: Just to be clear, that's a  
 9 paraphrase and not the exact words.  
 10 MR. ROSENTHAL: Right.  
 11 THE WITNESS: What was the basis for the  
 12 statement? We were, my son and I, who is now an  
 13 entering sixth grader, were talking about why, when he  
 14 comes to visit me at my school, it looks the way it  
 15 looks, the kids are not behaving, there's so many more  
 16 kids. And when we go to his school, which is still in  
 17 Oakland, not too far from Garfield, it's much smaller  
 18 and has a totally different feeling to it.  
 19 He felt, you know, that, "You teach in a poor  
 20 school. Right, Mom? That's a poor neighborhood."  
 21 I said, "Well, a lot of kids come from poor  
 22 families."  
 23 And he wanted to know why there was a  
 24 difference, what was that about. And at that point, I  
 25 really felt like it comes from a lack of caring and

1 compassion on the part of officials, individual people,  
 2 you know, that we don't have equitable education in all  
 3 neighborhoods.  
 4 I think that -- I'm recalling the conversation  
 5 to Catherine as I'm telling her this, and so that's the  
 6 way it came out in the declaration.  
 7 MR. ROSENTHAL: Q. You mentioned your son is a  
 8 sixth grader, and he goes to a public school in Oakland?  
 9 A. Yeah.  
 10 Q. What school does he go to?  
 11 A. He'll be attending Bret Harte Middle School.  
 12 Q. And did he -- is he going to be a sixth grader  
 13 or he was a sixth grader?  
 14 A. He will be.  
 15 Q. So when you had this conversation with him, he  
 16 was a fifth grader; is that right?  
 17 A. Yes.  
 18 Q. Where was he going to school at that time?  
 19 A. He was attending Glenview Elementary School.  
 20 Q. Do you know where that school is located?  
 21 A. It's -- the address is on Hampel, H-a-m-p-e-l,  
 22 in Oakland.  
 23 Q. You said it was not that far from Garfield.  
 24 Approximately how far, would you say?  
 25 A. It takes me about five to seven minutes to

1 drive from where I live, which is two blocks from  
 2 Glenview, to get to Garfield.  
 3 Q. Would you say Glenview is located in a  
 4 wealthier area?  
 5 A. It's in a -- basically I would consider it a  
 6 middle-income neighborhood.  
 7 Q. Does Glenview have any of the kinds of problems  
 8 that you've experienced at Garfield that you're aware  
 9 of?  
 10 A. The only one that I was ever made aware of is  
 11 that district-wide, it was hard getting all the books in  
 12 at the beginning of the school year. They have some  
 13 portables on their yard because they are a small  
 14 building, and so they had to add portables, also. But  
 15 it's not congested and it doesn't have the physical --  
 16 that I'm aware of -- problems. It was modernized a  
 17 couple of years ago.  
 18 Q. It was modernized during the time your son  
 19 attended the school?  
 20 A. Yes.  
 21 Q. Did it need modernization?  
 22 A. Yes.  
 23 Q. Were there additional problems prior to the  
 24 modernization?  
 25 A. All I -- I didn't know of any major, you know,

1 problems, no mildew or mold or leaky roof issues. They  
 2 didn't tell me about that as a parent.  
 3 Modernization consisted of -- one of the things  
 4 I know of was new windows and an elevator for the  
 5 wheelchair-using students. I don't recall what else was  
 6 done. Painting. I believe the outside was painted.  
 7 Q. You said that when you had that conversation  
 8 with your son, one of the things he asked you about is  
 9 that kids were not behaving in school. What did you  
 10 mean by that?  
 11 A. There was a -- well, it seems like I was  
 12 blessed with several classes in a row where I had about  
 13 four or six kids out of the whole 30 or so who were very  
 14 disruptive. They had learning disabilities and  
 15 behavioral problems, and to the point where at least in  
 16 two years that I can think of, I couldn't really get  
 17 through a lesson too often without stopping constantly.  
 18 And he would come sometimes because of the  
 19 breaks, and I would be teaching and he'd be off, and he  
 20 would come with me to visit once in a while, and he was  
 21 shocked, you know. And I said, "Oh, this is nothing.  
 22 You should have seen last year's class."  
 23 His school wasn't devoid of these things, you  
 24 know. Their ethnic makeup is somewhat similar. A lot  
 25 of the people in the neighborhood don't use the school.

1 A lot of the kids come from all over the neighborhood,  
2 including the other side of 580, which is our freeway,  
3 that kind of divides, the other side of the tracks  
4 thing. So we have a lot of low-income families come up  
5 to Glenview and using the school.

6 So he saw -- not just because they're  
7 low-income. But there were all kinds of issues in his  
8 classroom, too, but not to the extent that they would  
9 see in mine. Maybe there would be one or two kids that  
10 couldn't handle sitting in a classroom all day, and I  
11 had a third sometimes. It just made it really  
12 difficult.

13 Q. When you say that the five or six students were  
14 being disruptive, what do you mean by "disruptive"?

15 A. Constantly verbalizing, either so loud that,  
16 you know, nobody else could hear me, or always talking  
17 to somebody else, or always talking to me, interrupting  
18 everything we're doing, couldn't stay in their seats,  
19 literally couldn't sit, you know. They're like this or  
20 they're leaning or they're on somebody physically, or  
21 they're just like this all the time.

22 And so, you know, as a teacher dealing with  
23 that, I had to just be as creative and resourceful as I  
24 could to help serve them and still be able to get  
25 through to everybody else. But it was a really

1 neighborhood how they felt about Glenview, and I was  
2 surprised, you know. "Oh, no, I don't want to send my  
3 kid there." And I'd had a really great experience, you  
4 know, but I was really involved and I knew the teachers  
5 really well. So that helped me as a parent.

6 I know that it was recently designated as an  
7 underperforming school, and that was a shock. That was  
8 news to me. So there's something going on, you know,  
9 changing the makeup of the school, or just in terms of  
10 the academic achievement at the school, and so that's  
11 why they got the designation, I guess.

12 I'm not a big supporter of the test that they  
13 use to decide on who's doing how well in schools, but  
14 that was -- I think that's the sole thing they used to  
15 determine the underperforming schools. So I think that  
16 scared away a lot of the neighborhood parents.

17 Q. The designation as an underperforming school?

18 A. I think so. I have a coworker who's an  
19 assistant teacher at Garfield whose son also went and  
20 her daughter went to Glenview. She didn't want her son  
21 to go to fourth or fifth grade there because that's when  
22 she thinks they're not being good anymore in the  
23 classroom and there's too many problems, and I was  
24 surprised by that.

25 Q. But your experience with being involved with

1 difficult year this past year with that.

2 One of the things, and I know we'll get to it  
3 in here later, was that there's so many kids like that  
4 in the school, they just sort of sit on this waiting  
5 list to be seen by a team of people who assess the issue  
6 and then advise you what to do with them. That could  
7 take a year, so that next year's teacher might be the  
8 one who helps get them special assistance or into the --  
9 if they need special ed resources or something. But in  
10 a school with a thousand kids, you know, you can't get  
11 to them all in one year. That was at Garfield, anyway.  
12 I don't know about Glenview.

13 Q. You said that at Glenview, not all the  
14 neighborhood children went to that school. Did they go  
15 to other public schools, did they go to private schools,  
16 or do you know?

17 A. I don't know. I kept asking people because I'd  
18 see them getting in their cars, neighborhood kids that I  
19 wasn't that familiar with, I didn't know them, and  
20 they'd drive away as I'm dropping him off. And I  
21 thought, where are they going? I asked the teachers,  
22 and they thought a lot of people were using private  
23 schools. A lot of people use the religious schools in  
24 Oakland, you know.

25 I asked other parents who were in the

1 Glenview has been positive for the most part?

2 A. Yes.

3 Q. Would you say that Glenview is a better school  
4 than Garfield?

5 MS. LHAMON: Vague as to "better."

6 THE WITNESS: That's a hard -- I think what's  
7 better is that it's physically in great shape. It feels  
8 good when you walk in. I think what's better is that  
9 it's a small school, so that the teachers really got to  
10 know my son. We don't have that benefit as much when we  
11 have so many kids to deal with.

12 I think the quality of education, because it  
13 was smaller and more intimate, may have been better than  
14 what he might have received if he had gone to a school  
15 like Garfield. But then there's teachers who are  
16 amazing people who are teaching at Garfield just as they  
17 are at Glenview, doing incredible things in their  
18 classrooms, but struggling with all these other issues  
19 that affect the outcome of the kids' work.

20 MR. ROSENTHAL: Q. Are there any problems at  
21 Glenview that you think need to be addressed to make it  
22 an even better school, anything that you can think of?

23 A. It would be ideal not to have any portables,  
24 you know, any portable classrooms at all. But until  
25 they build some more schools, they're going to have, you

1 know, these temporary -- well, they've become  
2 permanent -- classrooms on the yard.

3 Other than that, they've been really good about  
4 working on bringing in parents and addressing the issues  
5 of the second language kids and really paying attention  
6 to the community needs.

7 They recently applied and received a Healthy  
8 Start grant, so now they're going to have kind of more  
9 of a community feel to it where they'll have programs  
10 after school and maybe even in the evening for parents  
11 and residents to participate in. That was what I was  
12 hoping for.

13 Q. Anything else you can think of that would make  
14 it a better school other than what you've just told me  
15 about?

16 A. Well, I have my own criticism of their reading  
17 program, but -- that everyone is using. It's called  
18 Open Court, and I'm not sure how I feel about it being  
19 used there.

20 I'd like to see more autonomy, you know, where  
21 the teachers -- but I'd like that everywhere -- where  
22 the teachers can identify and use programs that they  
23 feel are aimed at their particular population instead of  
24 this cookie-cutter reading program approach.

25 Q. So that's not specific to Glenview, that's just

1 of always getting to know his teacher and coming to  
2 visit and going to all the open houses. I didn't see  
3 what there was to be afraid of, except that my reaction  
4 was that they didn't want their kids going to a school  
5 with such a diverse population. And that, you know,  
6 that offended me. My son is a biracial child, and, you  
7 know, it was like the white flight thing.

8 I student-taught at a small, very small school  
9 in Oakland, and I was joking with one of the teachers.  
10 I said, "Oh, this is where all the white kids are." I  
11 didn't know where they were. It's like, where do they  
12 go to school?

13 It's a wonderful, wonderful school. It was  
14 ideal, you know, to be there for a few weeks as a  
15 student-teacher. But it's so segregated, you know, it  
16 shocked me. And I attended Oakland public schools, and  
17 it was much -- it wasn't as segregated, I don't think,  
18 then, as it is now, it seems to me, in some of the  
19 schools, which is like this clear line.

20 Now I forgot where I am. Oh, okay.  
21 Individuals and officials. So that's -- you know.

22 Q. So do you believe that one avenue for improving  
23 schools is to have residents become more involved in the  
24 schools and to take an active role?

25 A. Definitely. Just, a school is a -- to me, its

1 generally?

2 A. Yeah.

3 Q. Anything else specific to Glenview that you can  
4 think of?

5 A. No.

6 Q. Do you know roughly what the ethnic, racial  
7 breakdown is at Glenview?

8 MS. LHAMON: Asked and answered.

9 THE WITNESS: Like I said earlier, it's similar  
10 to Garfield, but I think there's more Caucasian  
11 students, slightly more, and the other groups were  
12 mostly African-American and Asian, and some Latino.

13 MR. ROSENTHAL: Q. When we were discussing  
14 your conversation with your son, you said that one of  
15 the reasons you gave for why Garfield was in the  
16 condition it was was that there was a lack of caring  
17 among officials and individual people.

18 What did you mean by that?

19 A. I think at the time -- well, or now, too -- I  
20 think I mean the Board of Education, the administrators,  
21 and the district, and I don't know all their names,  
22 but -- and even residents, you know, who say things  
23 like, "Oh, no, I'd never send my child there."

24 I mean, I took that as a personal affront  
25 because I'd been a really involved parent there in terms

1 purpose is, it's a neighborhood center. It's part of  
2 the neighborhood. And to not be involved with it at  
3 all, except, they have Jazzercise. See, that's when I  
4 see all these people from the neighborhood go into the  
5 school, these women with their mats. They come for  
6 Jazzercise, and then they leave, go home.

7 The business community around it is fairly  
8 involved, which is good. They have a good relationship  
9 with that school.

10 Q. In the declaration, you say, and again, I'm  
11 paraphrasing, that schools in poorer neighborhoods are  
12 not as good as schools in richer neighborhoods.

13 What do you mean by "not as good"?

14 A. The first thing that comes to my mind is the  
15 physical building doesn't look good. Our school is so  
16 dirty all the time. And then I'd gone to Brian's  
17 school, my son's school, and it was always clean. There  
18 wasn't even litter on the yard.

19 Our environment, the neighborhood where the  
20 school is, doesn't look great, you know. We went on a  
21 walking trip once, and I never did that again because  
22 the kids were really upset with me. It's smelly.  
23 There's garbage everywhere. And we talked about that.  
24 Why is that? What's going on? The people think you can  
25 treat your environment this way.

1 And so the kids learn that behavior, too. It's  
2 here, it goes on the ground, right? No, it goes in the  
3 garbage can. But then what would happen is, there  
4 wasn't a lot of emphasis on making sure that the work  
5 was done to keep it clean by the staff, the custodial  
6 staff. We've had years of arguments about, why isn't it  
7 clean? Aren't there people working here all day, and  
8 that's their job?

9 I mopped my room. Laura Aguirre, when she was  
10 there, took pictures of me on one of those horrible  
11 days, we call them cycle change days, where you moved  
12 your room, and I was mopping. I had a mop I'd found.  
13 And there were piles of dust because you could see them.  
14 No one ever cleaned my room. And she said, "I'm going  
15 to take a picture of this." And so she has it somewhere  
16 in a photo album. I don't know where it is.

17 But it was -- it's just -- you would never work  
18 in -- you would never work in an environment with dust  
19 on the floor all the time, you know, where you feel it  
20 when you walk in the room. It's just -- it makes you  
21 feel, you know, uncomfortable and not healthy. That was  
22 a big concern of ours, is that it's affecting our  
23 health. So that's one of the things.

24 The other thing is, what I said earlier, is  
25 that I think a lot of times the parents in the

1 they came illiterate from their own countries, and so it  
2 doesn't help enough, you know. We need more support.

3 I don't mean the quality -- I want to make this  
4 clear: I don't think that the quality of the teaching  
5 is any different because we always had this joke, oh,  
6 yeah, they're going to clean us all out of here and  
7 bring who? Who is going to do any better than what  
8 we're doing? Because we're not seeing -- you know, they  
9 don't see the test scores coming up, so they're judging  
10 us based on that.

11 So if you brought these hills teachers down to  
12 the flatland schools, do you think the scores are going  
13 to change? We don't think so, because that's not what  
14 the problem is, in our opinion. But I just wanted to  
15 clarify that.

16 Q. I just wanted to go back to something. I'm  
17 going to come back after lunch to what you've said, but  
18 I've remembered something we discussed earlier that I  
19 wanted to clarify for my purposes.

20 You stated that your first year as a fourth  
21 grade teacher, you were a sheltered English instruction  
22 teacher?

23 A. Right.

24 Q. Was that true for the entire time you were  
25 teaching fourth grade?

1 neighborhood, especially the second language parents,  
2 might not feel as empowered as someone who is from this  
3 country who knows how to work the system to get what  
4 they need at their school site, whether it's more  
5 funding for programs, making sure -- where is my kid's  
6 books, who do I go to if I want to complain about that,  
7 do I just go alone or is it better with a group.

8 I just see all these inequities, and I see kids  
9 being, you know, not attended to who have special needs  
10 on a timely basis. Not that we're not in place -- you  
11 know, there's groups set up to address the needs of the  
12 kids, but I think at a -- maybe at a middle-income  
13 school, a parent wouldn't wait a whole year to have  
14 their kid evaluated and tested if they suspected there  
15 was a learning problem. They would demand that right  
16 away.

17 So we -- part of what becomes our job is  
18 talking to the parents and educating them. And I don't  
19 think that has to happen as much, you know, in a  
20 middle-income school where the parents are well-informed  
21 and they're educated, they read the language easily.

22 Even though we translate everything, what I  
23 didn't know until I became a teacher is, well, you can  
24 translate all you want. A lot of these parents might  
25 not be able to read in their own language yet. Maybe

1 A. Yeah.

2 Q. Can you tell me what that means?

3 A. That just means that you're being given a class  
4 of second language students. That's what the CLAD would  
5 do. The CLAD would train you on how to schedule and  
6 design your program in your classroom to address the  
7 needs of second language students so that I modify how I  
8 teach, which actually helped everyone in the classroom,  
9 not just the second language kids.

10 So you're addressing their special needs as  
11 students who are speaking two languages. It's not  
12 bilingual. I'm not teaching in two languages. I'm just  
13 modifying the techniques that I use to communicate.

14 Q. Can you give me an example of how a technique  
15 would be modified to do that?

16 A. Sure. One of the things that we do is, we use  
17 a lot of visual aids. You're supposed to label  
18 everything that you can, if you can, in both languages  
19 so they can see the objects in the room, what they are.  
20 We use a second language instruction program that our  
21 district adopted, Hampton Brown, Into English. There  
22 are probably different programs out there in different  
23 districts.

24 You were supposed to use that program on a  
25 daily basis with your students that are designated

1 second language at a certain level. So you have to  
2 assess them and figure out what level of English they're  
3 using.

4 And you may have the same assignment for  
5 everyone, but they get to do theirs maybe in a visual  
6 art way or a performance way, and less of a, you know,  
7 typical report with five pages because they weren't at  
8 that level yet. So I was constantly modifying the  
9 assignments.

10 Q. Did you have students in your classes that, for  
11 lack of a better term, their primary language was in  
12 more than one -- strike that. Let me try a different  
13 question.

14 Did you have students that spoke in your  
15 class -- strike that again.

16 In your classes, did you have students that  
17 spoke only one additional language, or did you have  
18 students who spoke more than that? Do you understand  
19 the question?

20 Basically what I'm trying to figure out is if  
21 there were students who just spoke Spanish, if Spanish  
22 was their primary language, or if you had people in your  
23 class that also spoke Vietnamese.

24 A. Oh, yes. Yes. Right. Okay. A sheltered  
25 class is made up of a variety of languages, language

1 A. There's a few number of, there's called  
2 instructional assistants, and they're bilingual.  
3 Unfortunately, I was given a Vietnamese-speaking  
4 bilingual assistant, and I had only one Vietnamese. I  
5 had predominantly Spanish students. And I inquired at  
6 the beginning of the year why that was.

7 I can't even explain to you what the answer  
8 was. It was so -- it didn't make any sense to me,  
9 whatever it was. I said, "Shouldn't I have a  
10 Spanish-speaking assistant?"

11 I think they based it on the score of the kids,  
12 like what level their Spanish and English was, and mine  
13 weren't low enough to need an aid. I can't remember if  
14 that was it.

15 But somehow, at the last month or two, this  
16 woman appears who is bilingual Spanish, and I also  
17 happened to have a student who just came from Mexico who  
18 had no English at all in the same couple of weeks. And  
19 I was thrilled to have her.

20 So her primary responsibility in the room, and  
21 even the other assistant, even though his language was  
22 other than what I needed, was to assist students with  
23 whatever I felt that they needed help with. So most of  
24 it was reading, reading time, or writing. That's when I  
25 had them there.

1 groups. So, yes, more than one language.

2 Q. Do you speak any additional languages?

3 A. I am not fluent in anything other than English,  
4 but I have some Spanish.

5 Q. That's what I was trying to get to.

6 A. Okay. I need to make a point of clarification  
7 as I just said this. The sheltered classes are not  
8 always integrated. Sometimes you'll have one language,  
9 like what you were asking me. Mostly that happens in  
10 the lower grades.

11 As they enter fourth and fifth grade, we worked  
12 very hard on mixing the kids together so that they would  
13 be exposed to other language groups besides their own,  
14 because the segregation was really, we thought,  
15 detrimental as a staff. We noticed it, you know, right  
16 away, that in the beginning years, they're in their own  
17 language groups, and they barely get any exposure to any  
18 other cultures because of that. And we thought that was  
19 unfair.

20 Q. Did you have any assistance or other support to  
21 assist you in dealing with students whose primary  
22 language wasn't English?

23 A. Yes.

24 Q. Can you just tell me about the kind of support  
25 that was provided to you at the school?

1 Q. Did the Spanish-speaking students in your  
2 classes have access to any other -- I mean, you said you  
3 didn't have an instructional assistant this past year in  
4 your class that was fluent in Spanish. Did they have  
5 access to support if they needed it if they had any sort  
6 of issues that arose?

7 A. On a day-to-day basis in the classroom, they  
8 did not, other than other students, and that's what we  
9 have to do a lot, unless you get someone who speaks both  
10 languages. We ask another student who is feeling  
11 comfortable and able, once in a while, "Can you  
12 translate something that I said?"

13 But it detracts from their own learning, and  
14 parents don't feel good about that and I didn't feel  
15 good about it. So not a lot of resources. Some  
16 materials from our school library, books I brought in in  
17 both languages to help them.

18 I did use Open Court with my beginning English  
19 speakers, and that's the reading. It was an  
20 intervention program for us last year. It wasn't our  
21 main reading program yet. That was just sort of an  
22 introduction to the phonics of English, and that was  
23 done in small groups.

24 Q. And this past year, you had, I take it, several  
25 Spanish-speaking students?

1 A. Yes.  
 2 Q. And you had one Vietnamese-speaking student?  
 3 A. I think there was one.  
 4 Q. Were there any other students in your class  
 5 that spoke languages other than English?  
 6 A. Yes. We had Cambodian, for a short while I had  
 7 an Iraqi student who had no, or very little English when  
 8 he came, Cantonese-speaking. I don't want to leave  
 9 anybody out. I'm mixing up years. I've had, over the  
 10 years, Tagalog-speaking students. I think that's most  
 11 of them.  
 12 Q. And this past year, you had Spanish-speaking,  
 13 Vietnamese-speaking, Cantonese, Cambodian, and at least  
 14 for a short time somebody who spoke Arabic?  
 15 A. Right. Farsi.  
 16 Q. Farsi?  
 17 A. It was Farsi.  
 18 Q. So ideally, you would have needed five  
 19 instructional assistants, or at least instructional  
 20 assistants who could speak five languages?  
 21 A. What it would -- it depends on the level of  
 22 English proficiency of the student. And the only ones I  
 23 really felt that needed the translation were the  
 24 Spanish-speaking students. The other students I had --  
 25 this is fourth grade, so they've been in public school

1 since, most of them, since kindergarten.  
 2 But the ones that just came in the last year or  
 3 who were in Spanish only, well, bilingual classes their  
 4 whole lives, and then they came to me, first time in an  
 5 English-speaking classroom all day, really struggled.  
 6 That's why I was inquiring early on in the year, "I  
 7 really need someone in here," you know. And then  
 8 finally at the end of the year, we did get someone, but  
 9 it was the end of the year.  
 10 Q. Did you ever hear that there was a shortage of  
 11 Spanish-speaking instructional assistants?  
 12 A. Not that there was a shortage. I think that we  
 13 needed to hire -- we did have someone. That's what  
 14 happened. She left, or something, in the middle of the  
 15 year, and that's when we got Ms. Blanco at the end. So  
 16 it seems like we were having a personnel thing  
 17 happening.  
 18 Q. Did you start the year with an instructional  
 19 assistant who spoke Spanish or without one?  
 20 A. No.  
 21 Q. Mrs. Blanco is her name?  
 22 A. She's the one who came at the end.  
 23 Q. Somebody had left before the beginning of the  
 24 school year, something to that effect?  
 25 A. Yeah. Sometime during the school year, there

1 was another assistant teacher who I never met, and I  
 2 kept hearing, "We'll hire someone," I guess, and that's  
 3 what happened. And I only had her a couple of days a  
 4 week. We share the aids, so she wasn't there all day,  
 5 and just for maybe an hour and a half to two hours a  
 6 day.  
 7 Q. So during the time when you had no Spanish  
 8 instructional assistant, nobody had one at the school  
 9 because there had been -- because the person had left;  
 10 was that the situation?  
 11 A. Whoever she was supposed to work with. Usually  
 12 they work with four or five teachers. Maybe less.  
 13 Three teachers. There was an aid. He's still -- I  
 14 think he's still there. But he wasn't assigned to me.  
 15 Q. The one assigned to your group, for some  
 16 reason, quit or left?  
 17 A. Yeah. I never knew what happened. But I did  
 18 have an assistant teacher all of the rest of the year.  
 19 MS. LHAMON: Michael, you did promise 45  
 20 minutes ago that she could go in half an hour for lunch.  
 21 MR. ROSENTHAL: Fine.  
 22 (Recess taken.)  
 23 MR. ROSENTHAL: Q. I wanted to go back to a  
 24 few areas that we sort of touched on but that we hadn't  
 25 completely covered.

1 I asked you before how many classrooms there  
 2 were at Garfield. I did not ask you how many classroom  
 3 teachers are employed by Garfield. Do you know how many  
 4 there are?  
 5 A. I don't know for this year. I think it was  
 6 close to 40 last year. Maybe 30 -- something like 38.  
 7 I can't remember exactly.  
 8 Q. How about the year before that? Do you know?  
 9 A. It must have been about the same because I  
 10 don't remember us eliminating a position.  
 11 Q. Is it the same for all four years that you were  
 12 teaching fourth grade?  
 13 A. I think so, yes.  
 14 Q. Give or take one or two?  
 15 A. Yeah.  
 16 Q. Are there any other teaching personnel employed  
 17 by the school?  
 18 A. There's resource teachers that have a space,  
 19 like an office space, who work in the room with the kids  
 20 usually. There's a special -- I'm sort of lumping  
 21 everything together -- special education for designated  
 22 students that are mentally handicapped or physically  
 23 handicapped. She has her own office. And the kids are  
 24 mainstreamed. They're in our classrooms with aids.  
 25 There's a computer prep teacher who is always



1 teaching computers in the lab all day to various kids  
2 all day long. There's a PE prep teacher, so he teaches  
3 PE all day. I think that's it.

4 Q. How many resource teachers are there?

5 A. I think we had two resource program teachers,  
6 and then they had assistants, also, and then we had the  
7 one designated special ed teacher.

8 Q. What was the role of the resource teachers?

9 A. They're involved in setting up the IEPs. I  
10 forget what that stands for. I'm sorry. Individual  
11 education something.

12 MS. LHAMON: Plan?

13 THE WITNESS: Plan. Thank you. Or  
14 individualized education plan. That's where the  
15 psychologist and the parents and the teachers and the  
16 kids come together and look at the results of testing to  
17 find out if there's a learning disability or handicap or  
18 something going on with the kids. They design programs  
19 to meet the needs of the kids. They assign things to  
20 the assistants to do with your kids, and they also take  
21 groups of kids and work with kids in your classroom.  
22 They're like the coordinator of the whole program at  
23 your school site.

24 They're required to go to the meetings, besides  
25 at our Student Success Team, I think is what they're

1 A. I'm trying to picture them in the room when  
2 they're meeting. Somewhere between six and eight people  
3 maybe.

4 Q. Is there a curriculum coach at the school as  
5 well?

6 A. The -- what did they call them this year? I  
7 have to think for a second. I know there was someone  
8 like a teacher on special assignment. That may have  
9 been her title. That would be Lillie, and I think it's  
10 L-i-l-l-i-e, Andrada, A-n-d-r-a-d-a. And I think she  
11 was mostly there to support the lower grades for Open  
12 Court. A little bit of support for the upper, fourth  
13 and fifth, but not much.

14 Q. Was that her primary role?

15 A. Yeah, this year.

16 Q. Did they have a different role prior to this  
17 year?

18 A. Yeah. That was called literacy coach, and that  
19 was just to assist with the reading instruction,  
20 whatever program we were using then.

21 Q. Okay. Going back also briefly to the creation  
22 of your declaration, during your conversations with  
23 Ms. Lhamon, she told you that she would be putting  
24 together a declaration and asking you to sign it; is  
25 that right?

1 calling it now, SST. It used to be Student Study Team.  
2 They're on that group, teachers, administrators, and  
3 that's the first place you go when you refer a student.  
4 They go to that group, and they look at all your  
5 documentation about the kid and call in the parents and  
6 the kid and decide if they should refer them for further  
7 testing. So I've sort of told you backwards.

8 So they go to the Student Study Team first, and  
9 then it gets referred, if needed, or just, they'll  
10 advise you to modify the way you're teaching that child  
11 or give you some other things to do.

12 MR. ROSENTHAL: Q. So would a teacher refer a  
13 student to the Student Success Team?

14 A. Right.

15 Q. That's how the process gets started?

16 A. Yeah, or a parent could say, "I'm concerned  
17 about so-and-so. Is there anything you could do to help  
18 this year?" That might be our first response.

19 Q. You also testified about the -- I believe  
20 they're called instructional assistants.

21 A. Right.

22 Q. Do you know how many there are at the school in  
23 total?

24 A. No. I should, but I don't know them all.

25 Q. Could you estimate?

1 A. Yes.

2 Q. Did you have an understanding of what the  
3 purpose of your declaration was?

4 A. My understanding was that it would be used in  
5 the case to give further evidence of the conditions of  
6 the schools, for establishing a reason for the case in  
7 the first place.

8 Q. How did you know what information to have  
9 included in the declaration?

10 A. I -- basically, she just asked me to describe  
11 any concerns I had about the school, and I sort of took  
12 it from there in terms of what you've read here.

13 Q. Are there any concerns that you expressed to  
14 Ms. Lhamon that did not make it into the declaration?

15 A. No.

16 Q. So does the declaration contain all of the  
17 concerns you had about Garfield?

18 A. Yes.

19 Q. We've touched on a few of the problems that you  
20 say exist at Garfield, and there's a number of them  
21 contained in your declaration. Can you tell me some  
22 positive things about Garfield?

23 A. Sure. The reason why I stayed for four years  
24 was that there was an incredible amount of vision and  
25 dedication and commitment among the staff. I felt there

1 was a real movement to make changes, and a lot of energy  
2 and new ideas.

3 There was a real shift happening, you know, I  
4 think, in terms of, there were a lot of us in the  
5 school, and we were kind of in this reform mode. I  
6 think it really inspired me to stay and to try and work  
7 through all the things that I described earlier about  
8 moving and the stress. That's the biggest draw for me,  
9 was the people, and their willingness to work together  
10 as a team.

11 Garfield also was like a recipient of services  
12 from -- there's so many acronyms -- Early Childhood  
13 Resources, ECR, which is a nonprofit agency in Marin  
14 that got a grant to work in various schools. Ours was  
15 one of them.

16 Their basic objective was to look at the  
17 concerns that we had as a staff and help us address  
18 them. And the way that they did that was through  
19 surveys and needs assessments. And then eventually,  
20 they helped us set up teams, and each team was sort of  
21 an identified concern group in the school, and everybody  
22 on staff belonged to one of these teams, or what did  
23 they call them, work groups.

24 So everybody was an active member of taking  
25 care of the school. Kind of like what they refer to as

1 events, planning the calendar out, looking at doing  
2 multi-cultural assemblies and events with the families  
3 at the school. I can't remember.

4 Q. Any others organized around any of the issues  
5 raised in your declaration that you haven't already told  
6 me about? Feel free to look at your declaration to take  
7 a look.

8 A. Oh, beginning teachers, or new teachers. They  
9 didn't have to be beginning. That was recent. We  
10 started that last year. I think that's it. That's all  
11 I can remember.

12 Q. Anything about textbooks or things like that?

13 A. There used to be like a curriculum committee,  
14 and I think -- I know people were working on that, but I  
15 think it mostly got funneled back to the administrators.  
16 They took that on.

17 We had team leaders for each grade level team,  
18 and I was the fourth grade team leader, so we were  
19 responsible for letting them know what was missing,  
20 inventory, you know, going from room to room in your  
21 grade level, identify anything that you needed, and then  
22 communicating that to the administration.

23 Q. The team leader system, was that something that  
24 was implemented by the school?

25 A. Yeah, we did that as a school. I think that it

1 school site management, although it wasn't official from  
2 the district because they didn't really implement that  
3 at our site, but we kind of did it on our own with ECR.

4 It's still in existence today. It's, I think,  
5 in its third year as a project. And it did effectively  
6 make some changes, part of which was ending the  
7 year-around. That was the one that I was on. That was  
8 the rotation committee or the rotation work group. And  
9 that really kept me -- that's really how I thought I got  
10 to be such an activist in terms of looking at the big  
11 picture and trying to figure out what was missing and  
12 how to help it get put back in.

13 Q. Okay. Do you remember how many work groups  
14 there were, roughly?

15 A. Roughly, seven or eight.

16 Q. Do you remember -- you said they were organized  
17 by concern, by topic area.

18 A. One was ending rotation or roving. There's a  
19 clean and well-maintained work group, which really had a  
20 lot of work to do looking at the environment. What were  
21 some of the other ones? Student -- looking at  
22 student -- what was it -- achievement, or something to  
23 do with the students and facilitating their success at  
24 school. Then we started a parent outreach work group  
25 last year. There was one that looked at organizing

1 was there most of the time I was there. There was  
2 usually an identified grade level liaison, so the  
3 administration had somebody to give everything to so you  
4 could distribute.

5 Q. This didn't involve the ECR or something like  
6 that, this was something that presumably the principal  
7 had put into place?

8 A. Right.

9 Q. They had a team leader for each grade level?

10 A. Yes.

11 Q. I don't think I asked you this, actually. Can  
12 you tell me who the principal was?

13 A. She's still there. Ena, E-n-a, Harris.

14 Q. And was she the principal the entire time you  
15 were there?

16 A. Yes.

17 Q. Before we took our lunch break, I had asked you  
18 a couple of questions about what you meant in paragraph  
19 4 of your declaration about certain schools being,  
20 quote, not as good, end quote, as other schools.

21 A. Right.

22 Q. And you had identified a couple of areas. You  
23 said that the physical buildings, that that was one  
24 area, and you also identified the involvement and the  
25 organization of parents in school affairs.

1 Are there any other things you can point to as  
2 being not as good?

3 A. As far as I know, just based on what I've seen  
4 myself, is the materials and supplies.

5 In particular, we were told, "Oh, every school  
6 in Oakland will be connected to the Internet." And, in  
7 fact, half the time the computers didn't work. The  
8 materials they gave us to use to run the computers were  
9 destroyed or lost. The computers we were given don't  
10 have a CD-ROM component, so it was just for typing and  
11 to get onto the Internet, so you couldn't use any  
12 software, educational software with them. We had one  
13 computer for the teachers that they told us was for us  
14 that had a CD-ROM. So it was really frustrating.

15 I know even within Oakland, some of the schools  
16 have a really together computer program, and people are  
17 on top of it and it's being funded correctly. But I  
18 think that's because, again, the parents are mobilized  
19 to do fundraising in their community, and they decide  
20 where the money is going to go to with this SSC, and  
21 they invest in these things. We're just waiting for the  
22 district to come in and fix whatever doesn't work, and  
23 they don't. It just doesn't happen very often.

24 We do have a computer lab for computer prep  
25 period, and there is a teacher there who is constantly

1 organizing together to go to the school board are going  
2 to make it change necessarily.

3 I think what would be good about that is, it  
4 would bring it to the attention of the superintendent  
5 and the school board members that, "Do you know Garfield  
6 still doesn't have its books yet?"

7 And that does happen. The rep council that I  
8 mentioned earlier, the union, those complaints come  
9 there all the time so that the reps come to the union  
10 and say, "Did you know that we don't have our stuff?"  
11 And they also put pressure, you know, on that side.

12 So teachers are also doing that. But it's  
13 going to take more than just the parents, I think, to  
14 remedy that.

15 Q. So are these problems that -- would you say  
16 these problems are particular to Garfield Elementary or  
17 are they problems that are district-wide?

18 A. I heard at the rep council that they were  
19 almost all in every school. Someone was complaining  
20 that they didn't have all their materials that they were  
21 supposed to have.

22 The other things that happens is, they have  
23 incomplete sets of things, and I mentioned that in the  
24 declaration. And this is stuff that they're making a  
25 big deal about, making sure we're teaching our second

1 frustrated about the situation in terms of getting what  
2 she needs. So I know that's one thing, the technology,  
3 for sure.

4 And then, you know, just hearing from other  
5 teachers in other school districts, "Wow, we have this."  
6 They have everything they need, and everything is there.  
7 I don't know what -- I couldn't tell you what district  
8 necessarily, but they are just always shocked that we  
9 don't -- we're not ready to go the first day of school.

10 Q. Do you think if the parents are more active and  
11 organized, for example, in the SSC activities, that a  
12 lot of these problems would be resolved that way?

13 A. I don't think that would necessarily solve a  
14 lot of the problems. I think part of it is, I stated in  
15 the declaration that it's really bureaucratic. I mean,  
16 you tell your principal what's missing, which I said  
17 before. We give them a list. They report it to the  
18 district, to some person, who puts in the order.

19 And then you're told in September, "This is  
20 really happening. It's on the truck." This is like our  
21 prep days for before school started. "It will be here  
22 by this weekend. Make sure they're here. Okay." It's  
23 still on the truck two weeks later. It's still in the  
24 warehouse. It's like there's some sort of a gap.  
25 There's a missing something. And I don't think parents

1 language students because they got sued about that a few  
2 years back. And they have -- they're very rigid now  
3 about documenting what you're doing and making sure  
4 you're reaching these kids. But they don't give you a  
5 complete set in the beginning of the year, so we were  
6 all sharing out of mine.

7 And you know what happens then? Then people  
8 don't get to teach what they're supposed to because I've  
9 got the book today, and you wait until tomorrow. And  
10 they're like, "Every day for an hour, you have to do  
11 this program."

12 I led a workshop for fourth grade teachers on  
13 how to use the program, and I think about four or five  
14 people told me, "I don't have the materials for this."  
15 And this was somewhere like halfway through the school  
16 year. Never used it, you know, the whole year.

17 Q. It sounds like it's not a problem that's  
18 specific to Garfield.

19 A. No.

20 Q. There are similar problems throughout the  
21 entire district?

22 A. Yeah.

23 Q. When you say that you had heard that there were  
24 problems at all schools, by "all schools," you mean all  
25 schools in the Oakland Unified School District?

1 A. Well, I don't know if it was all of them, but  
2 the people that came to those rep council meetings with  
3 the union and said, "At my school, we still didn't get  
4 this, this and this. What's going on?"

5 Q. But those were all people from schools in  
6 Oakland?

7 A. From Oakland.

8 Q. Okay. Schools in the Oakland Unified School  
9 District?

10 A. Yes.

11 Q. Any other areas you can think of that are not  
12 as good?

13 MS. LHAMON: I've lost your first question.

14 Not as good as what? I forgot the --

15 MR. ROSENTHAL: In her declaration in paragraph  
16 4, it says that the schools in poorer neighborhoods are,  
17 quote, not as good, end quote, as in richer  
18 neighborhoods.

19 MS. LHAMON: Thank you.

20 THE WITNESS: Electives. One of the things I  
21 found out is happening, starting last year, if you are a  
22 student and you score below 36 percent on the SAT 9 test  
23 in reading and language, you are automatically required,  
24 you're mandated, to take English language development  
25 class, which then forfeits your opportunity, was my

1 majority of kids are second language kids and they're  
2 being told they have to take this test and they keep  
3 scoring low, then it's almost everybody in the school  
4 loses the electives. And I think that happened at  
5 Roosevelt Middle School. We feed Roosevelt. That's our  
6 neighborhood middle for Garfield.

7 Q. And by "electives," what are you talking about  
8 exactly?

9 A. What do they get? They can take -- I just  
10 looked at the list -- languages, they can take music,  
11 play an instrument, they can take arts or crafts,  
12 computers. Those were some of the choices I saw for  
13 Oakland just recently. That was a disturbing thing to  
14 find out.

15 Q. Now, did students who scored below the 36  
16 percent level, did they lose all their electives or did  
17 they lose one elective, or --

18 A. That's what I wasn't sure. What it sounded  
19 like to me is that there wasn't going to be electives  
20 offered because the majority of the students didn't  
21 score above that percentage. This was last year.

22 I remember hearing it at rep council meetings  
23 and at community meetings, like school board meetings.  
24 The teachers were complaining because it meant some of  
25 them were going to lose their position or lose one of

1 understanding, to have an elective.

2 So there was a large outcry, you know, you can  
3 imagine, from parents and teachers and kids last  
4 September, last -- when this was happening last year,  
5 that that's only going to affect the flatland schools  
6 because the kids in the schools in the hills had high  
7 scores, and they were going to get to keep their  
8 electives.

9 It shifted, you know, the access to equitable  
10 opportunity, again, for those kids. And I just talked  
11 to someone again about it when I enrolled my own son. I  
12 saw the paper, and it said, if your student scored 36  
13 percent or lower, they have to have ELD. That's English  
14 language development.

15 So I said, "What does this mean?" And that's  
16 what I was told by the attendance person or the  
17 principal or somebody. Well, they have to take ELD and  
18 they may not be able to take their elective until  
19 they're done, until they bring up their scores.

20 MR. ROSENTHAL: Q. So individual students  
21 would lose their ability to take an elective if they  
22 scored below 36 percent, it wasn't like a school  
23 average, if a school on average, it was on an individual  
24 basis?

25 A. Right. But if you have a school where the

1 their periods a day for prep time because there would be  
2 no elective. They would be asked to teach a class. It  
3 was just a big mess. And Dennis Chaconas came under a  
4 lot of criticism for that. But I'm pretty sure that  
5 that's what it meant.

6 Now, I could be wrong because I wasn't one of  
7 those teachers affected, so I was hearing it through  
8 other people. But that's how it sounded to me just the  
9 other day, that they don't get electives, at least that  
10 year, until they bring up their scores.

11 Q. Is there a new policy that you heard of that  
12 was being implemented this year?

13 A. No, this happened last year.

14 Q. Did it happen to any students in your class,  
15 for example?

16 A. No, because we're elementary. This was just at  
17 the middle school level, and maybe high school. I'm not  
18 sure about high school, but I know it was middle school.

19 Q. I'm just going back to my original question.  
20 Any other areas that you can think of in which the  
21 schools in the poorer neighborhoods were not as good as  
22 those in the richer neighborhoods?

23 A. I think the only other thing is safety.

24 Recently, Oakland Unified sent home a letter  
25 stating that parents had a right to know how many sex

1 offenders, convicted sex offenders, were living in the  
2 neighborhood by your zip code. I read the letter and I  
3 looked at the newspapers. It was astounding in that  
4 neighborhood. I looked at the ones from my  
5 neighborhood. So much less. And I had students come to  
6 school and say, "There was a car following us on the way  
7 to school today."

8 "What did he look like? Did you write it down?  
9 Let me know. We need to know that."

10 It's horrendous. And when the parents got the  
11 letter, nobody said anything. And I thought, they  
12 didn't read it. Because if they knew -- you know, the  
13 kids bring home papers, and the parents never get it.

14 So I started asking parents, "Did you know  
15 what's going on in this neighborhood? You should be  
16 concerned, you know. You should make sure you walk your  
17 kid to school, make sure they walk together."

18 So I think that whole safety -- the issue of  
19 safety, and also the traffic, you know. We're right  
20 next to a major thoroughfare, and I had a student get  
21 hit two years ago. Actually, two students. Two  
22 different families had pedestrian, you know, crossing  
23 the street accidents.

24 Q. Any other areas you can think of? Sorry. I'm  
25 just trying to --

1 there's so many people, I didn't even get to know a lot  
2 of them. Like, if they were on a different part of the  
3 building, I never saw them, except at staff meetings.  
4 So I'm a little fuzzy on that.

5 Q. Did you find, in your opinion, that there was  
6 any correlation between how good a teacher was as  
7 compared with what credential they possessed?

8 A. I think the only difference that I can honestly  
9 say that I saw, and for myself as well, was not ever  
10 really -- there's no way you can really be fully  
11 prepared, even if you're credentialed, for all the  
12 difficulties that we had to deal with because of the  
13 environment we worked in and some of the kids, the kind  
14 of kids. They don't prepare you for that in a  
15 credential program.

16 A lot of it was around addressing the special  
17 needs kids and the kids who couldn't, like I described  
18 earlier, can't sit down in a seat. And what support is  
19 there for us, except this waiting list? And then some  
20 day they get tested and some day they get additional  
21 aids.

22 Overcrowding in the upper grades made it really  
23 difficult for, I think, a new teacher. There's 30 to 31  
24 kids in fourth and fifth grades, whereas K through  
25 three, depending on the school, will have 20 or less.

1 A. No. No. Let's go on.

2 Q. So nothing else you can think of?

3 A. No.

4 Q. Okay. One thing that you said was not a  
5 problem was the teaching staff. In your opinion, the  
6 teaching staff at your school was as good as it was at  
7 schools in richer neighborhoods?

8 A. Um-hum.

9 Q. Is that a yes? Sorry.

10 A. Yes.

11 Q. Do you know -- I guess in percentage terms, at  
12 Garfield, what percentage of the teachers are fully  
13 credentialed?

14 A. I don't know fully credentialed. I was aware  
15 of people in programs getting their credentials versus  
16 the teachers who had been there for a long time, and I  
17 thought -- there only seemed to be -- because it got  
18 better over the years -- that more of us were staying  
19 and finishing our program and not leaving.

20 So by the time I left, I thought, estimation,  
21 that about two-thirds of us were either working on our  
22 credentials or had had, you know, been credentialed.  
23 There were a couple of temporary people, you know, who  
24 came in on emergencies that I'm aware of.

25 The problem is, it's such a big school and

1 So I think the biggest difference was just that  
2 classroom management experience. When you're brand new  
3 coming in, whether you're credentialed or not, it's  
4 overwhelming and it can be really stressful. It's the  
5 number of years that I think you've been exposed to a  
6 classroom, and I had years of experience being in a  
7 classroom in front of kids. It was not a new thing for  
8 me, and I wasn't credentialed.

9 But I think the credentialing issue, what it  
10 helps with is that you get support from other people,  
11 other teachers. It's the only time I ever felt, when I  
12 was in my credentialing program, that I was given time  
13 to sit and talk to other teachers, really sit and talk  
14 and learn about the, you know, all the questions that we  
15 had about what was going to happen.

16 When you're new and you come in, you hardly  
17 ever get time with each other. And that's another --  
18 that's a big criticism, that we don't get enough time  
19 together to talk and plan.

20 Q. You said that the fourth and fifth grade  
21 classes had approximately 30, I guess, up to 30, 31  
22 students?

23 A. I think we're max'd at 31 by the third week of  
24 school. That's in the contract, as far as I know. You  
25 can have more than that up until I think the third week,

1 but then they're supposed to balance it all out or move  
2 kids to other places if you're overcrowded.

3 Q. Can you tell me -- let's focus in on your four  
4 fourth grade classes -- how many students you had each  
5 one of those years, to the extent you remember?

6 A. It ranged from -- I think one year I had 26,  
7 and last year I had 31.

8 Q. And in an answer a couple of answers ago, you  
9 said that you thought the 30 to 31 was -- you called  
10 those classes overcrowded. In your opinion, is having  
11 that many students in a class overcrowded?

12 A. Yes.

13 Q. What would be a -- what would be the maximum  
14 class size, in your opinion, that would not be  
15 overcrowded?

16 A. I have to be serious here.

17 MS. LHAMON: Objection. Are you talking about  
18 elementary school? Does it matter for your question? I  
19 think it's vague.

20 MR. ROSENTHAL: Q. Your testimony was in  
21 regard to fourth and fifth grades classes, so let's  
22 focus in there.

23 A. Okay. Ideally, we're all envious of the 20 or  
24 less that the lower grades have, and we all talk about  
25 it constantly, why don't we get to keep that ratio,

1 Unfortunately, they had portables, too, you  
2 know, because the building was so tiny. They actually  
3 put a few portables out on their yard, so I was in a  
4 portable.

5 But what I saw was a small number of kids, a  
6 lot of wonderful relationships between staff and kids,  
7 because they didn't have to memorize a thousand kids'  
8 names. They just all knew each other since they started  
9 in kindergarten.

10 Just a couple of teachers per grade level.  
11 Wonderful programs coming in to serve the kids. Artists  
12 came and did art classes and poets came and taught them  
13 poetry. It was a beautiful environment.

14 It's an old school. I mean, it's not a fancy  
15 modernized building, but it's small and it's quaint.  
16 It's a clean, safe neighborhood. It's pretty, you know.  
17 That was a pleasant experience for me. I had no idea  
18 what I was about to go into.

19 Also, I went to visit Montera, which is up in  
20 the hills. It's a large school. It's a middle school.  
21 It's in Montclair, which is sort of its own little town  
22 up in the hills of Oakland, but it's still part of  
23 Oakland.

24 Montera, it looks great. It's a beautiful  
25 environment. It's wooded. There's trees everywhere.

1 although my experience with the 26 was good. But I  
2 think that depends on the person, you know.

3 If you have 20 and half of them are difficult,  
4 challenging people, that's plenty. If there's 26 and  
5 only three of them have a lot of extra needs, that's  
6 going to be a great number. So I would say between 20  
7 and 26 would be ideal. And it's something I know that  
8 people are talking about, how to do that.

9 Q. We'll come back to some of these issues later  
10 on, but you mentioned before some issues with the  
11 custodial staff as far as keeping things clean. Is that  
12 just an ongoing problem at Garfield?

13 A. Yes.

14 Q. We'll come back to that later on. I know  
15 there's some reference to it in your declaration.

16 I'm still in paragraph 4 here. Can you just  
17 give me some examples of schools in the hills in richer  
18 neighborhoods that you think are better?

19 A. Well, one was Chabot. It's not exactly hill  
20 hill. It's in Rockridge.

21 Q. I don't mean to interrupt, but can you spell  
22 that?

23 A. Sure. C-h-a-b-o-t. Small. That's where I did  
24 the student-teaching for about five weeks when I first  
25 got into the program.

1 It's well maintained. The kids were -- I went in the  
2 classrooms and observed. People were working. The  
3 teacher was doing something. The kids were listening.

4 It was -- it felt organized, and there was -- I  
5 met the principal, and there was a lot of leadership,  
6 and it looked like there was a lot of camaraderie  
7 amongst the staff and principal, which you hope for in  
8 every school.

9 A student gave me a tour and I interviewed her  
10 a little bit. And she said if there's ever a behavior  
11 problem, it gets dealt with immediately. So kids  
12 don't -- she goes, "They don't really act up then  
13 because they know the dean is going to find out about  
14 it." And that's good, you know. They respect the  
15 authority of the administration and the teachers.

16 So those are two that I actually got to go in  
17 and really, in depth, get to know a little bit.

18 Q. Can you spell Montera?

19 A. M-o-n-t-e-r-a.

20 Q. And it is part of the Oakland Unified School  
21 District?

22 A. Yes.

23 Q. You said that students there respect the  
24 teachers and the administration. Is that a problem at  
25 Garfield?

1 A. Yes.

2 Q. Can you tell me how it's a problem?

3 A. Occasionally -- there's always students in  
4 almost everyone's classroom. Once in a while we get a  
5 teacher who never complains about any of her kids, and  
6 we always say, "You have the angel class," because all  
7 the rest of us are constantly dealing with kids who are  
8 pretty disrespectful verbally to us, and sometimes  
9 physically with other students.

10 You know, I had a student who would throw  
11 tantrums. He would get under his desk and cry, wouldn't  
12 move, and he had to be physically moved. And it was  
13 terrible. It was awful. And he would do that every so  
14 often.

15 I had a day where the principal had to come to  
16 my classroom, and I couldn't -- I said, "I can't teach  
17 anymore. I can't get through a lesson. I can't say  
18 anything. I'm constantly interrupted and being  
19 disrespected." And this is in front of the class.

20 And she said, "Well, who is giving you a  
21 problem? What's going on?"

22 I named five or six kids. She said, "Let's  
23 go." She took them out of the room. The whole  
24 environment relaxed. And that was the kind of tension  
25 that I worked with all year.

1 outreach consultant, I think.

2 What that would have done is actually have this  
3 body, person, in place who would coordinate efforts like  
4 the Student Study Team for these kinds of kids, who  
5 would actually make time to maybe spend some time with  
6 these kids in small groups outside of the classroom but  
7 in the school somewhere, maybe after school, maybe  
8 during school, to help them learn some coping skills and  
9 do some projects with them that maybe they couldn't get  
10 through the lesson in the classroom, but you could work  
11 with them. It was also to coordinate the parents'  
12 involvement, do all these wonderful things.

13 I was so excited, and I thought, in my leaving  
14 the classroom, wouldn't that be an ideal way to stay and  
15 help work at Garfield and improve things. I just found  
16 out yesterday we didn't get the grant, and I was  
17 devastated. Not so much for me, but for the school,  
18 because they really need that. And I don't know why,  
19 you know. It would be nice to know why they didn't get  
20 it.

21 But that's a wonderful way to have this person  
22 who is not a full-time teacher, who has teaching  
23 experience, who knows the community and the families and  
24 the kids, and come up with some creative ways to help  
25 them manage their education. And if they have special

1 I wasn't the only one saying that. Quite a few  
2 of us were having the same experience from room to room,  
3 and not feeling really supported. So that day when she  
4 came in and took them out, it was not a solution to me.  
5 Having them removed doesn't further their education or  
6 help me know how to work with them, but it made me  
7 realize what it's like when they're not there, is that I  
8 could teach. I could get through a lesson really  
9 successfully. And the other kids were complaining, you  
10 know, that they couldn't learn a lot that year.

11 Q. I'm not trying to put words in your mouth, but  
12 I'm just trying to summarize what you said.

13 Is it safe to say that these students who were  
14 disruptive and disrespectful made it more difficult to  
15 teach your class?

16 A. Yes.

17 Q. Did they also make it more difficult for other  
18 students in the class to learn what you were teaching?

19 A. Yes.

20 Q. Do you have any ideas on how to resolve a  
21 problem like that?

22 A. Yes. Unfortunately, we didn't get a chance to  
23 do it, but there's something called Senate Bill 65,  
24 SB 65, which we applied for. They provide state money  
25 which allows you to hire a, what do they call it, an

1 needs, what can we do that's not happening right now.

2 I was a big advocate for small schools. I  
3 really believe Garfield could be divided up, and I've  
4 said this for, I think, three years now. And because we  
5 were identified as a low-performing school, we had to  
6 come up with an action plan for the state on how we  
7 would improve our school and our test scores, and people  
8 thought, we're not really ready to make it a small  
9 school yet, or make small schools a part of the  
10 environment because we have so many other things to work  
11 on.

12 But I think that's one of the solutions, is to  
13 make it in smaller segments somehow so we can get to the  
14 kids' needs faster.

15 Q. Now, this grant that the school applied for,  
16 did you hear any reasons why the request was denied?

17 A. No.

18 Q. This is a program administered by the state to  
19 provide these sort of -- did you call them a consultant?

20 A. I think it would be considered a consultant.

21 It's sort of intervention and coordination of meetings,  
22 like all these parent groups that I mentioned. You  
23 would be the sort of coordinator of all those efforts of  
24 bringing the parents in, helping the Student Success  
25 Team, schedule the meetings, making sure that the

1 community's needs were being addressed at the school  
2 site, right there. Not some outside agency doing it,  
3 but right there.

4 Q. And do you know if schools applied on a  
5 school-by-school basis, or did you have to go through  
6 the district to apply?

7 A. I spoke to another teacher at a Piedmont  
8 elementary school who does the same thing there, and I  
9 think he said individual schools applied. I don't know  
10 if they submitted it through the district or just on  
11 their own. I don't know. But he said there was already  
12 several of these positions in the city, but he mentioned  
13 that they were losing their grants recently.

14 Q. Okay. Toward the end of paragraph 4, I'll just  
15 read you the last sentence. It says, "I'm ashamed to  
16 have to give that answer, and I believe that all  
17 children deserve the same basic learning conditions."

18 If I misstated it, I apologize. What did you  
19 mean by "basic learning conditions"?

20 A. I think just going over everything I've just  
21 said, that we have clean, safe environments for the  
22 kids, that their supplies are there the first day of  
23 school, that their teachers are supported by being given  
24 the time and opportunity to meet and collaborate as  
25 professional educators, to plan for the students, you

1 A. I mean no.

2 Q. Other than discussing this with your son, did  
3 you ever discuss similar comparisons between schools in  
4 wealthier neighborhoods as opposed to schools in poorer  
5 neighborhoods with anybody else?

6 A. All the time. With everybody.

7 Q. With colleagues?

8 A. Colleagues, in the organizations that I  
9 volunteered with, with family members who are also  
10 educators. Anybody who will listen. Neighbors, you  
11 know, people where I live, and doing comparisons about  
12 the schools just as parents, talking to other parents.  
13 Yeah.

14 Q. Was the substance of these conversations the  
15 same as you've already told me about?

16 A. Yes.

17 Q. Is there anything additional you discussed in  
18 those conversations you haven't already told me about?

19 A. Sometimes the issue of what shifted politically  
20 and economically in California that would cause all of  
21 this, because a lot of us who grew up here part of our  
22 lives or all of our lives saw decline over the years in  
23 education spending. And so sometimes, you know, the  
24 other -- that aspect comes into the conversation.

25 Q. Can you tell me about those conversations, just

1 know, the curriculum, the academics, to do evaluations  
2 and assessments on the kids so we can accurately plan a  
3 year of teaching.

4 I think all the students should have access to  
5 equal levels of challenging course work. I know that  
6 sometimes even some of the classes aren't offered, like  
7 the electives issue, at all the schools. Sometimes I  
8 was told some course work is not available at some of  
9 the high schools to help the kids manage to get into  
10 certain universities, that the support for second  
11 language students is really intact and organized and  
12 implemented and followed up on since that's the majority  
13 of the students we're teaching.

14 Q. Anything else you can think of?

15 A. I think -- well, it's so subjective, but I  
16 think that whole issue of having people in the classroom  
17 who really show compassion and care, and show that they  
18 care about the students, that there isn't, you know,  
19 this heavy criticism, heavy disciplinarian, that there's  
20 really the supportive, nurturing person in each  
21 classroom. And I don't think that's happening. That's  
22 all.

23 Q. Nothing else?

24 A. Hum-um.

25 Q. Is that a no?

1 the substance of how that shifted?

2 A. Sure. Sometimes people who were here then  
3 talked about Proposition 13 and how the -- a lot of the  
4 decline seemed to focus around the connection to the  
5 funds not being available to support students the same  
6 way and the emphasis on charter schools and private --  
7 what are they called -- vouchers, and corporations  
8 taking over, you know, education. That's a big concern  
9 with a lot of us.

10 Q. Why don't we move on to paragraph 5 of the  
11 declaration. I'll give you a minute to take a look at  
12 that. I'll mostly go through it sentence by sentence,  
13 but it carries over to page 2 as well.

14 Have you had a chance to look at that?

15 A. Yes.

16 Q. Let's start with the first sentence. I'll just  
17 read it, and I'll try to read it accurately. It says,  
18 "One of my main concerns about Garfield is its severe  
19 overcrowding."

20 What did you mean by "severe overcrowding"?

21 A. When we stopped rotating, all of us were there  
22 at the same time. So what we realized was that meant  
23 all 1,000 or 980 kids were going to be there  
24 simultaneously, sharing the cafeteria, sharing the  
25 schoolyard, sharing the restrooms, in the halls.



1 It just got noisy, dirty, not as safe, because  
2 it seems that we had more kids outside, especially at  
3 recess times, than we could have enough people stationed  
4 at a place watching. There was just too many bumps and  
5 bruises and falling and knocking into each other all the  
6 time.

7 And I mention the nurse somewhere in here,  
8 about her concern about supervision. But she was  
9 telling me, "They're coming in with all these problems  
10 at recess because there's just, like, too many kids  
11 outside." That was one of the -- just physically  
12 noticing the differences.

13 Also, just in general, before we stopped  
14 rotating or not, when you have that many kids, there's  
15 six, you know, fourth grade teachers and six fifth  
16 grade -- through the years, as you're a student in  
17 school coming up, it was really hard to know from one  
18 teacher to the next how all those kids did previously,  
19 to have some kind of connection to the year before, so  
20 that I could find out as much as I could about those  
21 kids. And then because there's so many fourth graders  
22 in our grade level, how are we all going to help each  
23 other? There's too many.

24 And I felt overwhelmed, frankly, that I was not  
25 succeeding in reaching all of the students. I really

1 year-around schedule, but one of the benefits of it was  
2 that it was less crowded, I guess, than going on a  
3 traditional school year calendar; is that right?

4 A. Yes.

5 Q. And even when you were on the modified  
6 traditional school year calendar, all students had their  
7 classes held in classrooms; isn't that right?

8 A. Yeah, or portable classrooms.

9 Q. And do you know of any classes at Garfield that  
10 were -- that exceeded 31 students after the three-week  
11 period in the beginning of the school year?

12 MS. LHAMON: Objection. Calls for speculation.

13 THE WITNESS: I don't know. I know they were  
14 full because we had to turn kids away to put them in a  
15 combination class. Nobody wants to teach combination  
16 classes, which means two grades combined, because there  
17 really isn't training or support for it. They just give  
18 you two curriculums and say, "Go." They don't really  
19 show you how to do that.

20 They do it because they're over the limit, and  
21 then they have a dangling little group over here, so  
22 they just pack it with the next grade level. That keeps  
23 happening. Even though we try to eliminate it, I know  
24 that that's been happening a lot. I don't know if  
25 anybody ever went over their limit.

1 felt -- I still feel that way, that when there's that  
2 many kids and there's so many needy kids in our  
3 particular school, how do we reach them and give them  
4 what they need academically and otherwise.

5 Q. Would you say that when you moved from the  
6 modified -- moved to the modified traditional calendar,  
7 that the overcrowding became worse?

8 A. Yeah, because then we were all there at the  
9 same time. One-fourth of us was not absent while you  
10 were there. And we had lots of meetings about it the  
11 year before. We knew that's what was going to happen,  
12 and we tried to prepare for it in terms of scheduling,  
13 the bell schedules, scheduling lunch time, trying to get  
14 yard duty teachers out together in pairs or triplets so  
15 there was enough people watching the kids. And the  
16 parents were concerned about it in terms of, there's  
17 going to be so many kids.

18 But we knew it was a step in the right  
19 direction in terms of, at least we've stopped moving our  
20 classrooms. Now we have to work on building new schools  
21 in this neighborhood so we can eliminate a couple of  
22 hundred or more -- I really don't even know what the max  
23 is. I keep thinking it's like 7- or 800, something like  
24 that, for Garfield. It could be less.

25 Q. Now, I know you're not a proponent of the

1 Q. As you sit here today --

2 A. I think I would have known because there would  
3 have been a grievance filed on behalf of that teacher if  
4 it went on too long.

5 Q. Do you recall any grievance like that?

6 A. Not on my -- not with my assistants, no.

7 Q. As you sit here today, there's no class you can  
8 think of that had more than 31 students?

9 A. That would only be in the fourth and fifth  
10 grades, and I don't remember anybody being over. I know  
11 they were full. So that would mean 31.

12 Q. Is that true for the entire four years that you  
13 taught fourth grade?

14 A. That they were always full?

15 Q. You don't know any classes that were over 31  
16 students?

17 A. Oh, no, I don't know, because I wasn't always  
18 as involved as I was the last couple of years. I don't  
19 know.

20 Q. But you don't know of any that were over 31 as  
21 you sit here today?

22 A. Oh, no, I don't.

23 Q. And how about the primary grades? Do you know  
24 of any instances where any of those classes had more  
25 than 20 students?

1 A. Yeah. What happens is, I'm not well-versed  
2 enough in how the law is written, but it's only  
3 mandatory in certain grades. I don't think it's -- in  
4 kindergarten, I think they can go up to 27.

5 But if it's first, second or third, I think  
6 they're supposed to be at 20. But if they have to make  
7 you a combination class, like a three-four, because you  
8 have fourth graders, you can go up to 31. So those  
9 third graders, because they have fourth graders in their  
10 classroom, they pack it up to 30 or 31, and they didn't  
11 get to have just 20. That happens a lot.

12 Q. When you say "that happens a lot" --

13 A. Technically, it's like, they are over the limit  
14 of 20 because they've made it a combination. In the  
15 contract, you can do that. You can go over. Like every  
16 year, there was some poor third grade teacher who was so  
17 looking forward to 20, and she ended up with 30.  
18 Planned for 20.

19 Q. That happened about once every year, you'd say?

20 A. At least. I think there were two like that  
21 last year, two three-fours. And then what it does, and  
22 this is only because -- if you want to, you don't have  
23 to -- I sometimes took the fourth graders from a  
24 three-four, because she had, like, five, and they would  
25 come into my room for social studies because it was so

1 A. No.

2 Q. Can you take a look at the second sentence in  
3 your declaration? It states, "We have way over the  
4 number of students that the school was built to  
5 accommodate. Until a couple hundred kids are taken away  
6 from the school, we're going to continue to have serious  
7 problems at the school from the overcrowding."

8 MS. LHAMON: Just a point of clarification.  
9 The second sentence of paragraph 5 in the declaration,  
10 not the second sentence in the declaration?

11 MR. ROSENTHAL: That's correct. Sorry.

12 Q. Do you know how many students the school was  
13 built to accommodate?

14 A. No. My estimation from asking a few years  
15 ago -- that was one of my concerns, too. I thought it  
16 was about 7 -- between 7- and 800. And when I came, I  
17 think we had 1,100 in '97.

18 Q. Do you remember who you asked about the --

19 A. Who was that? No, I don't. Probably another  
20 teacher, but I don't remember.

21 Q. Did you ever ask an administrator?

22 A. Probably at a meeting somewhere along the way  
23 because I kept wondering, what would it take for us to  
24 stop moving our classrooms? How many kids do we need to  
25 get down to not to have to move? That was our big

1 overwhelming to her to have to teach two social studies  
2 curriculums, or just teach third and not have them be  
3 exposed to fourth.

4 So that would mean twice a week for an hour, I  
5 had, like, I don't even know. I had a lot of kids in my  
6 class. But that was because I wanted to. It wasn't  
7 something that I was mandated to do. I wanted to help  
8 the kids get what they needed. That was teacher by  
9 teacher. A lot of people said, "No, I'm not going to  
10 take your kids. It's too many kids."

11 Q. So you remember two third and fourth grade  
12 mixed classes last year?

13 A. At least, that I'm aware of.

14 Q. Do you think there might have been more than  
15 two last year?

16 A. Three-fours? No. I'm going to stick with the  
17 two that I know of.

18 Q. Do you recall what teachers taught those  
19 classes?

20 A. Mrs. Carpenter and Mrs. Ngo. It's N-g-o.

21 Q. Other than the instances of the mixed third and  
22 fourth grade classes, are you aware of any other -- any  
23 instances where any of the primary grades, and by that,  
24 I mean first, second or third grade, that the class size  
25 exceeded 20?

1 thing. What's the number we need?

2 Q. Did the administrator tell you that the school  
3 was built to accommodate approximately 7- to 800  
4 students?

5 A. I can't remember.

6 Q. Do you remember who the administrator was?

7 A. It would have either been Ena Harris, who is  
8 the principal, or -- we've had so many vice principals,  
9 I can't remember. But it could have been one of the  
10 two.

11 Q. Do you recall whether the estimate of 7- to 800  
12 students was based just on the permanent structures of  
13 the school and excluded the portables that exist?

14 A. I don't know. I think I assumed that that's  
15 what they meant, that the actual existing building,  
16 including the wings, you know, the two floors that had  
17 the extension would include those, but not the portables  
18 since those are not, you know, the actual structure.

19 Q. And you said there are four portables; is that  
20 right?

21 A. Yes.

22 Q. Do you know approximately how many students  
23 each one of the portables holds?

24 A. Oh, let's see. Three of them are for the  
25 primaries, so they're up to 20, and then the fourth one

1 is an upper -- well, it was an upper grade, and he had  
 2 about 30 kids.  
 3 Q. So is there about 90 total?  
 4 A. Is it? Let's see. 20 -- yeah.  
 5 Q. When you discussed with the administrator, who  
 6 might have been Ms. Harris, about the number of students  
 7 that the school could accommodate, you said it was  
 8 because you were trying to figure out what number you  
 9 needed to get down to. Did she give you a number you  
 10 needed to get down to?  
 11 A. I'm sure she did. I don't remember now. It  
 12 was a couple of years ago when we were first forming the  
 13 rotation work group, trying to -- we were -- our  
 14 intention was to ask for portables because we saw that  
 15 as our only solution at the time. How many portables  
 16 would we need to cover the number of kids we have?  
 17 Because we knew we couldn't send them anywhere.  
 18 There was a proposal for a charter school in  
 19 the neighborhood, which did not come. It never came.  
 20 It was the foundation attached to Wal-Mart. I can't  
 21 remember what it's called right now.  
 22 But they kept telling us, "Oh, you'll have less  
 23 kids and you can stop moving." And it just never  
 24 happened, which was really -- some of us were really  
 25 excited, and thought, "Oh, definitely, this is great."

1 And the old-timers, "Oh, yeah, sure. It will never  
 2 happen." And it fell through.  
 3 Q. So if we include the portables, is it your  
 4 opinion that based on what you've heard from other  
 5 people, that the -- that Garfield, including the  
 6 portables, is able to accommodate between approximately  
 7 790 and 890 students, somewhere in that range?  
 8 A. Including the portables? Yeah, because I think  
 9 we had 980 total, about that much, last year. So where  
 10 we are right now with the portables and the kindergarten  
 11 sharing a classroom, I think that's what we had last  
 12 year.  
 13 Q. Does the 980 include all kindergarten students?  
 14 A. Yes.  
 15 Q. And kindergarten students are only there for  
 16 half a day, right?  
 17 A. Right. I think they're three and a half hours,  
 18 and then they switch.  
 19 Q. Do you know how many kindergarten classes there  
 20 are?  
 21 A. I believe there's eight.  
 22 Q. So there are four morning, four afternoon?  
 23 A. Right.  
 24 Q. Do you know approximately how many students are  
 25 in each one of those classes?

1 A. I think we were successful -- I could be wrong,  
 2 but I thought we were pretty successful at keeping it at  
 3 20. That was the hope, that it wouldn't go to 27. I  
 4 remember my son, he had 27 in his. I think it's up to  
 5 the school to decide.  
 6 It's, again, the money, how you want to break  
 7 things up. I thought kindergarten is optional. I don't  
 8 think the state requires it. I could be wrong because  
 9 I'm not a kindergarten teacher.  
 10 MS. LHAMON: Or a lawyer.  
 11 MR. ROSENTHAL: Q. It's okay to be wrong.  
 12 A. Figure that one out.  
 13 Q. I, of course, am never wrong.  
 14 MS. LHAMON: I have to beg to differ on that.  
 15 MR. ROSENTHAL: Q. So just roughly, are there  
 16 about -- if there are eight kindergarten classes and  
 17 approximately 20 students per class, is it safe to say  
 18 there were approximately 160 kindergarten students?  
 19 A. Yes.  
 20 Q. And are there only 80 kindergarten students,  
 21 approximately 80 kindergarten students at the school at  
 22 once?  
 23 A. Actually, there's an overlap. What happens is,  
 24 I think they go to lunch, and then the afternoon group  
 25 comes into the classroom. So that was the way they were

1 trying not to all be there at the same time. I don't  
 2 think they're ever all in that classroom together, so  
 3 that wouldn't be the issue.  
 4 Just, along with that, because it's not in  
 5 here, and I just remembered, and I know someone will be  
 6 really mad at me if I didn't bring this up, the computer  
 7 prep teacher and the PE prep teacher oftentimes had to  
 8 combine three lower grade -- was it three or two --  
 9 maybe two lower grade classes together to be able to  
 10 give that teacher their prep period. So they have,  
 11 like, 40 kids at once because we have so many kids, and  
 12 they're all there at the same time now.  
 13 I didn't realize that. That was one of those  
 14 things we kind of missed when we realized we're all  
 15 going to be here together, isn't that great, no more  
 16 moving.  
 17 The prep teacher said, "You know, what that  
 18 means for us? We have to double up to make sure you all  
 19 get a prep period where there's no kids in your room and  
 20 you get time to prep." And that -- she kept telling me,  
 21 "That's violating the contract. That's violating the  
 22 contract. I'm over what I should have."  
 23 And then she realized in the contract, they  
 24 kept telling her, "There's no -- you're not really a  
 25 teacher. You're not really a classroom teacher. You're

1 just a specialty prep teacher," which infuriated her  
2 more.

3 But basically, she was being told, "Because  
4 you're not just a regular classroom teacher, the limit  
5 doesn't apply to you, so we can cram in as many kids as  
6 we have to." That really made it difficult for her.

7 The PE is a little bit less stressful because  
8 you're outside anyway, but this is in a computer lab  
9 with little ones, you know, 40 little ones running  
10 around with computers. So that was one of the other  
11 concerns about being so overcrowded. I'm sorry I didn't  
12 get it in there.

13 Q. You said there was an overlap for kindergarten  
14 students. Do you know approximately for how long the  
15 overlap lasted?

16 A. I don't know. You know, I don't know their  
17 schedule well enough. I think it's like 8:00 to 11:30,  
18 and 11:30 to 3:00. Does that sound right? Yeah. So  
19 there's probably -- maybe there's a half an hour or  
20 something in there where the teachers both have their  
21 groups of kids.

22 Q. Just to be clear, what time does school start?

23 A. For us it was different. I think we were at  
24 8:40, and then I think kindergarten -- the early  
25 kindergarten I thought started at 8:00 and went to

1 assuming everybody came to school and there were no  
2 absences, there were only 900 students at the school at  
3 one time?

4 A. Oh, because of half the kindergarten --

5 Q. Right.

6 A. That would sound right. The principal knows  
7 more than I do about the numbers.

8 Q. I know you don't know the numbers exactly, but  
9 just roughly.

10 A. I think so.

11 Q. And as we said before, it was your opinion that  
12 the school was -- the school, including the portables,  
13 could accommodate between 790 and 890, so it's --

14 MS. LHAMON: That misstates the testimony.

15 THE WITNESS: To accommodate the -- with the  
16 portables, we can go up to what we had, which was about  
17 a thousand. Without the portables, if you took those  
18 four away, they could actually each house up to 30 kids,  
19 or whatever the max is, 31.

20 MR. ROSENTHAL: Q. So given --

21 A. It's confusing. I'm not sure if it's the main  
22 building that's the 790 or 800 or the whole, yeah,  
23 because with the wing, the two floors, it sounds like  
24 there could be more than just up to 800.

25 Q. So with the current -- with the enrollment that

1 11:30. So they actually had to start before the rest of  
2 the school to be able to, you know, get -- but I think  
3 that's pretty much true at most of our schools in  
4 Oakland, that kindergarten is earlier than the rest of  
5 the school.

6 Q. Did the afternoon kindergarten begin at 11:30?

7 A. I thought so. It thought it went 11:30 to  
8 3:00.

9 Q. I'm just trying to figure out where the overlap  
10 is. If the morning ended at 11:30 and the afternoon  
11 ended --

12 A. I think what they would do is, they would start  
13 moving their kids over to lunch by 11:15, so they would  
14 vacate the room in time for the other class to start  
15 coming in. I had buddy reading with the kindergarten  
16 teacher. That's the only reason I know this. He always  
17 had to try and get out of my room by 11:10, 11:15, to go  
18 to lunch. But he needed to be out of the room, he said,  
19 because the afternoon program would begin and the other  
20 kids were coming. So he came to my room.

21 Q. So the enrollment this year was approximately,  
22 I think you said around 980 students?

23 A. I think so.

24 Q. But at any -- putting the overlap, the brief  
25 overlap period aside, there were roughly only --

1 was in Garfield during the 2000-2001 school year, do you  
2 think you were within the range that the school was  
3 designed to accommodate, including the portables?

4 A. Oh, including the portables? I guess so. I  
5 mean, we fit everybody in as long as we have the  
6 portables there, but then the Ks had to share. Those  
7 are the ifs, or the exceptions.

8 (Discussion off the record.)

9 (Recess taken.)

10 MR. ROSENTHAL: Q. So again, looking at  
11 paragraph 5, focusing in on the second sentence, is it  
12 still your belief as you sit here today that -- I'm  
13 paraphrasing -- that a couple of hundred kids need to be  
14 taken out of the school to alleviate the overcrowding?

15 A. I believe, yes, because I believe that would  
16 eliminate the kindergarten teachers from sharing a room,  
17 and all the four portables could go, and we could have  
18 our yard back. So, yeah.

19 Q. Have you ever seen any documents that state how  
20 many students the school can accommodate?

21 A. No.

22 Q. Do you know what the teacher/student ratio is  
23 at Garfield?

24 A. Per classroom or --

25 Q. How many students there are per teacher.

1 A. Overall in the whole school? I'd have to  
2 estimate that. Again, there was about 37 to 40 teachers  
3 and about 980 -- well, that was last year -- students.

4 Q. And we talked about -- I won't make you do the  
5 math on those.

6 A. Thank you. Get your calculator.

7 Q. But that would be the ratio based on those  
8 numbers?

9 A. Based on what I remember.

10 Q. Approximately?

11 A. Yeah.

12 Q. We talked briefly a few times, actually, about  
13 limitations on class size, and you said that you  
14 believed it was in the -- was it in the teachers'  
15 collective bargaining agreement that 31 is the limit  
16 on --

17 A. For 4-5. That's my memory. And being a fourth  
18 grade teacher, when I asked, "Well, how many are you  
19 going to put in my room?" They say, "Well, 31."

20 Q. And is it your belief that first, second and  
21 third grade are limited to 20 students?

22 A. Yes.

23 Q. And is that pursuant to the collective  
24 bargaining agreement, or is there another statute or  
25 something else that governs that?

1 doesn't happen because there's too many.

2 When you meet with your grade level, which  
3 didn't happen very often, unfortunately, you're supposed  
4 to be able to take maybe a student's portfolio or a  
5 concern about a student and share it and discuss it.  
6 And when you have six fourth grade teachers and all  
7 these kids, you're lucky if you get one or two every few  
8 months, you know, from your class to get some feedback  
9 on, some response from your colleagues, to  
10 professionally address the issues that are affecting  
11 that child.

12 I remember when I was talking in this  
13 particular section, that's really what I was talking  
14 about, you know, that when you're in such a huge school  
15 with that many kids, you can't get to the individual  
16 needs of that kid, and that's not fair to that kid or  
17 that family. Because I know in smaller school settings,  
18 they get to your kid. They just do. It's easier.

19 Q. Maybe it's just a matter of terminology here,  
20 but it sounds like a lot of the concerns that you're  
21 raising have to do with the school being large. And  
22 there are a number of, you know, a large number of  
23 teachers and a large number of classes and things like  
24 that. Perhaps I'm just being tripped up by the use of  
25 the word "overcrowding."

1 A. You know, I'm not even sure it's just our  
2 contract. I thought it was state -- in the state code  
3 somewhere, what the numbers should be. Because I  
4 remember when people were fighting for it that I thought  
5 it was a state legislated issue, reducing it statewide,  
6 not just in my district.

7 Q. Are you aware of any other limitations on class  
8 size or school size?

9 A. No.

10 Q. If you can take a look at the third sentence in  
11 paragraph 5, and I will try to read it again.

12 A. Okay.

13 Q. It says, "The overcrowding affects my students'  
14 academic achievement because there is no way we teachers  
15 can effectively collaborate to help the kids we're most  
16 concerned about."

17 Can you tell me what you meant by that?

18 MS. LHAMON: Objection. I think the document  
19 speaks for itself.

20 THE WITNESS: Do you still want me to answer  
21 it?

22 MR. ROSENTHAL: Q. You can answer it.

23 A. The feeling was that with that many students,  
24 what I said earlier is that trying to get together and  
25 get to really evaluate each student doesn't -- it just

1 Are most of the issues that you're raising --  
2 is this issue, for example, more something that's a  
3 problem because of the size of the school as opposed to  
4 overcrowding?

5 MS. LHAMON: Objection. I think the question  
6 is vague. I'm not sure there's a clear distinction  
7 between overcrowding and the size of the school.

8 THE WITNESS: Okay. What I'm -- okay. What  
9 I'm looking at as overcrowding is that to have effective  
10 education in a school that -- the number of students in  
11 that school doesn't promote, in my opinion, the way it  
12 is right now, doesn't promote successful outcomes for  
13 the students.

14 I think the interpretation that you're seeing  
15 in my overcrowding is that we're all -- there's just too  
16 many kids everywhere and there's not sufficient space  
17 for all of them.

18 In terms of the question you're asking, don't  
19 they all fit? Does everyone have a space? Okay. Maybe  
20 they have a portable and they have a classroom to be in,  
21 but the learning experience suffers when there's that  
22 many kids in a school.

23 We have a term for it. It's like the factory  
24 model of education. And what's happening in Oakland,  
25 which is very exciting, is, they're taking us seriously.

1 They're taking that issue seriously, and they are trying  
2 to develop smaller schools. Any new school, I have a  
3 feeling, is going to be -- the emphasis will be less  
4 students, not that it's the only answer, but it's a good  
5 way to start.

6 So that's my impression of what overcrowding  
7 means, that it should be limited to a certain number of  
8 kids, not just because the building can actually house  
9 all of us. Isn't that great? You all fit. You have a  
10 door that closes. That's your room. But what's your  
11 learning experience in that environment?

12 Now, some people might disagree with me. As  
13 long as they're getting exposed to education somehow,  
14 then that's a good, positive learning environment. I  
15 disagree.

16 MR. ROSENTHAL: Q. Just to clarify, when you  
17 say "overcrowding," you're not saying that there isn't  
18 sufficient space for all the students at the school?

19 A. Well, there isn't, based on the fact that  
20 there's four portables on the yard. There shouldn't be  
21 any portables on the yard with enough room in the  
22 school.

23 MS. LHAMON: But with the portables, there's  
24 sufficient space at the school?

25 THE WITNESS: It's sufficient to handle the

1 A. They do. They do.

2 Q. Can you just look at the rest of paragraph 5  
3 that's on page 1?

4 A. Okay.

5 Q. I think there are two additional sentences, and  
6 I think we've covered much of that. If there's anything  
7 else you'd like to add to that, I'm happy to hear it if  
8 there's anything else you need to explain, but I think  
9 we've covered it.

10 A. No.

11 Q. Why don't we move on to page 2. I think we've  
12 touched on some of this as well, but just to clarify,  
13 the first sentence reads, "For example, because we're  
14 such a big school, a lot of kids don't get tested even  
15 during their first year at the school so they go for a  
16 whole year and more without essential resources they're  
17 entitled to if they have special needs."

18 Can you just tell me what you mean by "a lot of  
19 kids don't get tested during their first year"?

20 A. If you are a teacher and you've identified in  
21 your classroom that someone -- one of the students is  
22 not at grade level, and you've done your interventions  
23 that you've been taught how to do to help support them  
24 and you're not seeing a lot of improvement, or you're  
25 seeing consistent behavior issues, whatever it is,

1 number of kids that are enrolled there because they have  
2 portables. But, you know, it depends how you feel about  
3 the portables. They're always there because there's not  
4 enough room, so they just stick them on your schoolyard  
5 and say, "Well, there's enough room now."

6 And the kids know. They don't want to be on  
7 the yard. It's not a very pleasant place to spend the  
8 day. It's extremely noisy, a lot of complaints from the  
9 teachers who have to teach there.

10 MR. ROSENTHAL: Q. But portables isn't an  
11 issue that's limited to Garfield, is it?

12 A. No. No. There's some schools where they have  
13 no yard, no schoolyard at all. They just have a little  
14 bit of pavement because there's so many portables.

15 Q. And even some of the schools in wealthier areas  
16 have portables?

17 A. I noticed that, yes, when I went to Montera.  
18 And also, the two schools that I mentioned, their  
19 buildings, their actual buildings, what was the original  
20 buildings, aren't big enough to handle the number of  
21 kids because, again, they haven't built anything new  
22 for, I don't know, 20, 30 years. So it's city-wide.  
23 That's a city-wide issue.

24 Q. So both of those two schools you discussed  
25 before also have portables?

1 you're identifying some special need, you then fill out  
2 a lot of forms. You meet with the parents first to try  
3 and address the issue that way, but after that, you  
4 refer them to the Student Success Team.

5 What happens from there is that then they would  
6 do an assessment and then refer it to the school  
7 psychologist, if necessary, for testing.

8 Sometimes what happens is, because we have such  
9 a large number of students actually physically at the  
10 school, one team can't -- that one school psychologist  
11 can't see all those kids, you know.

12 Even though you've written a referral, you've  
13 met with the parent, you've done everything, because  
14 they make sure you do all these step before you go here,  
15 okay, I've done all that, they might not get to that in  
16 the first year they're referred. So maybe -- or at the  
17 end of that year they get referred. So then they're  
18 really -- their intervention from the support services  
19 might not begin until the following school year. So  
20 they've missed, like, a whole year of sitting in your  
21 classroom going, oh, God, I can't do this work, and me  
22 trying to work with them or the other teachers to  
23 support them as much as we can.

24 But I feel like that's a big failure, you know,  
25 with a large school. And you're probably going to hear

1 that from lots of people, that that particular program  
2 is just stressed way over than what it can handle.  
3 I know that counselors in the upper --  
4 secondary schools were removed. It went from 250 kids  
5 per counselor to 500 kids per counselor. If high school  
6 teachers don't catch it, you're hoping the counselor  
7 would catch something, but how can they with 500 kids?  
8 I have no idea. So that frightens me that they're just  
9 sort of moving along to the next grade level and they're  
10 not getting services that they are legally entitled to  
11 by the state code.

12 Q. Do you think that there's a higher percentage  
13 of students at Garfield who have special needs than at  
14 other schools?

15 MS. LHAMON: Objection. Calls for speculation.

16 THE WITNESS: I don't think so. I think from  
17 the classes that I took as a student intern, when we  
18 were all teaching, we all came back with similar stories  
19 spread out throughout the city. It probably varies a  
20 lot. I just haven't been to enough schools to see it  
21 personally, but I don't think we're a special unique  
22 case full of special needs kids, no.

23 MR. ROSENTHAL: Q. Do you have any opinions as  
24 to how this issue could be resolved?

25 A. Well, again, here I go with my small schools

1 A. Definitely.

2 Q. Have you ever heard that discussed?

3 A. We dream about it, but because of, I guess,  
4 budget limitations, we can only afford the one. And the  
5 person that comes only comes, like, one or two days a  
6 week. So they are not even really there to do  
7 counseling with your kids. They kind of sneak it in  
8 when they can. They'll run a little small group of kids  
9 and counsel them, but they're mostly there for testing.  
10 That's what school psychologists spend most of their  
11 time doing.

12 Q. How do you know that there's not additional  
13 funds available to hire additional staff?

14 A. We -- when I was on the SSC, you know, we got  
15 the budget, and we went over it together and looked at  
16 monies. Now, I don't actually -- I'm not going to say  
17 something I don't know for sure. I don't know if our  
18 school budget Title I money paid for the school  
19 psychologist or the district covers that, and they  
20 assign -- it probably comes through the district to your  
21 school and you get that person a couple days a week, and  
22 then they go to another school a couple days a week. I  
23 can't remember where the monies came from. But they're  
24 expensive. I know they're expensive.

25 Someone was telling me, "We just don't have

1 spiel. I think when you have a smaller number of  
2 student contacts per day or per week or per month or per  
3 year, you actually gain a lot more information about  
4 them, and I think you can more quickly benefit them by  
5 intervening right away because you don't have 100 kids  
6 on the list waiting. Maybe you have 10 or 20, right,  
7 because you only have 200 kids in your school total.

8 That's kind of the numbers that I've been  
9 hearing that people are aiming for, 200 to 400 in  
10 elementary. And it's much more manageable so that they  
11 get serviced earlier on in the year. And maybe, you  
12 know, you'll see some progress even by the end of the  
13 year, whereas I just wasn't seeing enough, you know,  
14 improvement, even in the kids that were in the program,  
15 because they really needed it every day for longer  
16 amounts of time.

17 And the people, the aids that they send are  
18 limited because they're not just working with your kids,  
19 they're going from classroom to classroom. They have a  
20 set number of assigned students that they work with.  
21 There are just too many classrooms in our school for  
22 them to handle.

23 Q. Would another solution be -- another possible  
24 solution be to hire more staff to assist with the school  
25 psychologist?

1 funds available right now." I said, "Okay." So that's  
2 something else, you know, we need to work on.

3 Q. Do you remember who told you that?

4 A. Probably -- where were we talking? No, I can't  
5 remember. It sounds like an administrator retort,  
6 doesn't it? So probably from one of the administrators,  
7 because they know, you know, all the fine details of our  
8 budget.

9 Q. When you had this conversation with the  
10 administrator, were you -- I don't want to use the word  
11 "complain," but were you complaining about the lack of  
12 staff to deal with the students with special needs?

13 A. I think I was requesting, how do we get a  
14 counselor? Can we have somebody else? And then I did  
15 find out there was a nonprofit in the community that  
16 came in I think once a week and provided students who  
17 are on Medi-Cal with counseling. So that was an  
18 alternative way to go, was to bring in nonprofits who  
19 provided the service because they were funded to do it  
20 on their own, not through the district. So that was in  
21 response to, "Well, where do I send this kid? They need  
22 counseling." "Oh, well, we have -- so and so comes in,"  
23 you know.

24 Q. So did that at least partially alleviate the  
25 problem?

1 A. For that particular student that I'm thinking  
 2 of, yes.  
 3 Q. Do you recall that ever being the solution for  
 4 any other students?  
 5 A. In my class, no. I actually got the school  
 6 psychologist one year to take a couple of the kids like  
 7 an hour, or half an hour a week or something. I don't  
 8 know how she did it, but she managed.  
 9 Q. In this past school year, the 2000-2001 school  
 10 year, how many students did you have in your class? How  
 11 many students did you have in your class that you  
 12 identified as being special needs students?  
 13 A. I had two that were in the program when I got  
 14 the class. I also had two mainstreamed students who  
 15 were mentally retarded students who were assigned an aid  
 16 all day in my classroom, all day long. Then my own  
 17 observations, there's about three or four that I wrote  
 18 on their student file, you know, "Refer to the Student  
 19 Success Team." And, of course, the school year ended  
 20 and I'm not there, so I have to go back because I want  
 21 to make sure, you know, that they get some assessment  
 22 done.  
 23 Q. Was there any -- do you recall when you  
 24 referred these students to the Student Success Team?  
 25 A. I don't -- this year, I didn't -- I don't think

1 I got to fill out the form for the couple of kids that I  
 2 identified. What I did was, I noted it on their student  
 3 file so that it would be followed up on by their next  
 4 year's teacher.  
 5 What I did was the interventions because they  
 6 don't want us all running immediately to the, whatever  
 7 it's called, the Student Success Team, because that's  
 8 what was happening, and there's no way they could handle  
 9 every single issue that comes up with all of your kids.  
 10 So what most of the year I did was the parent  
 11 conferences and modifying the classroom environment for  
 12 those students, and then we monitored their progress.  
 13 And I still kind of had these feelings of, well, you  
 14 know, it might be a good idea, because the way you tell  
 15 a parent, it's a real touchy situation because some  
 16 people react really strongly to hearing that you think  
 17 something might be wrong with their child.  
 18 So it's like, after you've done everything  
 19 else, so that's where I'm at right now. It's like,  
 20 yeah, I think you might want to have them referred. So  
 21 that's my intention for going for a visit this week to  
 22 the school.  
 23 Q. So you didn't -- for these three or four  
 24 students, you didn't have to go through the formal  
 25 process of filling out the paperwork and attempting to

1 have them tested yet?  
 2 A. No.  
 3 Q. You were going through the informal  
 4 intervention means, meeting with the parents, things  
 5 like that?  
 6 A. Right. We just sort of altered the way that  
 7 they -- the way that they received assignments. There's  
 8 just modifications in the assignments that they received  
 9 and how they could do their work. And then you, you  
 10 know, you still come back to the same point at the end  
 11 of the year, parent conference, and let them know.  
 12 Q. Do you remember in any of your four years that  
 13 you were teaching fourth grade an instance where any of  
 14 your kids where you had undertaken all the steps to get  
 15 them tested and they were not tested in a timely manner?  
 16 A. Yeah. In the first year, usually you don't  
 17 even know about this. You're just kind of overwhelmed,  
 18 and it's like, what? What do I do? And that's another  
 19 issue about being a new teacher, is not knowing all  
 20 these procedures. By the second and third year, I knew  
 21 how to do it, and I do remember sending forms and kids,  
 22 and it took a year. It really did take a whole year.  
 23 So what I found out is that with the next  
 24 year's teacher, you know, did they get in? Did they get  
 25 tested? What happened? And sometimes they were found

1 to actually have some sort of learning handicap, and  
 2 they were brought into the program. I think it's more  
 3 efficiently run this year because there's a big team of  
 4 people, and they've been to lots of trainings, staff  
 5 development trainings. They really took it upon  
 6 themselves to become an empowered force, you know, at  
 7 this school site, which was really exciting.  
 8 So from talking to other people, just, you  
 9 know, are you referring kids? Are they getting through  
 10 faster? There was some more success this year because I  
 11 didn't have to -- I just felt like I didn't know what  
 12 was going on as much this year. But it sounded like  
 13 they were really getting together, they were having  
 14 their meetings on time, the parents were starting to  
 15 come.  
 16 The parent is supposed to be there and have the  
 17 meeting about the child, and a lot of times parents  
 18 don't show up, so it made it difficult.  
 19 Q. When you say there's a big team working on it,  
 20 you don't mean additional staff to focus -- or do you  
 21 mean additional staff to focus on these students?  
 22 A. It's existing teachers, administrators, the  
 23 school psychologist. These are people who -- I think  
 24 the school psychologist has to be on the team. And  
 25 there's a coordinator who is a teacher who works at the



1 school. Nobody from outside the school. But I think  
2 they kind of volunteer, you know, to be on it to help  
3 process the student.

4 Q. And this is the Student Success Team you're  
5 referring to?

6 A. Yes. Last year it seemed like there was a  
7 large group of people involved with it because it was a  
8 high priority.

9 Q. Is the Student Success Team a new group? You  
10 said it was --

11 A. I think it was called the Student Study Team.  
12 I don't why things always change like they do. All of a  
13 sudden I read something that said Student Success Team.  
14 I'm pretty sure they were meeting fairly frequently.

15 MR. ROSENTHAL: Is it time to take a little  
16 break?

17 MS. LHAMON: Yes.

18 (Recess taken.)

19 MR. ROSENTHAL: Q. Before we went on our  
20 break, we were talking about dealing with students with  
21 special needs and the problems you identified in getting  
22 them tested and getting them the resources that they  
23 need, and you identified one conversation with an  
24 administrator about the problem. Do you remember any  
25 other conversations you had with anybody about this

1 and just trying to get us to get more of our energy  
2 focused in the classroom first instead of always  
3 referring to testing, because there's been a lot of  
4 criticism that too many kids of color are always being  
5 referred to testing. They're always being labeled as  
6 special ed kids, and we didn't want that stigmatism for  
7 the kids. They wanted to find a way to address whatever  
8 it was we were seeing, you know.

9 So I think that's one of the ways that they  
10 address that whole issue, was by offering us  
11 interventions. And then when you get to a certain  
12 point, it's not working, you've tried this, this and  
13 this, go ahead.

14 Q. And you said that this past year, the process  
15 has worked a lot better?

16 A. Yes.

17 Q. Is that because, at least in part, a lot more  
18 teachers have been using the sort of informal  
19 interventions?

20 A. I believe so, and that they got the support,  
21 you know, from that team and that administration more  
22 than in the past.

23 Q. Have you heard that any student who had been  
24 referred for testing this past year, that it took a very  
25 long time to get them tested?

1 problem?

2 A. The previous resource specialist teacher. I'm  
3 going to try and spell her name. It's Morela, and I  
4 think it's M-o-r-e-l-a, Gigou, which I think is  
5 G-i-g-o-u, pretty close to it. I used to have lots of  
6 conversation with her about the whole process when I  
7 first came because I was so, just mystified by it. And  
8 she would show me the list of names, you know, to prove  
9 to me that, "This is why it takes so long before we get  
10 to your student. These are from last year sometimes.  
11 Look. In this color, this is from last year, you know."

12 So it started to click that there was just too  
13 many kids for that program to handle because we had too  
14 many students at that school. That was my assessment.

15 Q. Do you think that some teachers were too quick  
16 to refer students to the Student Success Team?

17 A. I think that may have happened in the past  
18 because they didn't have any other resources available  
19 to them. And I think once we started getting the  
20 nonprofit coming in and providing counseling, that that  
21 was introduced to us as another way to address some of  
22 the issues in your classroom, if it was behavioral or  
23 emotional.

24 I think that's why they instituted, you know, a  
25 new form and a place to check about parent conferences,

1 A. I didn't actually hear that from anyone this  
2 year. There's one other aspect to all of this, which,  
3 again, it's numbers and figures, and I can't remember  
4 everything, but there's some kind of a cut-off in the  
5 testing results that maybe your student is achieving  
6 below grade level, but they test high in the  
7 evaluations, and so they don't -- they're not qualified  
8 to receive the services.

9 That happened to me a couple of times, and I  
10 didn't -- they didn't really offer me -- "Well, what  
11 else do I do with this kid?"

12 "Well, get him into a program, like an  
13 after-school program to help tutor them."

14 I said, "Well, that's great if their parent  
15 takes them or if there is one. What do I do in my  
16 classroom?"

17 That was really difficult for me.

18 Q. Are there any after-school programs offered at  
19 Garfield?

20 A. There is. There has been for the last couple  
21 of years. We are part of the Village Center, which was  
22 an after-school program that started at Roosevelt Middle  
23 School right near us. Then they got a grant to come  
24 over to us and start one just for the fourth and fifth,  
25 I think, graders, because so many of them were not at

1 their grade level for reading.

2 That was sort of their emphasis, was to help  
3 them work on whatever areas they were low in, and then  
4 also they did some recreation with them.

5 Q. You gave an example before of a student who was  
6 below grade level but tested very high on the testing.  
7 Did you refer them to this after-school program?

8 A. Yes, and she did go.

9 Q. Did that help resolve the problem?

10 A. It helped her get her homework done, that kind  
11 of thing. But, you know, as far as, you know, really  
12 seeing a large changes, huge increases in the classroom,  
13 I didn't see it because it was only a short while, I  
14 think. You'd have to really look at long term, you  
15 know, over a couple of years or so.

16 Q. You say in your declaration towards the top of  
17 page 2 in paragraph 5 that when students don't get  
18 tested, they go without essential resources they're  
19 entitled to. What sort of resources are you referring  
20 to there?

21 A. That would refer to the resource specialist  
22 program where either an aid or the teacher for that  
23 program would come into your room and work, really work  
24 with that particular student, or a small group if you  
25 had more than one, on whatever lessons, you know, you

1 Q. Did you have any other conversations about this  
2 issue?

3 A. With her or just anybody?

4 Q. Let's focus on anybody else.

5 A. With other teachers, mostly in my grade level.

6 You know, how do you -- what do you do with this child,  
7 especially new teachers, you know, helping them figure  
8 out what the steps were, how to use the program, whether  
9 the program was working, how to incorporate those kids  
10 into the regular class work so they're not left out.  
11 They're not always like the separated slow learner kids,  
12 but that they're an active part of the classroom. We  
13 discussed strategies for helping them.

14 Q. Did you bring this problem to the attention of  
15 any of the school administrators?

16 A. The concerns would come up at -- when would  
17 they come up? Sometimes at staff meetings, which were  
18 usually held monthly. I can't remember specific  
19 conversations or, you know, agendas where it was on the  
20 agenda, but I know that we were concerned about how to  
21 make it work more efficiently with such a large student  
22 population.

23 Q. Do you ever remember speaking to Ms. Harris  
24 specifically about this problem?

25 A. Not to her specifically, but asking questions

1 were doing.

2 A lot of times we wanted them to come in for  
3 language arts and reading because that was our main  
4 concern at that point for them. Either they would bring  
5 in work to do with them or you would tell them what you  
6 were working on and they would modify it for the child.

7 Q. These resource specialists, I believe you  
8 testified earlier that there were two of them at the  
9 schools; is that right?

10 A. We had two -- yeah, I think two of them were  
11 credentialed teachers, and then I don't remember how  
12 many aids there are. I thought there were two. I think  
13 there were two aids.

14 Q. Did the aids essentially serve the same role as  
15 the resource specialists? Would they come into the  
16 class and help the students in the same manner?

17 A. Right. They could do that.

18 Q. But were they not credentialed? Was that the  
19 main difference?

20 A. They're not credentialed. What would they call  
21 them? It's kind of like an instructional assistant, I  
22 think.

23 Q. You mentioned you had a conversation with --  
24 was it a Ms. Gigou?

25 A. Gigou.

1 at meetings about, you know, how can I help make sure  
2 this child gets tested this year, or things like that.

3 Q. Was there any reason you didn't go to  
4 Ms. Harris to see if she could help resolve the issue?

5 A. I remember she said that there was a team, that  
6 that was what the Student Success Team was going to work  
7 on, was how to address it and make it work better.

8 One of the teachers that was really active in  
9 that, I think she's still there, is Glendy, G-l-e-n-d-y,  
10 Henion, H-e-n-i-o-n, hyphen, U-l, U-l. I think she's  
11 still a kindergarten teacher. She was one of the people  
12 that went to these trainings and found out about the  
13 Senate Bill 65 grant and really was, you know, directing  
14 the group.

15 Q. Why don't we take a look at paragraph 6.  
16 Paragraph 6, I'm paraphrasing, refers to a conversation  
17 you had with the school nurse about supervision of  
18 students in the schoolyard.

19 A. Um-hum.

20 Q. Can you tell me the name of the school nurse?

21 A. Nicole, N-i-c-o-l-e, Long, L-o-n-g.

22 Q. Do you remember when you had this conversation?

23 A. Sometime -- I remember here I said at the  
24 beginning of the school year, so I think that was within  
25 a month of the school year beginning.

1 Q. Is that the 2000-2001 school year?

2 A. Yes.

3 Q. The first sentence of paragraph 6, you say that  
4 the school overcrowding creates a basic safety issue for  
5 the kids. What did you mean by that?

6 A. I referred to it earlier. When we had all of  
7 us there at the same time, we realized that the lines  
8 would be a lot longer for lunch and there would be more,  
9 you know, opportunity for conflicts, which happens when  
10 kids stand around too long in a line waiting for lunch.

11 Also, there seemed to be more collisions,  
12 physical collisions on the yard and more bumps and  
13 scrapes because our schoolyard is mostly pavement, and  
14 with that many kids, it just sort of got like this.  
15 They would fall and they'd scrape themselves. They'd  
16 play chasing games or whatever, and they'd get hurt a  
17 lot more often than they did last year.

18 I checked in with the nurse about, "Were you  
19 seeing that?"

20 She said, "Yeah. I think we need more bodies  
21 supervising the yard time."

22 And we, you know, we talked about it and we did  
23 assign teachers to specific spots to stand, you know.  
24 We all had yard duty during recess. We rotated the  
25 schedule so you had different times that you did yard

1 have access to during the school day. It belongs to the  
2 City of Oakland. And I noticed a lot of kids running  
3 around in the field way at the far end of it where you  
4 can't really see them very well. And there wasn't  
5 always an adult out there with them because they were  
6 covering the pavement yard, you know, where most of the  
7 kids were.

8 So that was brought to our attention, that we  
9 needed to spread out the supervision. It's just a lot  
10 harder when there's that many people to watch at once.

11 Q. So the school day at Garfield began at 8:30 in  
12 the morning?

13 A. It actually begins at -- well, we had to be  
14 there at 8:30. The bell rings at 8:40, so kids had to  
15 be in the classrooms at 8:40, and they leave -- well,  
16 they did last year -- at 3:00.

17 Q. You said that before 8:30, there were a number  
18 of students already in the yard. Do you have an  
19 understanding as to why students would get there so  
20 early?

21 A. Various reasons. I think, "Get up, go to  
22 school," that was one. The parents kicking them out of  
23 the house. Parents dropping them off early because they  
24 have to go to work. So there's a real need for some  
25 sort of child, you know, care program or something, and

1 duty, and it helped.

2 It did help because what you saw was,  
3 especially before school started, all those kids, and  
4 there's nobody there before yard duty would begin.  
5 There would just be hundreds of kids running around with  
6 some parents there, you know, waiting for school to  
7 start.

8 But the parents were complaining about it, and  
9 we said, "Well, we have yard duty beginning at 8:30. If  
10 you get there before 8:30, there's no supervision for  
11 your child."

12 And so that was one of those issues, like at  
13 parent groups. Maybe parents would be willing to  
14 volunteer to just be present, have an adult there until  
15 we come to work.

16 Also, during the regular school day, we  
17 hired -- well, I think they were already working there,  
18 you know, what are they called, campus supervisors, kind  
19 of like security. But at an elementary school, they're  
20 just sort of monitoring the hall and the yard. They  
21 just weren't always there. Sometimes they had other  
22 things to do, I guess. I don't know.

23 But we would complain, "Where are the yard  
24 guys? How come they're not out there with us?"

25 And Garfield has a big field next to it that we

1 it's a concern for some of us.

2 Kids want to play. They can play out in the  
3 yard on the -- there's climbing structures and things.  
4 Other than that, I -- oh, the breakfast program began at  
5 8:00. So from 8:00 to 8:30, there was a free breakfast  
6 program, and that drew a lot of kids in.

7 Q. Was the breakfast program held in the  
8 cafeteria?

9 A. Yes.

10 Q. Were students required to remain in the  
11 cafeteria during that program, or were they allowed to  
12 leave?

13 A. They could leave after they ate, and then we  
14 were constantly chasing them out of the halls to go  
15 outside, because there's nobody supervising them inside  
16 the school.

17 Q. Did somebody supervise them inside the  
18 cafeteria during the program?

19 A. Yes.

20 Q. Were there any other before-school programs  
21 sponsored by Garfield?

22 A. There was -- oh, what was that. I think there  
23 was some tutoring that came in through a grant halfway  
24 through the school year. There was some money made  
25 available, and they did do small groups of kids at,

1 like, 8:00 o'clock. So those kids, I forgot about that,  
 2 that came in at the end for me. But, yeah, that was  
 3 there.  
 4 Q. Was that held inside the school building?  
 5 A. Yes.  
 6 Q. So that students were tutored in classroom  
 7 spaces?  
 8 A. I think it was one of the resource program  
 9 classrooms that they were using, and a couple of other  
 10 teachers that were involved used their own room, I  
 11 believe.  
 12 Q. Do you know if the campus supervisors came to  
 13 work before 8:30?  
 14 A. I don't know.  
 15 Q. Do you know if they supervised the breakfast  
 16 program or --  
 17 A. I don't think so, no. I think that was  
 18 cafeteria staff.  
 19 Q. Do you remember ever seeing the campus  
 20 supervisors outside in the yard supervising the children  
 21 before 8:30?  
 22 A. Occasionally I would see one of them. I don't  
 23 know if he was there working or talking to another  
 24 teacher. That wasn't clear to me if he was actually  
 25 already working before 8:30. But I would occasionally

1 see him on the yard.  
 2 Q. And just briefly, what's your understanding of  
 3 the role of the campus supervisors?  
 4 A. As far as I know, they're there to supervise  
 5 the children during recess times and to monitor the  
 6 halls and the yard during the day. And if there's a  
 7 conflict, if there's fights, if there's broken glass, I  
 8 mean, if there's just some kind of an issue going on,  
 9 they're there to let the office know and have somebody  
 10 come and deal with it.  
 11 Q. You said before that one of the basic safety  
 12 issues that you're referring to in paragraph 6 was the  
 13 fact that students were more, again, paraphrasing what  
 14 you said, more prone to -- more prone to conflict and  
 15 more prone to falling down and bumping into each other  
 16 during time outside in the yard and things like that.  
 17 Any other safety issues that the, quote  
 18 unquote, overcrowding caused?  
 19 A. I think the only other thing I can think about  
 20 was kids sort of taking off and leaving, sneaking out of  
 21 the fence.  
 22 You know, we have a fence, but it's not locked  
 23 on one side so people can come in and out of the yard.  
 24 Because there were so many kids, and you'd get  
 25 distracted by this over here or that over there, I

1 actually recall seeing a very young child walk out of  
 2 the fence, and I just took off after her. It was just  
 3 sort of out of the corner of my eye.  
 4 There was a whole bunch of kids around the  
 5 fence. I said, "What's going on?"  
 6 She was crying. It was her first day and she  
 7 was trying to go home. She was like a second or third  
 8 grade kid. So I ran after her and brought her back in.  
 9 But that really upset me.  
 10 I said, "We've got to have somebody right  
 11 there, you know, by that fence always when there's kids  
 12 around."  
 13 And also, sometimes kids coming in from the  
 14 neighborhood and kind of harassing our kids because we  
 15 weren't on vacation and they were, or something like  
 16 that, occasionally.  
 17 Sometimes the kids would sneak off and get into  
 18 the bathrooms and create all kinds of havoc because,  
 19 again, there wasn't anybody posted right there because  
 20 we don't have enough people, you know, scheduled out  
 21 there to cover all the kids. So we devised, you know,  
 22 plans on what to do for that. But we -- it was hard.  
 23 Q. The instance that you just mentioned where you  
 24 saw a small child sneak through the fence and leave, was  
 25 that during a recess period?

1 A. Yeah.  
 2 Q. Were there campus supervisors out in the yard  
 3 supervising the students on recess?  
 4 A. I think so. I think we were all in our  
 5 supposed, you know, stations watching and playing with  
 6 the kids. And I just sort of -- it was behind where we  
 7 all are, where you wouldn't normally look over at the  
 8 fence, because nobody ever goes over to the fence,  
 9 right? So --  
 10 Q. Do you know during what time students have  
 11 recess at Garfield?  
 12 A. Based on last year, I can tell you.  
 13 Q. That's fine.  
 14 A. We had split it. It's staggered so we don't  
 15 have everybody out.  
 16 The lower grades went 9:35 to 9:50, and the  
 17 upper grades, fourth and fifth, went 10:25 to 10:40.  
 18 And then there was before-school supervision from 8:30  
 19 to 8:40. There is a lunch period. There's a lot of  
 20 lunch periods. I don't know all the lunch periods. But  
 21 as soon as lunch began, that's when the campus  
 22 supervisors were required to be outside because teachers  
 23 are not paid for lunch and we're not required to do any  
 24 supervision at all. We're just on like a 30-minute  
 25 break. So that's when they were supposed to always be

1 outside, and I think we had three. That's my memory.  
 2 There were three men that were campus supervisors.  
 3 Q. And were they there for the entire school day?  
 4 A. No, not always. I think they -- I don't even  
 5 know. I don't know what their schedules were. I never  
 6 found that out. I think one of them was. His name is  
 7 Bobby Brown. I saw him all the time. He may have been  
 8 the one that was an all-day person.  
 9 Q. And do you know if the other two were also  
 10 there all day or you're just not sure?  
 11 A. I can't remember. I don't know if they were  
 12 always there all day. I didn't see them there every day  
 13 all day.  
 14 Q. So during lunch recess, the students were  
 15 supervised by the campus supervisors?  
 16 A. And the -- I just remembered. The principal  
 17 and the vice principal would usually cover part of the  
 18 lunch or all of the lunch. I only saw them when I was  
 19 out there. So I don't know if they were there for the  
 20 hour and a half of lunch or two hours of lunch, whatever  
 21 it is. But they took part of the yard and stayed there.  
 22 Q. Do you recall during lunch periods how many  
 23 adults were outside supervising the children at one  
 24 time?  
 25 A. If they were all there, it should have been the

1 five of them, but it's questionable to me whether they  
 2 were really all there or not all the time.  
 3 Q. Do you have a belief as to whether the five of  
 4 them were out there on a daily basis?  
 5 A. I would say consistently, I saw the vice  
 6 principal, the principal, Bobby Brown, and I don't even  
 7 know how to spell his name, Kiki. I don't know his last  
 8 name, either. I don't know the other -- Mr. Munoz was  
 9 the other one. He was the one that I had the most  
 10 questions about in terms of whether he was there or  
 11 where he was supposed to be. It was always an issue.  
 12 Q. But were there usually at least the four adults  
 13 you've identified, then?  
 14 A. I think so, yeah.  
 15 Q. During the -- well, you said that there were  
 16 two recess periods, one for the lower grades and one for  
 17 the upper grades. By "lower grades," is that first,  
 18 second and third grades?  
 19 A. Yes.  
 20 Q. And upper grades is fourth and fifth?  
 21 A. Yes.  
 22 Q. Is that when teachers were outside on yard  
 23 duty?  
 24 A. Yes, and also the 8:30 to 8:40, we had  
 25 teachers.

1 Q. So teachers also had yard duty from 8:30 to  
 2 8:40?  
 3 A. Yes.  
 4 Q. During the 8:30 to 8:40 time period, did all  
 5 teachers have yard duty?  
 6 A. We rotated it, and I think there were three on  
 7 a shift at a time.  
 8 Q. So in any given school day, from 8:30 to 8:40,  
 9 there would be three teachers outside supervising the  
 10 students?  
 11 A. Should be. I can't guarantee that they were  
 12 always there.  
 13 Q. I understand.  
 14 A. But for the most part, yes.  
 15 Q. Was that the case for the 9:35 to 9:50 recess  
 16 as well?  
 17 A. There were the three teachers, but oftentimes  
 18 we had the campus supervisors. At least two of them  
 19 were there.  
 20 Q. Is that true for the 10:25 to 10:40 --  
 21 A. Yes.  
 22 Q. -- recess as well?  
 23 A. Yes.  
 24 Q. So did you feel that that was enough  
 25 supervision of the students during the school day?

1 A. When it happened. What my concern was -- I was  
 2 terrible. I was one of those people that would call the  
 3 office, "There's not enough people out here. Where are  
 4 they?"  
 5 Not trying to get people in trouble, but really  
 6 concerned that I can't handle -- I couldn't even tell  
 7 you because I'm not good at looking at a number of  
 8 people and saying, that's 500 people. There were so  
 9 many people, I couldn't handle it. It was like, "I  
 10 don't want to be responsible for all these human beings.  
 11 There's no way I can cover this yard by myself, or with  
 12 just this other teacher or the three of us. Is someone  
 13 else coming?"  
 14 And that would happen every so often. I would  
 15 irritate the secretary sometimes, you know. "Check the  
 16 schedule. Who is missing? Do you know where so-and-so  
 17 is?"  
 18 I would even pull, you know, somebody  
 19 sometimes. I'd ask them to help.  
 20 Q. Did that happen -- was that during the 8:30 to  
 21 8:40 supervision period, or was it the 10:25 to 10:40  
 22 period?  
 23 A. Occasionally the 8:30. There would just be two  
 24 or three of us and nobody else. When I saw it happening  
 25 a lot was the regular recess, the midmorning. It got

1 resolved.

2 I do remember us -- you complain about it  
3 enough, somebody is going to say something to whoever is  
4 supposed to be there, and they're going to show up.  
5 Maybe they weren't there that day. They were out. I  
6 don't know. But I just knew we needed more adults.  
7 Even with those five, sometimes, or six, it felt like we  
8 need something else.

9 And somebody did propose it, I think, for a  
10 grant to have a kind of program to have parents get  
11 involved and play games with the kids, you know, have an  
12 organized kick ball game. Some people just did that  
13 anyway with the kids, you know.

14 But I always, like, felt, I can't stop and play  
15 with you because I have to watch all these people, you  
16 know. And I was petrified to stop for a minute and play  
17 four square. But after a while, it did get better and I  
18 started playing again with the kids, and that's really  
19 what I wanted to be doing, you know.

20 So, yeah, that was at the beginning of the  
21 year. It was a big concern.

22 Q. And it got better as the school year went on?

23 A. Yes.

24 Q. During the 10:25 to 10:40 recess, that's when  
25 the fourth and fifth graders were on recess. You've

1 there wasn't enough supervision?

2 A. Yeah. That's when we had the conversation  
3 about, she's seeing an increased number of kids with  
4 minor bruises and scrapes.

5 They're saying, "Oh, the kids banged into  
6 someone and they fell."

7 And she said, "I just think there's so many  
8 kids, and there's not enough people being able to  
9 supervise their games or keep them separated a little  
10 better in terms of, play that game over there, and don't  
11 throw the ball right next to that group of kids standing  
12 there."

13 She was seeing a lot of kids get hit in the  
14 head with balls. It was terrible. And they would all  
15 clamor on top of the play structure, and sometimes they  
16 got a little too wild and there was too many of them on  
17 it. We got broken arms a lot. That's another one. I  
18 was like, "What?"

19 Sometimes the same kid, because they did the  
20 same silly, running and jumping off the bar thing. Even  
21 with the mats under them that we were required to do,  
22 they would break a bone.

23 Q. It says in your declaration that you had that  
24 conversation at the beginning of the school year. So  
25 was this in connection with -- you identified that there

1 already told me that. Do you know the total number of  
2 students that were outside?

3 A. We could probably figure that out. Four of the  
4 fourth grades I think used that period. There were two  
5 3-4 combinations. I think they went with the lower  
6 grades. So 120. And I think there were six fifth  
7 grades, I think. There could be seven. I'm pretty sure  
8 there's six. So it's 180 plus the 240, right? 180 and  
9 240, so there's 420.

10 Q. 180 and 120 --

11 A. Did I do that wrong?

12 Q. It's a total of 10 classes?

13 A. I'm sorry. So 10 times 30. You're right.  
14 You're right.

15 Q. 300?

16 A. Right. And that's, you know, if they were all  
17 there. Sometimes there were field trips. Sometimes  
18 there were assemblies and the kids weren't outside.

19 Q. And during this time, there were five adults  
20 who were supposed to be out supervising?

21 A. Right. And maybe that third campus supervisor  
22 occasionally, Mr. Munoz. I just don't always remember  
23 seeing him.

24 Q. So again, looking at the statement in paragraph  
25 6, do you have an understanding why the nurse believed

1 were some problems towards beginning of the school year  
2 as far as getting the supervision out there. Was the  
3 nurse's communications with you in connection with that  
4 issue?

5 A. Yeah. That's what we were talking about. I'm  
6 trying to remember if it went any further than that, if  
7 I brought it up. I probably brought it -- knowing me, I  
8 probably brought it up at one of the meetings I went to  
9 and asked if there was a way we could address it by  
10 either hiring somebody or getting somebody to come in  
11 and help do something with the kids.

12 I think what happened is, people just got  
13 better about coming on time and being present and making  
14 sure they were doing their shift and, you know, people  
15 reminding each other, you know, "Make sure you get out  
16 there on time and organizing more games, keeping it  
17 structured."

18 Q. So did the supervision of students during the  
19 recesses improve as the school year went on?

20 A. Yes.

21 Q. After the, let's say, first few months of  
22 school, did you believe the supervision of the students  
23 during recess to be adequate?

24 A. Yes.

25 Q. During the period of time when you thought the

1 supervision was inadequate, did you ever raise those  
2 concerns with Ms. Harris?

3 A. I think so. I think I -- I probably was  
4 complaining to her that, you know, I felt like after I  
5 talked to the nurse, that it isn't just me, because  
6 sometimes she would think it was just me.

7 "Oh, you, what is it now?"

8 I said, "No, no. Even the nurse said there's  
9 been a higher incidence of some minor injuries, and that  
10 it could be that people aren't -- there isn't enough  
11 people or people aren't where they need to be at the  
12 times they're supposed to be there."

13 I think that's what happened, is, we got --  
14 administration got involved. So when you get that phone  
15 call to remind you, you go, and you make sure you're  
16 there.

17 And I think some people did take it upon  
18 themselves, you know, just individual teachers, to get  
19 more involved with the kids, and it did alleviate some  
20 of the conflicts. And we have conflict managers, too.  
21 The kids are part of a program that helps eliminate a  
22 lot of the conflicts that were going on.

23 Q. So do you think Ms. Harris played a role in  
24 resolving the problem of inadequate supervision?

25 A. Yes.

1 And we were required by the bilingual department and the  
2 district to use it one hour a day, everybody in the  
3 school. And what we found was, when we did inventory,  
4 that a lot of us didn't have all the materials.

5 What happens is, sometimes they take the books  
6 home, they never bring them back. Tapes got lost, you  
7 know. It was just missing things constantly. And a lot  
8 of that had to do with the moving of our classrooms.  
9 You keeping moving things around, and sometimes they  
10 don't end up where they need to be after a while.

11 So we did reorder, and by probably the second  
12 half of the year, I believe at least in my grade level,  
13 we were then supplied -- you know, people had what they  
14 needed. But when we started the year, I think I was the  
15 only one who had a brand-new complete kit, and so I was  
16 sharing a lot with the other fourth grade teachers.  
17 That was one of my main kind of textbook concerns.

18 But we just never really had textbooks since  
19 I've been there. They're going through adoption of  
20 science, so probably next year, not this year, they'll  
21 have a science book. We've never had a math book. We  
22 had a math workbook that we finally got, you know, two  
23 years ago, but not like a textbook. We just adopted  
24 social studies, and those came late. That was one of  
25 those "it's on the truck" stories.

1 Q. We've been primarily focused on the 2000-2001  
2 school year. Were there similar problems in the prior  
3 years?

4 A. It seemed like it happened a little less  
5 frequently that I felt there was a big issue around it  
6 because there wasn't as many kids there at the same  
7 time.

8 In our meetings about transitioning to a  
9 modified traditional year, we discussed what about yard  
10 duty and recess. Should we hire just a yard duty  
11 person? It was a big discussion. So I don't think it  
12 was as difficult, no.

13 Q. That's because when you were on a year-around  
14 schedule, you had fewer students in school at once, so  
15 there were less students on the yard at once?

16 A. Right.

17 Q. Okay. We can move on to paragraph 7.

18 Paragraph 7 raises textbooks as an issue. In  
19 the first sentence of paragraph 7, you say, "Textbooks  
20 are also a big concern at Garfield."

21 Can you tell me what you meant by "big  
22 concern"?

23 A. I previously stated that one of the -- the  
24 programs that we were missing books for was called Into  
25 English, and that is for our second language students.

1 They gave us one day of introduction to it at  
2 the beginning of the year, but by the time it came, we  
3 were into the year, and it was just a box with stuff in  
4 it, and nobody knew what to do with it by then. It was  
5 just like -- lots of wonderful things were in it, but I  
6 hardly knew how to jump into a whole new program and  
7 integrate it into what I was doing. So I was just sort  
8 of using what we had previously, which was boxes with  
9 materials and binders with curriculums in them. Nothing  
10 for the kids except to copy pages. There was no books.

11 We had reading books. I did, anyway. I think  
12 my fourth grade counterparts had their reading books.  
13 That was the only one that I knew I had. I didn't have  
14 to worry about it.

15 Q. So for the 2000-2001 school year, at the start  
16 of -- at the beginning of the school year, what books  
17 did you have for your students?

18 A. Just the reading book, and then I had my Into  
19 English kit for my second language kids.

20 MS. LHAMON: Do you want to take a minute to  
21 read paragraph 7?

22 THE WITNESS: Sure. Oh, right. Okay. Thank  
23 you.

24 Clarification. At the very beginning of the  
25 year, I know I got it at the beginning of the year.

1 When I started the school year, I didn't have the  
2 complete kit yet. It was ordered and given to me in the  
3 box, and then I got it. I can't remember how soon -- it  
4 was pretty close to the beginning of the year.

5 But when we started school, I had the leftover  
6 box from last year's teacher who quit, and I just had  
7 parts of the different books, and it had the teacher's  
8 guide. But I couldn't find the rest of the books. But  
9 we ordered a new one.

10 MS. LHAMON: Take the time to read the whole  
11 paragraph, and then he can ask you the questions he  
12 has.

13 THE WITNESS: Okay.

14 MS. LHAMON: When you're done reading, you can  
15 let Michael know, and he can ask a question.

16 THE WITNESS: Okay.

17 MS. LHAMON: Thanks.

18 THE WITNESS: Okay. Got it. Thank you.

19 MR. ROSENTHAL: Q. So you said that at the  
20 beginning of the school year, you didn't have your  
21 Into English kit at the very outset of the school  
22 year?

23 A. Right.

24 Q. But you got it relatively soon after the start  
25 of the school year?

1 A. In my declaration it said it took a couple of  
2 months, and my memory at this point -- this was last  
3 year in the fall. I'm sorry. I'm having discrepancies  
4 in my memory. But, yeah, I know it wasn't there right  
5 away. I do remember getting this box and being really  
6 excited because it was brand new and I knew it had  
7 everything in it.

8 Q. Do you remember it taking a couple of months or  
9 might it have been less than that?

10 A. I know it was somewhere after September. I  
11 know it wasn't in the first month of school. So by the  
12 first couple of months, I probably meant sometime in  
13 October, which, that sounds about right, you know, in  
14 terms of being able to use it.

15 Q. Did you have any other books for your class to  
16 use at the outset of the school year?

17 A. I just had the reading, which was, like,  
18 McMillan is the publisher. That's the reading anthology  
19 that we used.

20 Q. Do you know if you were supposed to have  
21 other -- putting the Into English materials aside, were  
22 you supposed to have any other textbooks for your  
23 students to use at that time?

24 A. We were supposed to have the social studies  
25 textbooks. They gave us a day of in-service before

1 school started, and then the books weren't there. I was  
2 pretty vigilant about asking, annoyingly probably, to  
3 the principal, "When are they coming?" And we just kept  
4 being told they were en route. Then when we heard they  
5 were at the warehouse, we thought, that meant they're  
6 going to be here any day now. And I don't remember the  
7 exact date. But I know it was months.

8 I'm going to look back here because I have to  
9 refer. It says "until January." So -- and I was asking  
10 teachers, "Did you get yours? Did you get your books  
11 yet?" Are you using them? How do you use it?"

12 You have to -- you need another day of training  
13 again, you know, because it had been how many months  
14 since we talked about how to use the program. And it's  
15 beautiful and it's new and it looked really great, but,  
16 you know, there was nobody there to do anything with it.  
17 So that was bad.

18 Q. Do you remember when the social studies  
19 textbooks were ordered?

20 A. I don't know when they -- usually, you know,  
21 district -- the schools order -- they try to order in  
22 late spring so that it is there in September. I was not  
23 responsible for ordering it. The principal and  
24 whoever -- the curriculum coach maybe. I don't know. I  
25 think the principal does the ordering based on what we

1 tell her we need. But she was supposed to get them for  
2 the whole school. Everybody in the whole city was  
3 supposed to get new -- that right there tells you it  
4 wasn't going to happen.

5 Q. You say the new social studies textbook had  
6 just been adopted; is that right?

7 A. Yeah. I don't know the date that they adopted  
8 them. I remember piloting -- we had a teacher pilot it  
9 the year before, and she said, "Well, it's been  
10 approved. You're going to get them next fall. Be  
11 prepared."

12 Q. Do you know whether Ms. Harris ordered the  
13 textbooks on time?

14 A. No, I don't.

15 Q. Do you have an understanding as to why they  
16 didn't arrive until approximately January?

17 A. No. They just kept saying they were stuck in  
18 the warehouse. I don't know what that means.

19 Q. Did you ever hear that there was a problem with  
20 the publisher?

21 A. No.

22 Q. Even though you didn't have social studies  
23 textbooks for approximately the first half of the  
24 year, did you still instruct your class in social  
25 studies?



1 A. Yes. What I mentioned earlier is, we had an  
2 existing program which was based on kits, actual objects  
3 and artifacts in boxes by theme or unit. And there was  
4 a binder associated with each box, and that's all we  
5 had, and any materials we got on our own.

6 Q. So prior to the 2000-2001 school year, was the  
7 school's policy to use the kits rather than textbooks to  
8 teach social studies?

9 A. Right. We didn't have an adopted textbook at  
10 that point.

11 Q. Do you know if that was a district-wide policy  
12 or was that just a school site --

13 A. No. That program was all that was available to  
14 us at least for fourth grade. I have no idea what the  
15 other teachers were using.

16 I do know that the reason why we didn't have an  
17 adopted textbook is, the last time they tried to adopt  
18 one, there was a huge conflict amongst all the different  
19 factions of people in the district about the particular  
20 books. So instead of adopting something, they just  
21 don't. And it takes several years, I forgot how many,  
22 it's a long time, before they do it again. Like every  
23 seven years or something.

24 So because they didn't approve anything, all  
25 those years, there was no book. That's why we finally

1 because of paper and time.

2 Q. You mentioned before that with respect to the  
3 Into English books that there was an inventory taken  
4 at some point. Do you know when that inventory was  
5 taken?

6 A. I'll look here, too. Okay. Well, of course I  
7 remember the most recent one, which is towards the end  
8 of the year again. In spring you do an inventory to  
9 find out what you need to order for next year, and then  
10 I'm just looking back at my declaration.

11 At the beginning of the year, as the grade team  
12 leader, I was asked, "Could you check and just see what  
13 people need, what's not here yet?"

14 And that's when I said, "Well, I don't have  
15 one. Get me a kit."

16 The leftover ones from the previous years were  
17 just not complete. They had some of it but not all the  
18 books were there.

19 Q. So do you remember taking an inventory of the  
20 Into English textbooks during the spring of 2000 in  
21 preparing for the 2000-2001 school year?

22 A. Actually, I did it for that. And for the math  
23 room, there's a -- Mathland is the name of the math  
24 program, which is all manipulative, little things to do  
25 math with, and teacher guides. So I remember making

1 got one. I think people didn't want to go through that  
2 again.

3 Q. During the time this past school year that you  
4 didn't have a textbook, you said you used the social  
5 studies kits to instruct your students in social  
6 studies.

7 A. Right.

8 Q. Did you like the kits?

9 A. I liked some of what was in the kits. The  
10 problem was that I wanted the kids to have, you know,  
11 nonfiction exposure, you know, to historical real things  
12 that happened in documents. And if I wanted it, some of  
13 it was in the binder and I had to copy it. And then you  
14 run into running out of paper all the time because  
15 you're only given this much paper per month to use, and  
16 the machines would always break down. It was a  
17 horrendous experience. And they're always telling you,  
18 "Don't copy so much."

19 But everything they gave us had to be copied  
20 because they never order anything for the kids. They  
21 give you, like, the original teacher thing, and then you  
22 had to copy from it all the time. It was insane.

23 So, you know, if you want to spend two hours  
24 copying every week for your 30, how many kids, it was  
25 nuts. So I copied half and let them share a lot just

1 sure, you know, we had enough of all of that.

2 Q. So when you took the inventory in the spring of  
3 2000, did it appear that --

4 A. Not spring of 2000. Sorry. 2001. I'm on the  
5 wrong year.

6 Q. We can go back, and let's try it again.

7 During the spring of 2000, so not this past  
8 spring but the spring before that, in preparing for the  
9 2000-2001 school year, did you take an inventory of the  
10 Into English books?

11 A. I did -- I think what happened was, we each did  
12 our own and turned it in. Everybody kind of filled out  
13 their own paper and gave it to the office, what are you  
14 missing, or to the -- I remember at one point the vice  
15 principal asking for it, and I'm really fuzzy on what  
16 year we're in in my memory. I know she did it this  
17 year. I can't remember 2000.

18 Q. Do you remember when you -- when do you first  
19 remember recalling that you were missing some Into  
20 English for some past school year?

21 MS. LHAMON: Objection. The question is vague.  
22 What did she first remember recalling it or when does  
23 she remember first noticing missing the books?

24 MR. ROSENTHAL: Q. I'm just trying to find  
25 out, when did you first notice that you were missing

1 books for this school year, the Into English books?

2 A. Okay. So at the end of -- that helps me  
3 remember. At the end of 2000, I think we were still on  
4 a year-around schedule then, so I don't remember what  
5 month that was in.

6 But I remember the fourth grade teachers having  
7 a grade level meeting, because we'd been sharing a lot,  
8 make sure that we order this for next year, but I don't  
9 remember, you know, who made sure it all got ordered. I  
10 just know we told them -- I know that the office was  
11 aware that we needed to restock our kits.

12 Now, positions shifted, and I remember for a  
13 long time it was Lillie Andrada who was kind of the  
14 curriculum coach person, and then they changed -- or  
15 literacy coach. They shifted her position. She was  
16 kind of our ordering goddess. It was, okay, tell Lillie  
17 when anything was missing.

18 I remember telling her several times that I  
19 don't have what I need, and is there an order going out.  
20 I really don't know if it got ordered on time or maybe  
21 that one kit did because it did show up a couple of  
22 months into the school year. And then the other  
23 teachers did eventually get what they needed later on in  
24 the year.

25 Q. Do you know if an additional order was placed

1 I just wanted to say that I found your  
2 characterization of what I told you to be completely  
3 inaccurate and unprofessional. To say that I had made  
4 repeated representations that depositions should proceed  
5 on weekends is entirely false.

6 I had one conversation with you during  
7 Mr. Dao's deposition where you made a representation to  
8 me that Ms. Malabed was not available on any weekdays,  
9 and I said that possibly we could make some exceptions  
10 and proceed on weekends if it was necessary. I also had  
11 an e-mail exchange with your colleague, Ms. Perrin, in  
12 which I suggested two alternative -- well, let me just  
13 go back for a second.

14 She had told me originally that Ms. Malabed  
15 and another teacher, Ms. Artiga-Faupusa, had limited  
16 availability during weekdays, and I then asked her  
17 what weekdays were they available, and then Ms. Perrin  
18 backed away from that and said they had no  
19 availability.

20 MS. LHAMON: Why are we putting on the record  
21 something that's already written down?

22 MR. ROSENTHAL: Let me just finish my  
23 statement. I'll give you a chance to respond if you'd  
24 like to.

25 I then suggested two days, two alternative

1 or were these books that were placed from a prior  
2 order?

3 A. I don't know.

4 Q. You don't know?

5 A. I don't know. I just know they did get what  
6 they needed. I was told everybody has what they need  
7 now, you know.

8 Q. But for whatever reason, they didn't arrive by  
9 the start of school?

10 A. No. No.

11 Q. At some point during the school year, did  
12 everybody get the sufficient number of Into English  
13 books that they needed?

14 A. Yes.

15 MR. ROSENTHAL: Michael, if we could take  
16 another break.

17 MS. LHAMON: Yes.  
18 (Recess taken.)

19 MR. ROSENTHAL: We've agreed to suspend the  
20 deposition for today, and we'll continue a second day at  
21 a mutually convenient date. At this point, we're  
22 thinking about September 21st.

23 I just have one last issue I wanted to raise  
24 with Ms. Lhamon. This is in reference to the August  
25 23rd letter you wrote to David Herron.

1 days, October 12th and November 12th, which are holidays  
2 that are weekdays. One of them is when the San  
3 Francisco Unified School District observes Columbus Day,  
4 which is a Friday. Most places observe Columbus Day on  
5 a Monday, so it's not a holiday when my firm is closed,  
6 it's not a holiday when most places are closed, but San  
7 Francisco schools are closed on that day. November 12th  
8 is also a holiday when my firm is not closed and many  
9 places are not closed.

10 Those are just suggested alternatives. So to  
11 say that that was an example of me suggesting or  
12 believing we should proceed on holidays and weekends is  
13 inaccurate.

14 And one final point. I also found it  
15 particularly strange that in that letter, you felt the  
16 need to copy Peter Choate, an associate at my firm, but  
17 despite the fact that statements were made about me in  
18 that letter, you didn't copy me on that letter. I found  
19 that also to be somewhat unprofessional.

20 As we stated on numerous occasions, we're happy  
21 to try to schedule these depositions at mutually  
22 convenient dates. But mischaracterizing what people say  
23 as far as scheduling is just not productive.

24 MS. LHAMON: Let me respond briefly because I  
25 don't think it's useful to use Ms. Israel's time in this

1 way. But you certainly did say to me multiple times in  
2 this room during the Tao deposition that holidays would  
3 be fine. I did not say to you on that day that Malabed  
4 would not be available on any further weekdays. I told  
5 you it was my understanding that that week was the final  
6 week during which she would have weekdays that were  
7 available, and I suggested to you that you find a day  
8 that week to complete -- to begin and complete that  
9 deposition.

10 You suggested twice during that day in this  
11 room that holidays would be fine, and you would be  
12 willing to make an exception for that deposition.

13 In addition, I think it's astounding that you  
14 would say in your statement on the record that school  
15 district holidays don't count as holidays because your  
16 firm is open. They are holidays. That's what I said in  
17 my letters. I even characterized them as school  
18 district holidays, which were your words in your e-mail,  
19 in this room, and now.

20 And finally, I copied Peter Choate on that  
21 letter at the specific request of either David Haron or  
22 Fram Virjee -- I can't remember who told me now --  
23 because I've been asked to copy Peter Choate on all of  
24 my correspondence. It didn't occur to me to copy you  
25 because I'm sure you all have distribution. You

1 seem to have it in your firm, and you've read the  
2 letter.

3 I don't appreciate your characterization of the  
4 professional nature of my correspondence or dealings  
5 with your firm, and I don't appreciate your  
6 mischaracterizations now, and I don't appreciate your  
7 wasting of my client's time. That said, I think we  
8 should make our stipulations and move on.

9 MR. ROSENTHAL: I agree. Can we stipulate that  
10 the original of this deposition be signed under penalty  
11 of perjury, that the original be delivered to your  
12 office?

13 MS. LHAMON: That's fine.

14 MR. ROSENTHAL: And that the reporter is  
15 relieved of liability for the original of the  
16 deposition transcript, that the witness will have 30  
17 days from the date of the court reporter's transmittal  
18 letter to sign and make any corrections to the  
19 deposition as needed, and that Ms. Lhamon will notify  
20 all parties in writing of any changes in the deposition,  
21 and that if no changes are communicated or no signature  
22 page is provided within that time, that any unsigned and  
23 uncorrected copy may be used for all purposes as if  
24 signed and corrected?

25 MS. LHAMON: So stipulated.

1 MR. ROSENTHAL: That's all we have for today.

2 THE REPORTER: Do you want a copy?

3 MS. LHAMON: Yes.

4 (Whereupon, the deposition was adjourned at  
5 4:11 p.m.)

6 --oOo--

7 I declare under penalty of perjury that the  
8 foregoing is true and correct. Subscribed at  
9 \_\_\_\_\_, California, this \_\_\_\_ day of \_\_\_\_\_,  
10 2001.

11  
12  
13  
14 \_\_\_\_\_  
15 Debra Israel

1 CERTIFICATE OF REPORTER

2  
3 I, CARLA SOARES, a Certified Shorthand  
4 Reporter, hereby certify that the witness in the  
5 foregoing deposition was by me duly sworn to tell the  
6 truth, the whole truth and nothing but the truth in the  
7 within-entitled cause;

8 That said deposition was taken down in  
9 shorthand by me, a disinterested person, at the time and  
10 place therein stated, and that the testimony of the said  
11 witness was thereafter reduced to typewriting, by  
12 computer, under my direction and supervision;

13 I further certify that I am not of counsel or  
14 attorney for either or any of the parties to the said  
15 deposition, nor in any way interested in the event of  
16 this cause, and that I am not related to any of the  
17 parties thereto.

18  
19 DATED: \_\_\_\_\_, 2001.

20  
21 \_\_\_\_\_  
22 CARLA SOARES, CSR 5908