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

5 --oOo--

6
7 ELIEZER WILLIAMS, et al.,)

8 Plaintiffs,)

9 vs.)

No. 312 236)

10 STATE OF CALIFORNIA; DELAINE)
EASTIN, State Superintendent of)
11 Public Instruction; STATE)
DEPARTMENT OF EDUCATION; STATE)
12 BOARD OF EDUCATION,)

13 Defendants.)
_____)

14
15
16
17 DEPOSITION OF
18 DEBRA ISRAEL

19
20 _____
October 30, 2001
21 Volume II
(Pages 235 - 388)

22
23 REPORTED BY: CARLA SOARES, CSR 5908
RMR, CRR

(05-113048)

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1 represented by CATHERINE E. LHAMON, Attorney at Law,

2 appeared as counsel on behalf of the Plaintiffs.

3 LAWYERS' COMMITTEE FOR CIVIL RIGHTS of the San

4 Francisco Bay Area, 301 Mission Street, Suite 400, San

5 Francisco, California 94105, represented by BROOKS M.

6 ALLEN, Attorney at Law, appeared as counsel on behalf of

7 the Plaintiffs.

8 O'MELVENY & MYERS, LLP, 400 South Hope Street,

9 Los Angeles, California 90071-2899, represented by

10 MICHAEL T. ROSENTHAL, Attorney at Law, appeared as

11 counsel on behalf of Defendants.

12 --oOo--

13 EXAMINATION BY MR. ROSENTHAL (Continued)

14 MR. ROSENTHAL: Q. Good morning, Ms. Israel.

15 As you may recall, my name is Michael Rosenthal, and I

16 represent the State of California in this case.

17 During your first day of deposition about, I

18 guess it was probably about a month ago --

19 MS. LHAMON: August 29th.

20 MR. ROSENTHAL: Q. -- we went over some ground

21 rules about the deposition process. Do you remember

22 those or do you want me to go over those again?

23 A. I remember.

24 Q. So you know you're under oath, and you know

25 that we should try not to talk over each other so the

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

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10 EASTIN, State Superintendent of)

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12 DEPARTMENT OF EDUCATION; STATE)

13 BOARD OF EDUCATION,)

14 Defendants.)

15 --oOo--

16 BE IT REMEMBERED that, pursuant to Notice, and

17 on Tuesday, October 30, 2001, commencing at 9:20 a.m.

18 thereof, at 275 Battery Street, San Francisco,

19 California, before me, Carla Soares, a Certified

20 Shorthand Reporter, personally appeared

21 DEBRA ISRAEL

22 called as a witness by the Defendants, who, having been

23 first duly sworn, was examined and testified as follows:

24 --oOo--

25 ACLU FOUNDATION OF SOUTHERN CALIFORNIA, 1616

Beverly Boulevard, Los Angeles, California 90026-5752,

1 court reporter gets things down, all those rules?

2 A. Yes.

3 Q. Very good. And giving verbal responses. That

4 was a perfect example.

5 When we left off after your first day of

6 deposition, we were going through your declaration, and

7 we had gotten up to, I believe, paragraph 7. Why don't

8 I have you take a look at your declaration again. I

9 know we marked it during the first day. Why don't you

10 take a minute just to read over that paragraph. It's

11 somewhat lengthy.

12 A. Can I write on this?

13 Q. Sure.

14 MS. LHAMON: It's not going to be the exhibit.

15 MR. ROSENTHAL: Right.

16 Q. What were you going to --

17 A. Just to highlight things for myself.

18 MS. LHAMON: You can mark it as a new exhibit

19 if you want to mark it.

20 MR. ROSENTHAL: Q. Fine. Go ahead and mark

21 it. If at the end it makes sense to mark it again,

22 we'll mark it again.

23 A. Thank you.

24 Q. Have you had a chance to review that

25 paragraph?

1 A. Yes.

2 Q. We'll spend some time -- there are a number of
3 issues raised in this paragraph. We'll spend some time
4 going over it. I want to pick up where we kind of left
5 off after our first day.

6 We were talking about the books that you had
7 during the 2000-2001 school year, and I believe that you
8 said you did not have a math book, you did not have a
9 social studies book, and you did not have a science book
10 during that school year.

11 Does that sound right to you?

12 A. Yes.

13 Q. Do you know if there was a social studies
14 textbook that had been adopted for use at Garfield
15 during the 2000-2001 school year?

16 A. No. Oh, wait. Sorry. I have to think. It
17 was adopted but not received.

18 Q. How about a math textbook for the 2000-2001
19 school year?

20 A. No.

21 Q. There was no math book adopted?

22 A. There was no math textbook.

23 MS. LHAMON: I'm sorry. I think that's not
24 clear. Are you testifying that there was no -- that you
25 didn't have a math textbook in your classroom or that

1 MS. LHAMON: Calls for speculation.

2 THE WITNESS: Yes. I know it was ordered. It
3 was in transit. I believe we talked about it last time.
4 Yes.

5 MR. ROSENTHAL: Q. And at some point during
6 the 2000 and 2001 school year, did the social studies
7 textbooks that had been ordered arrive at the school?

8 A. Yes.

9 Q. Just so we make sure we have all the books
10 covered during that school year, you also said that
11 there was some English books that you were using. I
12 believe they were called Into English; is that
13 correct?

14 A. Yes.

15 Q. Did you have copies of those textbooks during
16 the 2000-2001 school year?

17 A. Yes.

18 Q. Are there any other textbooks that you used
19 during the 2000-2001 school year that we haven't covered
20 already?

21 A. I can't remember if we covered it, but we had a
22 Macmillan Anthology Reader, and that was the only
23 reading text I had besides the Into English books.

24 Q. Were there any other subjects besides social
25 studies, math, science and English that you instructed

1 the district had not adopted one?

2 THE WITNESS: There was no adopted math
3 textbook.

4 MR. ROSENTHAL: Q. I believe also during your
5 first day, you said you used a workbook to teach the
6 class math; is that right?

7 A. Yes.

8 Q. Was that a workbook that was adopted by the
9 district or was that something that was selected on a
10 school basis or a book that you just happened to use?

11 A. I believe it was -- I don't know if it was
12 adopted. I know it was purchased for use as
13 additional work for the kids. It wasn't really to base
14 curriculum off of. It was to give homework assignments
15 from, and I believe it was in all the elementary
16 schools. I think it was called Math Steps, but it was
17 not a textbook.

18 Q. How about a science textbook? Was there a
19 science textbook adopted by the district for use in your
20 fourth grade class for teaching?

21 A. No.

22 Q. I think we covered this during your first day
23 but I want to make sure I'm clear. The social studies
24 textbook had been adopted, and had it also been ordered
25 by the district, to the best of your knowledge?

1 your class in in fourth grade?

2 A. No, those were the major core curriculums.
3 Well, language arts.

4 Q. Is that where you used the Macmillan Anthology
5 Reader? Was that sort of your language arts textbook,
6 and the Into English books as well?

7 A. Yes. And there was Open Court Intervention in
8 fourth grade that year, which was -- did not consist of
9 textbooks. It was a phonics program.

10 Q. Can you just tell me what kind of materials
11 were used in connection with the Open Court Intervention
12 program?

13 A. Open Court for Intervention only had laminated
14 sound cards, manuals for teachers to copy from for
15 students to read materials, and assessments to
16 administer to students.

17 Q. When you say "laminated sound cards," do you
18 mean like flash cards, those kinds of things?

19 A. Yeah, similar to flash cards, yes.

20 Q. Somewhat larger?

21 A. Yes.

22 Q. So were the materials -- aside from making
23 copies from the teacher manual to hand out to the
24 students, were there any materials you used in
25 connection with the Open Court Intervention program that

1 were given to individual students?

2 A. No.

3 Q. Now, with regard to the Macmillan Anthology
4 Reader book that you identified, did you have those --
5 did you have copies of those books at the beginning of
6 the 2000-2001 school year?

7 A. Say that again. I'm sorry.

8 Q. The Macmillan Anthology Reader book, did you
9 have copies of that book for your class at the start of
10 the 2000-2001 school year?

11 A. Yes.

12 Q. And did you have enough copies for all the
13 students in your class?

14 A. Yes.

15 Q. Were students able to take those books home
16 with them?

17 A. Generally, we were advised not to let those
18 books out of the school because often they did not
19 return, and that they were expensive, and that we could
20 copy from them if we wanted students to take stories
21 home. There was a lot of pressure about, don't send
22 books home.

23 Q. And was that largely because, on occasion,
24 students lost the books?

25 A. I believe that was the reason we were given at

1 Q. Did you ever make copies from the Macmillan
2 Anthology Reader textbook and then send those home with
3 the students to do homework in that manner?

4 A. Very occasionally, because there's a problem
5 with making too many copies. You're only issued a
6 certain amount of paper to use per month. And if you
7 had a special project, of course, you could request
8 more, but I was limited to how many copies I could do.
9 And I knew if I kept copying -- it was also really
10 time-consuming. I'd rather be spending time teaching
11 than copying, or preparing for class than using my prep
12 time for copying.

13 Q. I believe you testified during your first day
14 that you did not have the Into English textbooks at
15 the very outset of the 2000-2001 school year; is that
16 right?

17 A. We had incomplete sets, and we were forced to
18 share what we had left in the remaining sets from the
19 previous year. So I did not have a complete set at the
20 beginning of the year.

21 Q. But by approximately October of the 2000-2001
22 school year, did you obtain a new complete set of the
23 Into English textbooks?

24 A. I remember we talked about that last time.

25 Yes, I believe that was about the time that the -- my

1 the time.

2 Q. So did you allow students to take those book
3 home, or did you not allow that?

4 A. Once in a great while, if I had a good
5 relationship with the family, you know, that I knew the
6 parent would follow up and get it back, or if a student
7 was on an extended vacation and I needed them to do work
8 while they were away, yes. But it was not a general
9 practice.

10 Q. Did you typically assign homework from the
11 Macmillan Anthology book?

12 A. Yes. We had manuals with worksheets that we
13 could use for homework assignments based on the stories
14 we were reading. I used it minimally, though, because
15 if they couldn't take the book home, it didn't really
16 make sense a lot of the time to use those manuals. So
17 occasionally I had to pick and choose what was really
18 relevant to something they could do at home without the
19 book.

20 Q. Did you ever assign any homework from the
21 worksheets, for example, in which the textbook would
22 have been required to do the homework?

23 A. No. I realized early on that it didn't make
24 sense to the students. They couldn't recall the
25 story.

1 box came.

2 Q. I believe you also testified during your
3 first day that other fourth grade classes did not have
4 their full sets of the Into English materials; is that
5 right?

6 A. Yes.

7 Q. Did those other classes obtain new sets of the
8 Into English materials at some point during the
9 2000-2001 school year?

10 A. Yes.

11 Q. Now, you said that no science textbook had been
12 adopted for use in your class during the 2000-2001
13 school year. Did you instruct your class in science?

14 A. Yes.

15 Q. Can you just tell me what materials you used to
16 do so?

17 A. Yes. We used Foss kits, which are boxes of
18 hands-on materials and a manual to go with each box.

19 MS. LHAMON: So the record is clear, Foss is
20 F-o-s-s; is that right?

21 THE WITNESS: Yes, F-o-s-s.

22 MR. ROSENTHAL: Q. And were those kits
23 designed so that each individual student had their own
24 kit?

25 A. No. There's one box per unit for your whole

1 class, and actually, there's usually only one box at
2 your site for that grade level to share from.

3 Q. Was that true at Garfield? Did the entire
4 fourth grade have one box of Foss kit materials to use?

5 A. Yes, for each unit. So if you did electricity
6 and magnetism, there was a box on electricity and
7 magnetism, and you got to use it, or you shared it.

8 Q. Rotated it through the fourth grade classes?

9 A. Right. We tried to rotate. One person did
10 electricity and magnetism and tried to team-teach with
11 other teachers.

12 Q. Do you remember how many different units there
13 were of materials?

14 A. I think there's either three or four.

15 Q. You also said that there was no math textbook
16 that had been adopted for use in your class. I assume
17 you instructed your students in math.

18 A. Yes.

19 Q. What materials did you use to do that? I know
20 you identified a workbook. Were there any other
21 materials that you used to do so?

22 A. The adopted program was called Mathland, which
23 was mostly based on manipulatives and conceptual
24 approaches to math. And there was an adoption process
25 going on, I believe, for probably next year for a math

1 A. Each class was supposed to have their own
2 complete set per grade level.

3 Q. You said you used a workbook in connection with
4 instructing the class in math. Did all students have
5 their own copies of the workbook?

6 A. No. It was a teacher manual that we could copy
7 from for each student.

8 Q. So you made photocopies of pages from the
9 teacher manual, handed them out to the students?

10 A. Right.

11 Q. When you did so, did you make enough copies for
12 each student?

13 A. Yes.

14 Q. And were students able to take those materials
15 home with them?

16 A. Yes.

17 Q. Is that where you typically assigned your math
18 homework from, those kinds of materials?

19 A. Some of it. Those were sort of for the whole
20 week kind of assignments. The other thing you used a
21 lot was the Math Steps book. That was kind of a nice
22 backup for what I was teaching for homework. And each
23 student did receive one book. The problem was, we
24 didn't know if we'd have any the next year. So we used
25 to keep one just in case and use it for copies. But in

1 text. Or maybe -- I'm sorry -- probably this year. I'm
2 thinking 2000-2001. Right. I don't know, though.

3 Q. Were there any materials that were used in
4 connection with the Mathland program that had been
5 adopted?

6 A. Other than the manipulatives and the -- there
7 was a teacher's guide and there was these manipulatives,
8 and then there were some worksheets that went along with
9 it.

10 Q. I'm not familiar with the terminology. Can you
11 tell me what manipulatives are?

12 A. Materials that you can actually take and
13 manipulate and use to communicate the concepts. So it
14 could be anything from measuring tools to multiplication
15 blocks to dice, you know.

16 There was a box, a plastic container with these
17 different materials in it for each unit that you taught.
18 Oftentimes those were incomplete from class to class.
19 So we were, again, running from room to room. Who has
20 the fraction circles? Who has the measurements? And
21 inventory was a big concern.

22 Q. So was it somewhat similar to the Foss kits in
23 the sense that there were various materials in a box
24 that were rotated throughout the fourth grade, or did
25 each class have their own?

1 the beginning, they each got their own workbook from
2 Math Steps, and they could take that home.

3 Q. Math Steps is the name of the workbook?

4 A. Right.

5 Q. At the beginning of the school year, students
6 did receive their -- just so I'm clear, they did receive
7 their own copy of the Math Steps workbook?

8 A. Yes.

9 Q. They were able to take that home?

10 A. Yes.

11 Q. We're up to the last subject during this school
12 year, which is social studies. You said that there had
13 been a textbook adopted but that it was not received at
14 the beginning of the school year.

15 Did you instruct your class in social studies
16 in the time prior to receiving the newly adopted
17 textbook?

18 A. Yes.

19 Q. And how did you do that?

20 A. Previous to having that book, we used social
21 studies kits similar to Foss. There was one box per
22 unit, and there were approximately five or six units
23 that fourth grade was supposed to cover.

24 Q. So when you say it was similar to Foss kits,
25 was there one set of each unit to be shared among the

1 fourth grade?

2 A. Yes.

3 Q. All right. Why don't we talk about the prior
4 school year. That's 1999-2000. I know that perhaps
5 your memory will get fuzzier as we go further back in
6 time.

7 Why don't you just tell me what textbooks and
8 materials you used to teach your fourth grade class
9 during that time frame.

10 A. I believe they were all exactly the same,
11 except for Open Court. We did not have the Open Court
12 yet.

13 Q. So during that year, you used the social
14 studies kits to teach social studies?

15 A. Yes.

16 Q. Did they have any sort of name like the Foss
17 kits do?

18 A. No.

19 Q. Okay. Easy enough.

20 A. Yeah. Well, you would say, who has the
21 American Indian box? Who has the Mission Rancho period?
22 Who has -- yeah.

23 Q. And to instruct math, you used the Math Steps
24 workbook and the Mathland materials?

25 A. Yes, and that was the first year I think that

1 had at some point complete? I'm just trying to get a
2 sense if some books went lost or what happened to the
3 set.

4 MS. LHAMON: It's vague as to time. Are you
5 asking, was it at some point complete during the
6 '99-2000 school year or at some point complete before
7 she left the school?

8 MR. ROSENTHAL: Q. I guess I'm asking if it
9 was complete at any time that you're aware of.

10 A. Okay. For some reason, the one that I came
11 into never seemed to be -- have all the books that it
12 needed. I know there was one in one teacher's room --
13 this is a time when we were moving classrooms all the
14 time that we talked about last time. And I think part
15 of it was that things got lost in the moving a lot.
16 And, yes, sometimes students took the books home, which
17 they weren't supposed to, from that particular program.
18 Those were supposed to only be classroom use. But yeah,
19 I'm sure when they first ordered it. I just don't know
20 what year that was.

21 Q. When you say it's an incomplete set, were you
22 just missing a number of books? Just so I'm clear, the
23 Into English is one textbook or numerous materials?

24 A. Okay. In fourth grade, there's ten individual
25 paperback books, and there's about -- how many were

1 we got the Math Steps books. I only remember having
2 them for two years.

3 Q. And to instruct the class in science, you used
4 the Foss kits?

5 A. Yes.

6 Q. Did you have the Into English materials during
7 that year?

8 A. Yes. Not a complete set, but I had some.

9 Q. Did you obtain a complete set at any point
10 during that year?

11 A. No. That's why I was so happy the next
12 September or October. As I said, when I got the whole
13 brand new box, I knew it was complete.

14 Q. Did you have an understanding as to why you
15 didn't have a complete set during the '99-2000 school
16 year?

17 A. I'm not clear. The sense that I had was that
18 they were doing inventory and ordering times and maybe
19 we missed a deadline. I have no idea.

20 You know, you tell the administrators what you
21 need, and then it goes around. I don't even know the
22 circuit it goes through to get it back to us. But it
23 seems like it was a really complicated process because
24 it's always an issue in terms of receiving materials.

25 Q. Was the not complete Into English set that you

1 there -- six different titles. So that was the books.
2 They were paperback short stories.

3 There was a teacher's manual, there was a
4 CD-ROM, there were cassettes for each unit so that the
5 stories were all on tape. It was a lot of oral English
6 development, so lots of poems and songs were on those
7 papers. There were numerous posters for visual aids to
8 work with the ELD students, and there were some other
9 visual cards that we cut up and used to teach the
10 lessons. And at any time, some pieces of it just
11 weren't there, any of those materials. I think that's
12 it.

13 Q. Just so I'm clear, you said that there were ten
14 paperback books, and then you said there were six
15 titles. I'm just missing something there. Did four of
16 the books not have titles?

17 A. There's six different books with the same
18 title. So -- I'm trying to remember one. Cinderelli
19 was one of the books. There were ten Cinderellis. Then
20 there was another book with another title. There should
21 have been ten of those.

22 Q. So there would be 60 total books?

23 A. I believe so. I'm racking my brain. I think
24 there were six titles.

25 Q. So there were ten copies of each of the six

1 titles?

2 A. Right, to use with your small groups. And
3 because there was only ten, and you wanted sometimes to
4 have one for each kid if you had a large number of ELD
5 students, we would borrow from each other. I think that
6 contributed to things getting misplaced.

7 Q. The sharing among classes?

8 A. Yes.

9 Q. The Into English books were only used for ELD
10 students?

11 A. Yes, although at times ELD students were
12 identified by English level proficiency, not -- that
13 meant your second language students. But, in fact, we
14 realized they were really helping everyone's English
15 skills overall, so at times we included everybody in the
16 class that was identified as needing to work on English
17 proficiency.

18 Q. Do you remember what aspects of the Into
19 English materials you had were missing during the
20 1999-2000 school year?

21 A. I believe it was some of the books. I don't
22 remember which titles. Oftentimes the cassettes would
23 disappear. It didn't seem to have the CD-ROM. I never
24 knew what was on that CD-ROM. Mostly, yeah, those.

25 Q. Do you remember how many ELD students you had

1 Q. Okay. I'm really going to press your memory
2 now. Let's go back to 1998, ancient history, 1998 to
3 1999. And just, again, if you can tell me, to the
4 extent you recall, what materials you used to instruct
5 your class during that year.

6 A. As far as I remember, everything was the same
7 except, again, there was no Open Court. I mean,
8 occasionally we used old, old science and social studies
9 books that were ripped up, falling apart and outdated,
10 just for visuals, because if you're teaching largely
11 second language students, you need as many visuals as
12 you can. And they had colors pictures in them, or maps.
13 Maps that hadn't changed I would copy from or try and
14 scrounge up a few of those. But the following year I
15 got smart and said, I'm not doing that anymore. We
16 just -- they were discarded, the old books.

17 Q. And during that '98-'99 school year, you used
18 the Foss kits and the social studies kits that we talked
19 about earlier?

20 A. Yes.

21 Q. I think you said during '99-2000, that was the
22 first year you used the Math Steps workbooks. Was that
23 one you did not use during '98-'99?

24 A. Yes. Yes.

25 Q. Did you -- let me ask this question first:

1 in your class during the 1999-2000 school year?

2 A. I think at least half, maybe more, maybe
3 two-thirds of the class. I don't have an exact number.

4 Q. When you used some of the books from the Into
5 English program in your class, if you were short a
6 particular title, were you actually able to borrow the
7 books from one of the other classes so you had enough
8 for each of your students, or was that not the case?

9 A. A lot of the 1999-2000 year, we always didn't
10 have complete sets yet in the other classrooms, so not
11 always. It depended on the titles. If all of theirs
12 were in their boxes, then yes, I could get enough for
13 everybody. But it wasn't consistent for all titles.

14 Q. So during the 1999-2000 school year, were you
15 also using the Macmillan Anthology Reader in that class?

16 A. Yes.

17 Q. Were there sufficient copies of those books for
18 all the students?

19 A. Yes.

20 Q. Did the same rule apply as to the students
21 taking those books home?

22 A. Yes.

23 Q. And you said Open Court was not in use during
24 1999-2000 yet?

25 A. I don't believe so.

1 During '98-'99, was your Into English set of materials
2 incomplete?

3 A. 1998-'99, yeah, because I still don't remember
4 having a complete set until 2000.

5 Q. Were you using the same set of Into English
6 materials throughout your four years of teaching at
7 Garfield, or was that something you turned in at the end
8 of the year and you got -- when you started the next
9 school year, you received what was perhaps a different
10 set of materials?

11 A. Not only did that happen, but because of the
12 rotating of the classrooms, there was agreement or not
13 between teachers, okay, I'm leaving my ELD box in the
14 room for you. Don't use yours. And then we had the
15 teacher who held on to everything, locked everything up,
16 so hers was always complete. That was the one that was
17 always complete because nobody touched it but her.

18 So because of this changing, materials would
19 get lost, and we would keep a list for the school site
20 to order for the following year what's missing.

21 I don't -- I don't know if they let them order
22 book by book. Maybe that was one of the problems, is
23 that if you can't order just the titles, you have to
24 order the whole kit, then they would have to wait until
25 the following year for book order, you know, placement.

1 I don't know.

2 Q. And during '98-'99, were you also using the
3 Macmillan Anthology Reader?

4 A. Yes. Yeah, I think we had those when I came
5 in.

6 Q. And again, were there a sufficient number of
7 those textbooks for all your students in your class?

8 A. Yes.

9 Q. Let's try to go back one more year. 1997-'98
10 was your first full year teaching, right?

11 A. Right.

12 Q. Can you tell me what materials you used during
13 that year to the extent you recall?

14 A. I recall the Macmillans were there, the social
15 studies boxes were there, Foss kits were not as
16 organized that year so there were a lot of incomplete
17 and duplicates of the same ones, but they weren't ever
18 complete. That was a little more chaotic that first
19 year.

20 I believe Into English was there. I'm really
21 not sure. I can't remember that year as well. That's
22 easy to find out, though, if the district had adopted it
23 yet and used it. Math was Mathland. Same. No Math
24 Steps books. No Open Court.

25 And again, I didn't mention this, but a lot of

1 So they really cleaned it all up, sent it back
2 to the warehouse. They restocked it, and then we got
3 this wonderful relationship where if you needed it, you
4 called, and the guy actually brought it to the school
5 site and then picked it up when you were finished. I
6 can't remember his name, but it's because a teacher made
7 the effort to develop that relationship where a lot of
8 us were just sort of ignorant about, who do you call?
9 What do you do with this stuff?

10 You know, especially when you're new, it's sort
11 of, oh, yeah, I have to teach science, so -- oh, but
12 there's nothing in the box. And then not really
13 understanding that there is a district person, an actual
14 body you could rely on.

15 So that helped us a lot. And I felt that
16 really got improved upon last year and the year before.
17 But especially last year, things were running smoothly.

18 Q. And do you know the name of the contact that
19 Mr. Figueroa dealt with at the district to establish
20 that relationship?

21 A. Oh, there's a name. Don is coming into my
22 head, but I -- I don't know.

23 Q. Do you know what his title was, by any chance?

24 A. We called him the Foss kit guy. Where is that
25 Foss kit guy? I think that actually I can give you --

1 times what I did personally was purchase books on my
2 own. That really enhanced my different curriculums
3 where I was missing meat, you know, textbooks or more
4 teacher lesson ideas. I also used the Internet and
5 printed things out. And, you know, ultimately I passed
6 a lot of that on to other teachers.

7 Q. Now, during '97-'98, was there any sort of
8 shortage of the Macmillan Anthology Reader, or was that,
9 again, something that you had a sufficient number of?

10 A. I believe that those stayed pretty much intact
11 because they stayed in the classroom.

12 Q. You said during '97-'98, the Foss kits were
13 somewhat incomplete, and I think you used the word
14 "chaotic." Do you know whether subsequent to the
15 '97-'98 school year, new Foss kits were purchased, or
16 how did they become less chaotic in the years that
17 followed?

18 A. We had a phenomenal teacher, Fernando Figueroa,
19 who is a fifth grade teacher still, I believe, who
20 really jumped on the science, and there were other
21 teachers, too. I just remember him in
22 particular reaching out to the district coordinator for
23 Foss kits and having a group of people clean out -- you
24 know, why do we need ten boxes of incomplete
25 measurements boxes? We don't.

1 it's another acronym, BASTEC, B-A-S-T-E-C. The BASTEC
2 coordinator, I think.

3 Q. You know I'm going to ask what that stands for.

4 MS. LHAMON: I liked "Foss kit" better.

5 THE WITNESS: I have a feeling -- okay. You
6 have to find out if it's Bay Area -- what did I just
7 tell you, B-A-S-T-E-C? Bay Area Science Technology
8 Education Center. That sounds good, but I'm not good at
9 acronyms.

10 MR. ROSENTHAL: Q. You're not 100 percent
11 sure, but you think that might be the name?

12 A. Yeah. And it was connected -- the boxes were
13 developed with Lawrence Hall of Science in Berkeley, so
14 they even may know, too. But the district would be able
15 to direct you, if you called them, to the science
16 coordinator.

17 Q. So did you, subsequent to Mr. Figueroa sort of
18 establishing this relationship on behalf of Garfield,
19 did you have contact with the Foss kit guy?

20 A. Yes. Last year was the first time I knew who
21 to call and requested the missing items and received
22 them so that I could teach the unit that I needed to
23 teach adequately.

24 And we were more organized as a fourth grade
25 team. We actually broke up the units and people were

1 assigned, you're teaching this this year to all the
2 fourth grade kids. It didn't last very long because
3 some of them were new teachers, and it was too scary to
4 teach someone else's 32 kids.

5 So two of us kind of did that for a while, and
6 because of that being in place, that collaboration, it
7 really made it a more organized science program.

8 Q. We had begun to touch on this a little bit on
9 your first day, and then we sort of ended. But if you
10 can just -- first of all, did you take inventory of your
11 books at the end of every school year?

12 A. We were advised to, and I remember that we
13 talked about that. It was really confusing me because
14 of the dates and trying to figure out when it was done.
15 I don't know that I was very clear last time. I'm still
16 not.

17 But you're given something in writing from the
18 administration asking that your grade level identify
19 books that need to be ordered for next year, and we're
20 given a list of the kinds of books that they're talking
21 about. So it wasn't just any book that you wish you
22 had.

23 I do remember us doing that at the end of
24 2000-2001.

25 Q. And was that done on a grade level basis as

1 was mostly Mathland. That was the big one. Nobody
2 wanted to look at 20 boxes and see what was missing. So
3 I ran around looking at what boxes were supposed to be
4 there based on the inventory sheet. And I did turn that
5 in, and that was in writing.

6 Q. In connection with doing the inventory, did you
7 also -- let me step back.

8 You were the coordinator for the fourth grade
9 during the 2000-2001 school year as far as conducting
10 the inventory and making sure it got completed?

11 A. Yes. I was designated as the fourth grade team
12 leader for that whole year, so I was the liaison from
13 the administration to disseminate whatever came into my
14 box for them.

15 Q. In reporting the result of the inventory to --
16 did you report it to Ms. Harris?

17 A. Yes, I believe that's who -- I put the papers
18 in her box.

19 Q. In addition to reporting to Ms. Harris the
20 number of textbooks that were present in your classroom,
21 or that you had as a result of conducting the inventory,
22 did you also indicate to her where there was a shortage
23 and where you would like to see additional books
24 ordered?

25 A. Yes. Mostly it was in the manipulative

1 opposed to an individual class level?

2 A. It was given to a grade level team leader, and
3 you were supposed to check with your other colleagues in
4 your grade level. Everybody had to do it for their
5 classroom. If one person did it for your grade level,
6 great. That was between you and the other teachers. I
7 believe we each did our own. And I would come and check
8 to make sure that they had done it, and then they
9 individually turned it in to the administrators.

10 Q. When you say "they individually turned it in,"
11 was it the individual teachers who turned it in or was
12 it a coordinator at the grade level first and then
13 somebody responsible for the grade level who turned it
14 in to the administrator?

15 A. What I remember is individual fourth grade
16 teachers turned it into the office when I asked them if
17 they completed their inventories.

18 Q. So just dealing with your personal situation,
19 towards the end of the 2000-2001 school year, you
20 conducted a physical inventory of your textbooks and
21 reported that to the principal in some sort of writing?

22 A. Yes. And there was one for all of the fourth
23 grade in terms of -- what were we looking at? I do
24 remember turning something in where I was actually
25 ordering for everybody, marking things. I think that

1 materials for Mathland that I noticed a shortage.

2 I think also we were requesting more Math Steps
3 books as we didn't know if the district had budgeted in
4 for new ones. I can't even remember what the answer was
5 right now, but we asked for them.

6 Q. And in making those requests, were you making
7 them on behalf of just your class or were you sort of
8 aggregating the information for the entire fourth grade
9 and reporting to Ms. Harris as to what books you thought
10 needed to be ordered for the entire fourth grade?

11 A. I remember just for the math, that was sort
12 of -- for some reason that's the one I took on and
13 everybody else put in, you know, if they were missing a
14 reading book. But they adopted Open Court as the main
15 reading program this year, so those Macmillans, I don't
16 even know if they're using them anymore.

17 Q. I know you're no longer at Garfield. Do you
18 know if any of the books that you requested to be
19 ordered were ordered by Ms. Harris or by anybody else?

20 A. No.

21 Q. Have you heard if any of the books that you had
22 wanted ordered have arrived at the school, or do you not
23 know?

24 A. No.

25 Q. No, you don't know or no, they haven't?

1 A. I don't know. No. I haven't spoken to anyone
2 about the books.

3 Q. Do you remember conducting an inventory during
4 the -- at the end of the '99-2000 school year?

5 A. I think at that point I did my own room and let
6 the coordinator -- at that time, I think it was Lillie
7 Andrada who was a teacher on special assignment. She
8 was kind of our curriculum literacy person. I think
9 that was the year we were still telling her -- I could
10 be wrong, but I remember, she sticks in my mind -- and
11 then she would pass that over to Ena Harris.

12 Q. Do you remember reporting to Ms. Andrada at the
13 end of the '99-2000 school year that you needed any
14 materials for your class in the following year?

15 A. I think that whatever I found to be lacking, I
16 must have written down and given to her. Probably it
17 was that the ELD kits were still not complete, and that
18 maybe some of the Mathland materials could have been
19 replenished.

20 Q. By the ELD materials, you're referring to the
21 Into English materials?

22 A. Yes. Right.

23 Q. Did Ms. Andrada tell you that she would be able
24 to place orders for additional materials or that she
25 would not, or anything else?

1 new Into English materials as a result of informing
2 Ms. Chin that you required new materials?

3 A. Yes.

4 Q. Can you spell Ms. Chin's first name and last
5 name, if you can?

6 A. I think her first name is K-r-y-s-t-a-l, and
7 her last name is C-h-i-n.

8 Q. Thank you. Why don't we look at some of the
9 specifics in paragraph 7 just to tie up a couple of
10 loose ends.

11 The second sentence, you say that, "We do not
12 have enough books for all our students, and even when
13 we're supposed to have books because the district puts
14 books orders in, we generally do not get the books in
15 time for the entire school year."

16 Based on your testimony, and correct me if I'm
17 wrong, the only textbook that you used during the four
18 years really was the Macmillan Anthology Reader; is that
19 fair to say?

20 A. Yes.

21 Q. I know you've identified the instance where
22 your new Into English materials didn't get to you until
23 approximately October of 2000-2001 school year, and the
24 newly adopted social studies textbooks didn't arrive
25 until some period of time later in the school year.

1 A. I can't remember.

2 Q. Now, during -- let me just ask this question:
3 During the -- strike that.

4 Do you know if any of the materials that you
5 requested to be ordered were, in fact, ordered by the
6 school?

7 A. No, I don't know, for that year.

8 Q. Now, you stated earlier that sometime in
9 roughly October of 2000-2001, you received a new set of
10 the Into English materials. Was it your understanding
11 that that was a result of your reporting to Ms. Andrada
12 at the end of the prior year that you needed new Into
13 English materials?

14 A. I more remember talking with Krystal Chin, who
15 was the -- I think she was there that year -- the vice
16 principal. She seemed to be now the new person to go to
17 for inventory issues when you're missing materials.

18 Q. So at some point, was Ms. Andrada's -- the
19 responsibility for textbooks, was that, for lack of a
20 better term, taken away from Ms. Andrada and transferred
21 to Ms. Chin?

22 A. I think so, because I think Ms. Andrada became
23 more the literacy coach, curriculum coach, and was very
24 involved in helping the reading programs.

25 Q. Was it your understanding that you received the

1 Are there any other instances that you can
2 think of where you did not receive books on time that
3 you haven't told me about?

4 A. No.

5 Q. In the next sentence, you call the book
6 ordering system bureaucratic. Can you just describe for
7 me what you mean by that?

8 I know you've somewhat described the process,
9 and it sounds like it changed over time, at least with
10 respect to who was responsible for the process.

11 Can you just describe for me what you mean by
12 calling the process bureaucratic?

13 A. My interpretation of that with regards to book
14 ordering is that there appears to be too many steps or
15 too many places that the ordering has to go to. I'm not
16 really informed enough about where it goes once it
17 leaves the school's office.

18 It seems like the order may go in, and it just
19 doesn't come to us on time. And I heard -- this is what
20 I heard last year with regards to the social studies
21 textbooks -- that they were on the way, now they're at
22 the warehouse, and they couldn't seem to get them out of
23 the warehouse. And I don't know if that's because there
24 was so many and there's not enough delivery people, or
25 there's a lot of paperwork that has to be done in order

1 to actually distribute them physically to the school
2 sites in terms of record keeping. But there's something
3 going on that's just too big for them to handle the
4 amount of books that come in or the number of students
5 that -- you know, we have a huge district. So that
6 could be part of it.

7 But, you know, when you and I think, I'm
8 ordering something, and they say this many days, we get
9 really upset, right, if it doesn't come on time, and we
10 start calling. And we make -- we spent money, we need
11 it, and blah, blah, blah.

12 So my feeling is that it should work, and
13 especially when it's educational materials. You know,
14 we're denying them access to use the materials that the
15 district wants us to teach from. So something in there
16 that I'm not aware of is not running smoothly.

17 This year, it could be a whole new story
18 because I'm uninformed about this year. I don't know.

19 Q. Okay. And I just -- again, I'm not trying to
20 put words in your mouth, but is part of your problem
21 with the book ordering process that it's -- the school
22 itself that needs the books is not sufficiently directly
23 involved with the ordering that it has to go through
24 sort of like the, what I'll call a middleman, that being
25 the district, and work through that process?

1 Ms. Chin about where the books are. And then
2 occasionally I talked to Ms. Harris where I was saying,
3 "Could you call again? Could you call again?"

4 And she would tell me, "I've called several
5 times, and a lot of schools are having the same
6 problem." That was last September.

7 Q. Was your understanding that this was social
8 studies books that had been ordered that were late in
9 arriving district-wide? Was it a district-wide problem
10 or was it a problem that was limited to Garfield?

11 MS. LHAMON: Calls for speculation.

12 MR. ROSENTHAL: Q. To the extent you know.
13 A. Okay. From the union meetings that I mentioned
14 last time where I was a school site rep, we would bring
15 up concerns, and there were other school site reps
16 bringing up concerns about missing textbooks, and I did
17 hear that from teachers.

18 Q. You heard that with respect to the same social
19 studies textbooks that you were missing?

20 A. Yes, and also, because I had a son in a fourth
21 grade -- not fourth grade, fifth grade -- sorry -- last
22 year. We were having -- the teacher that trained us in
23 the social studies units in the summer was his teacher.
24 And they hadn't received all of theirs, either.

25 Q. In the next couple of sentences in paragraph 7,

1 Is it your understanding that if the process
2 worked more directly from the individual schools with
3 the actual publishers of the books, that perhaps that
4 would speed up the process?

5 MS. LHAMON: Object to the question as
6 compound.

7 THE WITNESS: I don't know if it would speed up
8 the process or not, but I know that the -- I know that
9 the orders are turned in and that the administrators are
10 placing the orders. That's what they've told us they're
11 doing. So I don't know if it would make it easier or
12 more a successful endeavor if they ordered directly.

13 I truly believe in school site-based management
14 in terms of things like this because maybe, you know,
15 that relationship, the middleman is the problem. I
16 really don't know what the problem is. I get told
17 different stories.

18 MR. ROSENTHAL: Q. You said that you heard
19 that part of the problem in getting the social studies
20 textbooks to the actual site was, they were in trucks
21 for periods of time, and then they were in the
22 warehouse.

23 Do you remember where you heard that from? Was
24 that from Ms. Harris or was that from somebody else?

25 A. I kept asking. I think I mostly talked with

1 you describe how you received your new set of Into
2 English materials during the 2000-2001 school year. And
3 I'm just curious as to if you have an understanding as
4 to why you received a new set and other teachers did
5 not. Let me just ask one other question first.

6 Did the other teachers teaching fourth grade at
7 Garfield at some point subsequent to your receiving new
8 materials receive new copies of the Into English
9 materials?

10 MS. LHAMON: Asked and answered, and the
11 question is compound.

12 THE WITNESS: Yes.

13 MR. ROSENTHAL: Q. Do you have an
14 understanding as to why you received a set first and
15 they didn't?

16 A. No.

17 Q. Do you know if they were ordered in one -- that
18 new sets were ordered all at once or were separate
19 orders placed, or do you have an understanding?

20 A. I don't know. No.

21 MS. LHAMON: Do you want to take a break?

22 THE WITNESS: No.

23 MR. ROSENTHAL: Q. Finally at the end of
24 paragraph 7, you say that you believe the district was
25 in the process of adopting a new science textbook. Can

1 you just tell me what the basis for that is?

2 A. I'm reaching in my memory for the teacher that
3 was on the science adoption committee. I believe one of
4 our teachers was on some committee with the district
5 regarding science adoption and had been going to
6 meetings, and informed us that by next year, there
7 should have been a book adopted. I don't know if that
8 means you get it this year or the following year.

9 Q. Do you know if a science textbook has actually
10 been adopted by the district yet?

11 A. I can tell you for sixth grade, because my son
12 is in sixth grade, and he brought home his first science
13 textbook since he was in kindergarten. And all I want
14 to say about that is, since he's never been exposed to a
15 science textbook, he doesn't understand what he's
16 reading because he's never really had that format.

17 And it hit me, report cards just came out a
18 couple of weeks ago, and a lot of the kids are
19 struggling. I talked with the science teacher. I said,
20 "You're dealing with generations of kids that have never
21 read that kind of material before, and they are going to
22 struggle with it for a while."

23 I think it's, you know, it's higher level
24 vocabulary, and because they were denied a textbook
25 their entire elementary school years, this is brand new

1 take place.

2 So either they couldn't agree on a book before
3 I became a teacher, and we just didn't have any, or they
4 selected to use the Foss kits.

5 Q. Do you know --

6 A. I don't know.

7 Q. You may want to look at paragraph 7 again, and
8 you may not need to. But you identified a number of
9 problems regarding textbooks at Garfield. Are there any
10 other textbook problems that you believe existed at
11 Garfield that you didn't identify in that paragraph?

12 A. The only thing I would add, which we discussed
13 a little bit, was that we didn't -- I don't know if they
14 have now -- have a math textbook, that we were only
15 using these Mathland materials.

16 Q. And again, do you know why that was? Do you
17 know whether the Oakland Unified School District had
18 chosen not to adopt a textbook and instead used the
19 Mathland materials? Are you not aware of that?

20 A. I am aware that they chose to use Mathland, and
21 then again, that seven-year thing. And they are in the
22 process or they already adopted a new math book.

23 Again, speaking as a parent, my son, his sixth
24 grade math class does have a textbook. She said she's
25 not able to use all of them very well because they're

1 for them. So that's sort of one of the effects of this
2 whole issue of not having adequate books and books that
3 challenge them intellectually and are at their level.

4 So that was a big issue for me the last couple
5 of weeks at home as a parent.

6 MS. LHAMON: Can we go off the record for one
7 second?

8 MR. ROSENTHAL: Let's take a break.

9 (Recess taken.)

10 MR. ROSENTHAL: Q. I just have one or two more
11 questions about textbooks, and then we'll move on
12 further in your declaration.

13 Just before we took our break, you were talking
14 about how your son at least was now using a science
15 textbook for the first time.

16 Was it your understanding that rather than
17 choosing to use a science textbook, that the Oakland
18 Unified School District had opted to teach science to
19 its students, its elementary school students, through
20 the Foss kits?

21 A. I don't know because I wasn't there when
22 textbook adoption was probably trying to take place for
23 science. My understanding is there was a ridiculous
24 seven-year thing. If you don't approve a book today,
25 you have to wait seven years for the next adoption to

1 above the level of the students, and so there's that
2 dilemma, too, that they're higher than what the kids are
3 at. But they do have a textbook now.

4 Q. Other than that additional textbook issue, are
5 there any other textbook concerns you have regarding
6 Garfield?

7 A. No.

8 Q. In paragraph 8, you talk about a rat and mice
9 problem at Garfield. Can you just describe for me what
10 the problem with regard to rats and mice at Garfield is?

11 A. My recollection is that they are generally
12 around the perimeter and on the schoolyard near the
13 garbage a lot of time.

14 We have an enclosed, with a fence, garbage area
15 on the yard, sort of up against the school fence, around
16 the school fence yard. And there were portables close
17 to that on our schoolyard.

18 And unfortunately, rats like to hang out where
19 they can't be seen very well, so they like to scurry
20 under those portables, if you can get under a portable,
21 I don't know, but I know they're behind and in between
22 and all around that garbage area.

23 I've also happened upon them in families when
24 you come out of the front door, there's a lot of thick
25 bushes like this -- I'm motioning -- sort of wavy

1 bushes -- I don't know what they are -- in front of our
 2 school. And they're usually -- and ivy. A lot of times
 3 they're under there. And once in a while they scurry
 4 out and they just walk across the front walkway, in
 5 front of the front doors. You just kind of wait for
 6 them to go where they're going.
 7 I was alone that time, but I've heard parents
 8 complain and students reminding me, "Well, we saw one at
 9 lunch time over by the yard."
 10 I said, "Did you tell someone on the yard?"
 11 I brought it up, and as I stated here, I did --
 12 I always report things like that. So I did follow up on
 13 what I saw.
 14 Q. I'm going to try to deal with rats and mice
 15 somewhat separately, I guess.
 16 Have you ever seen a rat inside the school at
 17 Garfield, inside of actual physical structures of the
 18 school?
 19 A. I haven't, no.
 20 Q. Have you heard that somebody else has seen a
 21 rat inside the school?
 22 A. I heard a couple years back that a teacher
 23 found something dead, and I don't remember if it was a
 24 rat or a mouse, in her classroom, kind of in or under
 25 the cabinets. A place that was hard to get to. But the

1 stench, it was pretty clear that there was a dead
 2 something in there.
 3 Q. Do you remember when that was, what year?
 4 A. It was a while ago. Maybe two or three years
 5 ago.
 6 Q. Do you know what teacher's classroom that was
 7 in?
 8 A. I thought that was Laura Aguirre, whose name
 9 you already have.
 10 Q. Have you heard of any other possible incidents
 11 in which a rat was found inside the school? That
 12 incident, you weren't sure if it was a mouse or a rat,
 13 right?
 14 A. No, not inside, but around.
 15 Q. How about mice? Have you ever seen any mice
 16 inside the school facilities at Garfield?
 17 A. No. And again, more or less in the foliage
 18 around and in the front area and possibly near the
 19 garbage. That's just my -- those are the two main areas
 20 where I've seen them, where kids have complained about
 21 rodents and creatures.
 22 Q. Have you heard of anybody else seeing any mice
 23 inside the school, putting aside that one incident in
 24 Ms. Aguirre's classroom?
 25 A. No, not on the side of the building I was in.

1 I didn't hear about it.
 2 Q. Have you seen -- you've already stated you've
 3 seen rats outside the school, outside the actual
 4 physical structures on the school, but on the
 5 schoolyard.
 6 A. Um-hum.
 7 Q. Do you recall approximately how many occasions
 8 you've seen rats over the four years you've been there?
 9 A. It was generally when I went outside because
 10 that was recess yard duty time. So over the four years,
 11 I recall about four separate incidents where, at the
 12 times I was outside, I saw them.
 13 Q. Were those incidents spread out over time? Did
 14 it occur during one particular year? I'm just trying to
 15 get a sense of when it occurred, to the extent you
 16 remember.
 17 A. Yeah. I think over the years, spread out over
 18 time.
 19 Q. Those were four incidents of seeing rats?
 20 A. Primarily rats, yes.
 21 Q. Were there separate incidents in which you saw
 22 mice outside the school?
 23 A. I personally did not see the mice. I believe I
 24 was told by other teachers on occasion there were feces
 25 or droppings or something, you know, when you opened up

1 a cabinet you haven't really opened for a long time.
 2 Mostly under the sink areas, you know. There might have
 3 been something stored in there. I believe those were
 4 the only times, and I don't remember who told me that.
 5 Q. Do you know if that was also Ms. Aguirre?
 6 A. No, I don't remember.
 7 Q. Do you remember on how many occasions you heard
 8 about teachers finding droppings inside the school?
 9 A. Over the years, you want an actual number? I
 10 don't --
 11 Q. Just an estimate. I don't expect you to
 12 remember exactly.
 13 A. I can't remember. Just a few times. It wasn't
 14 a constant concern, but when it happened, it was
 15 extremely disturbing.
 16 Q. You said that you had a practice of
 17 reporting -- reporting to an administrator whenever you
 18 had seen a rat or a mouse, or something along those
 19 lines. Did you report that to Ms. Harris or was there
 20 somebody else you reported it to?
 21 A. I recall, and the same thing I said in the
 22 declaration, I went to the vice principal, and that was
 23 Ms. Chin again.
 24 Q. And did you go to Ms. Chin and just tell her
 25 what you had seen or did you request that she take some

1 kind of action?

2 A. Both.

3 Q. Or something else?

4 A. I said, "This is what's going on today. Can we
5 get someone to come in from the district?"

6 And I assume they spray for them. And she
7 followed up on that request.

8 Q. When you say she followed up, do you know if
9 she contacted an exterminator or somebody at the
10 district?

11 A. She contacted somebody at the district, and she
12 put in a work request. I guess they're called work
13 orders.

14 Q. And do you know what happened as a result of
15 those work orders she put in?

16 A. I only know up to a point because I was sort
17 of -- I stopped trying to figure out what happened,
18 which was, she told me that she put in the work request.
19 She got something back on her computer, because she
20 showed it to me. She wanted me to see it, that it was
21 denied. And then I said, "Could you find out why it was
22 denied?" And I don't remember what the reason was.

23 I remember her mentioning something about, that
24 there were certain times when they spray, they're
25 scheduled or something throughout the year, and that I

1 think it was Krystal who said they may have regular
2 sprayings, that that's why it was denied. But I never
3 went back to her again.

4 Q. You mentioned that there's some sort of
5 fenced-in garbage area near the school. Is that part of
6 the school property or is that somebody else's property?

7 A. That's on the schoolyard in one particular
8 spot.

9 Q. Is that where the school's garbage is thrown
10 in, or -- I'm just trying to get a sense of what it is.
11 It's just an area where the school's garbage is put for
12 pick-up?

13 A. Yes. What it is is a waste container provided
14 by, I believe, the garbage company that serves Oakland.
15 And all the school's trash is supposed to fit there, but
16 it doesn't always.

17 It's not locked during the day. I'm not sure
18 about at night and on weekends. But it has a fence that
19 goes around it with a gate that can be locked, and it's
20 away from, you know, the main building, but it's not far
21 from some of the portables that are out there.

22 Q. Would you say that Garfield is infested with
23 mice or rats?

24 MS. LHAMON: Objection. The declaration speaks
25 for itself. She did say that.

1 don't think you're allowed to request additional visits
2 from the company who sprays. It was something like
3 that. But I never really did get the final word on what
4 was going to be done about it.

5 Q. Did you ever hear that the Oakland Unified
6 School District had any restrictions or prohibitions on
7 spraying?

8 A. I think there's something about not spraying
9 when the kids are around because of the toxicity of the
10 pesticides, but I can't be sure. I personally never saw
11 anybody come out when we were there during school hours.

12 Q. Was it your belief that spraying was permitted
13 when the children were not at the school?

14 A. I'm assuming that's the way that they handled
15 it. I never saw trays of rat poison in my cabinets or
16 around the school anywhere.

17 Q. Do you know if there was ever any spraying done
18 at Garfield?

19 A. I don't know.

20 Q. Do you know if exterminators came to Garfield
21 on any sort of regular basis?

22 A. I don't know. It's an assumption, but I don't
23 know.

24 Q. Did you ever hear that they did?

25 A. No. Just what I told you from Krystal. I

1 MR. ROSENTHAL: I'm asking if she'd say that as
2 she sits here today.

3 THE WITNESS: Okay. So you want me to answer
4 based on what I know from the four years I was there?

5 MR. ROSENTHAL: Q. Based on your four years,
6 would you say that Garfield was infested with rats and
7 mice?

8 A. Yes.

9 Q. Can you just tell me what the basis for that
10 statement is?

11 A. I believe that what I saw myself was an
12 indication that -- over the years, I've observed them
13 myself. Well, the rats. The kids and the parents were
14 telling me, and some of the teachers, about mice. So
15 I'm accepting their observations and mine as evidence
16 that there was a problem.

17 Q. In paragraph 8, you give some details about
18 some communications you had with the vice principal.
19 Were those the communications you just told me about
20 with Ms. Chin?

21 A. Yes.

22 Q. Do you remember the specific instance that's
23 referenced in paragraph 8 that -- where you say, quote,
24 several kids told me they had seen rats and mice on the
25 yard, which then triggered you to speak to Ms. Chin?

1 A. Yes, I do.

2 Q. Do you remember the details of what the
3 students told you?

4 A. I think basically they -- it was probably
5 during their lunch period. It's whenever they're
6 outside that they're noticing at that point, that they
7 were seeing them near the portables. And they were
8 afraid to go play over there and, you know, could I tell
9 somebody, and what can we do. They were really
10 concerned about it.

11 They're really petrified of rodents. And I
12 don't think that school is the only place they're seeing
13 them. They see them running from bush to bush like I do
14 around the neighborhood. So it made them really
15 uncomfortable, which made me respond, because I knew
16 they were having a hard time with it.

17 Q. So this was during their lunch recess which is
18 held outside in the schoolyard?

19 A. Usually that's when, you know, they would see
20 it, and then they'd come to me as soon as I picked them
21 up. "Oh, Ms. Israel," whatever the issue is that day.

22 And that was one of those things that, I believe it was
23 after a lunch recess, or it could have been a morning
24 recess. I can't remember what time.

25 Q. So did they tell you when the students returned

1 MR. ROSENTHAL: Q. Just so I'm clear, those
2 five to six times a year, you're including both reports
3 from students and reports from parents that they had
4 seen a mouse or a rat?

5 A. Yeah, because usually the children would see
6 it. And if you saw the parent, they would remind me
7 again that their child saw something on the yard that
8 day.

9 Q. I'd like you to take a look at paragraph 9. If
10 you want to take a quick minute just to read that over.

11 I'm sorry to do this to you, but I have one
12 last question on the -- maybe a couple questions on the
13 rats and mice issue.

14 Other than what you've identified in paragraph
15 8 and you've testified to today, are there any other
16 concerns that you have about rats or mice that you
17 haven't told me about at Garfield?

18 A. No.

19 Q. Are there any other problems with insects or
20 other rodents or anything like that at Garfield?

21 A. We didn't talk about the insects. Occasionally
22 there would be a cockroach, and the kids would get
23 pretty hysterical. I can't deal with bugs much, so they
24 would run around killing them for me.

25 It totally distracted everybody from the

1 to your class, or was it when you were on yard duty?

2 A. I don't recall if I was outside that day at
3 yard duty. I just remember it was when I picked them
4 up, probably coming in from the yard, or right as soon
5 as we got in the classroom.

6 Q. Do you remember, again, I'm asking for your
7 best estimate as to how many times students told you
8 that they had seen either rats or mice at the school,
9 either inside or outside?

10 A. Over all the years, I would say a few times
11 each year, someone would complain to me. Sometimes when
12 we went out for PE, because we would stay out for about,
13 almost 50 minutes, once in a while they would notice,
14 after being out there long enough, there was a rat
15 behind a portable or running by the garbage.

16 Q. When you say a few times each year, is there
17 any way to sort of narrow that down to a rough number?

18 A. I'm not sure. Maybe about five or six.

19 MS. LHAMON: Just so we're clear, is that five
20 or six times each year or five or six total?

21 THE WITNESS: Oh, okay. Yeah, I would say --
22 in the year's period, five or six times a year you might
23 hear a kid complain to me about it, or a parent, you
24 know, at a meeting, that their students are bringing
25 this up.

1 lesson. So, you know, if I was really creative, I could
2 have turned it into a lesson on insects or -- I don't
3 know, but it was occasional. I know you're going to ask
4 me how frequently or whatever, but I don't know.

5 You know, a few times a year, maybe three or
6 four times during a year, maybe a bug would crawl across
7 your floor and run or be in the cabinets under the sink
8 where it was wet. That kind of thing. I forgot about
9 those.

10 Q. And other than that, were there any other
11 concerns you had at Garfield about any other insect
12 issues or other rodent issues that we haven't already
13 talked about?

14 A. No.

15 Q. Now we can move on to paragraph 9.

16 Have you had a chance to look over that
17 paragraph or do you want to look at it again?

18 A. I have had a chance, yes.

19 Q. Okay. Great. Now, paragraph 9 deals primarily
20 with air conditioning concerns you had and classroom
21 temperatures at Garfield.

22 Can you just generally tell me what your
23 concerns regarding the lack of air conditioning and
24 classroom temperatures at Garfield were?

25 A. I'm going to be discussing it in terms of the

1 location of my classroom in the school because one side
2 would get really, really hot, the other side would be
3 tolerable. And you were just lucky based on what room
4 were you in that month in terms of your ability to teach
5 in the room.

6 The side I was in primarily in my first few
7 years was the hot -- we called it the hot side, where --
8 I'm not exaggerating what I said here. You, as an
9 adult, would feel physically ill because it was too hot
10 inside the room. Sometimes it was hotter inside the
11 room than the temperature outside. It just held the
12 heat.

13 So I knew that I wasn't feeling well, and then
14 I would look at the kids, and they just looked awful.
15 They would get really sort of clammy and they looked
16 sick, and their energy level would drop. So I had this,
17 you know.

18 MS. LHAMON: When you say "this," what are you
19 referring to?

20 THE WITNESS: "This," they were holding their
21 heads on their hands leaning on their desk, or they
22 would put their head down, or they were constantly
23 asking for water.

24 And I purchased, you know, a spray bottle and
25 would relieve some of the heat by spraying them and

1 Q. And was there -- is there any way to
2 distinguish between the two sides? Were you on the
3 north side of the building or the south side of the
4 building, or was there any way to distinguish what side
5 was the hot side and what side was the tolerable side?

6 A. I could if I think about it for a minute.

7 Well, it's an L shape. So there's the south side of the
8 upper grade part of the hall, because most of the upper
9 grades were in one hall, and then we had third and a few
10 fourths and some seconds on the other side of the L.
11 And then it would be the west side facing in towards the
12 bay. That seemed to be a lot hotter than the rest.

13 Q. Were those the classrooms that tended to be in
14 direct sunlight, or was there any correlation between
15 the sunlight and the --

16 A. Yeah, they were on the sunnier side. But for
17 whatever reason, they maintained, or retained the heat.
18 Even though we were hot also on the other side, it
19 diminished over time through the day. It didn't stay.
20 So, you know, for them, the last three hours of the day
21 were really uncomfortable.

22 Sometimes even by 10:00 or 11:00, if it was one
23 of those days you knew it was going to be hot, you'd
24 walk in the room, and, oh, gosh, you're already hot
25 before lunch.

1 myself frequently during certain months of the year, you
2 know, when it would just get incredibly hot.

3 We were not always given fans. We tried -- you
4 know, the administration would try and find some fans
5 for us. A lot of us brought them from home, used our
6 own money and bought better fans than maybe the ones
7 they had found at the school site for us to use.

8 It was really uncomfortable, really hard to
9 teach, and for them to learn. It was always worse after
10 lunch because that's when it seemed to be the hottest.

11 My concern was that part of our building had
12 functioning air conditioning, just recently, what we
13 call the wings. That was the section of the school that
14 had been added on after the original building. And they
15 cleaned it all up. It wasn't working well. The filters
16 were really filthy. And they cleaned it up and we heard
17 it was working. But the rest of us in the main building
18 were suffering quite a bit with the heat.

19 MR. ROSENTHAL: Q. Okay. We'll come back to
20 some of those issues.

21 The first thing you said was that one side of
22 the building tended to be hot, and you called it the hot
23 side, and the other side was -- you called it tolerable.
24 Are you just referring to the main building?

25 A. Yes.

1 Q. Now, I know during your first three years, I
2 believe, at Garfield, you were moving from classroom to
3 classroom at various points in time.

4 During the 2000-2001 school year, you stayed in
5 one individual classroom, if I remember correctly; is
6 that right?

7 A. Yes.

8 Q. Was that classroom in the main building?

9 A. Yes.

10 Q. Was it on what you call the hot side or was it
11 not on the hot side?

12 A. No, it was not on the hot side.

13 Q. Did classrooms at Garfield have numbers to
14 identify them?

15 A. Yes.

16 Q. Can you tell me what the classroom number for
17 your class was?

18 A. Mine was 21.

19 Q. Why don't we talk about air conditioning
20 briefly.

21 Was it your understanding that the wing of
22 Garfield had air conditioning during the entire four
23 years you taught there?

24 A. I heard that it had a system, but it didn't
25 seem to be working very well the first two years, I

1 think, that I was there.

2 Q. Was it your understanding that it got repaired
3 at some point?

4 A. Yes. That's where I think it was about two
5 years after I'd been there, that that's when that whole
6 movement about the wings and the health conditions in
7 the wings got addressed. And in that whole issue, they
8 finally pulled the filters out and cleaned out the
9 system, and it was working.

10 Q. And during the two years after the repair, was
11 it your understanding that the air conditioning in the
12 wing was functioning?

13 A. Yes.

14 Q. Did you ever hear any complaints from teachers
15 in the wing about the functioning of the air
16 conditioning?

17 A. Once in a while. Once in a while. That day,
18 maybe, there was a day or two. I don't remember.

19 Q. Do you remember the kind of complaints that you
20 heard?

21 A. Just on occasion that it wasn't working that
22 day. I don't know what that meant or why, but in
23 general, I believe that they had working air
24 conditioning, at least the last one or two years.

25 Q. Do you remember it not functioning for any

1 And our modernization, again, actually, it was
2 the summer before, also, so it was like the second
3 summer in a row, I believe, we were put off, in addition
4 to several other things that were supposed to be
5 repaired. That was one of them.

6 Q. Do you know the details of the modernization
7 plan as far as whether central air was going to be put
8 into the school or whether each classroom was going to
9 get their individual unit? Do you know the details of
10 the plan?

11 A. My belief, based on the way the school is
12 currently set up, is that it would have been a central
13 system because we're on a central system for heat. It
14 was not my understanding that we would each receive an
15 air conditioner in our classroom.

16 Q. Do you have an understanding as to whether any
17 aspects of the modernization plan actually occurred
18 during this -- during the summer of 2001?

19 A. I don't know. I'm sorry. I don't know what
20 they did this summer.

21 Q. Do you know if air conditioning was put into
22 the main building of the school during the summer or at
23 any time since you left?

24 A. I don't know that it was, but according to what
25 I found out last spring, it wasn't supposed to be

1 extended period of time aside from the two years prior
2 to the repair?

3 A. No, but I don't work in that side. And because
4 we were so big, I really didn't even see those teachers
5 very often.

6 Q. I'll come back to some of the stuff in the
7 earlier part of your declaration, paragraph 9. But
8 towards the end of that paragraph on the bottom of page
9 3, you talk about the modernization plan that was
10 supposed to take place at Garfield, I guess, during the
11 summer of 2001.

12 Was it your understanding that getting air
13 conditioning in the main building was part of that
14 modernization plan at some point?

15 A. Yes.

16 Q. Is it also your understanding that in
17 connection with the modernization that was going to take
18 place during that summer that there was a change in that
19 air conditioning would not be put into the main building
20 during that modernization phase?

21 A. My understanding is that something came, I
22 don't know if it was from the district level or the
23 state level, regarding earthquake retrofitting, that our
24 school was not earthquake safe, and that all of a sudden
25 that became a hot issue.

1 because the earthquake work needed to be done first.
2 That's what I was told.

3 Q. Do you remember when you found that out last
4 spring?

5 A. Right about the time I made this statement, and
6 this was in May. So sometime May or late April.

7 Q. Do you remember where you heard that from?

8 A. It probably came from the administration. I
9 don't remember what meeting we were in, when we were
10 informed.

11 Q. Do you remember hearing any details as to --
12 well, do you remember hearing any details if there were
13 plans to put the air conditioning in at some later date?

14 A. I think what I heard was, the modernization
15 implementation will take place sometime, I don't know
16 when, maybe the following summer, because it's hard for
17 them to work when we're in the building. That's an
18 assumption.

19 Q. So was it your understanding that the
20 installation of an air conditioning system was postponed
21 rather than cancelled altogether?

22 A. Yes.

23 Q. I think you just turned the page. I'm still on
24 page 3, actually.

25 A. Oh.

1 MS. LHAMON: Wishful thinking.

2 MR. ROSENTHAL: Q. Now I'm moving backwards a
3 little bit. I'm going back up the page. I apologize.

4 In the roughly first half of -- or the first
5 few sentences of paragraph 9, one of the things you talk
6 about is classrooms being hot during the summer at
7 Garfield. You testified during your first day of
8 testimony that Garfield is no longer on a multi-track
9 schedule, so except for a few days, I guess, towards the
10 end of the year and the beginning of the school year,
11 school is not in session at Garfield during the summer;
12 is that right?

13 A. June, all of June we're there, so we're just
14 not there July and August.

15 Q. I guess it just depends on your definition of
16 "summer," too.

17 So is the classroom temperature at Garfield
18 less of a problem now because of the change in schedule
19 in that the number of hot days is -- it's fewer than it
20 was in the past?

21 A. Even though I was on the more tolerable side,
22 I'm just thinking about last year because that's the
23 last year we were on a modified calendar, not July and
24 August, it was still too hot on a hot day, which meant
25 lights are out, fans are on, windows are all open.

1 remembering from last year. And we just kind of dressed
2 for the heat. We know it's going to be hot.

3 Q. So when you say in paragraph 9 that -- let me
4 find the exact line where that is -- it's on line 18.

5 It says, quote, temperatures would routinely reach 80
6 degrees and above.

7 A. That was my classroom.

8 Q. The period of time that you're talking about is
9 the days of Indian summer towards the beginning of the
10 school year, and some days in May and June towards the
11 end of the school year?

12 A. Um-hum. Yes.

13 MS. LHAMON: I'm just going to object that the
14 declaration speaks for itself. The previous sentence
15 states the months of June and September are hot in
16 Oakland, and October also can get quite hot.

17 MR. ROSENTHAL: Q. Is it hot every day in June
18 and September in Oakland, or are you just referring to
19 some days?

20 A. It's not every day in both months, but those
21 are the months where you're going to get the high days
22 that are pretty unusual for any other time during the
23 year, and we are in school. So you may have several
24 weeks throughout those two months where you're wearing
25 shorts and T-shirts and the fans are on and the whole

1 In my particular classroom, I couldn't open my
2 windows all the way because they had bars on the
3 windows, which were supposed to be removed because
4 they're not safe. They're not fire safe. They were put
5 on to secure the room from theft of the computers years
6 before, I think.

7 So my windows went this far. So I couldn't
8 even get the draft going, you know, just to get the air
9 back and forth through the windows.

10 So there may be less days, but the -- it was
11 still a very uncomfortable work environment for those
12 days that it was hot.

13 Q. Why don't we focus in on your 2000-2001 school
14 year.

15 A. Okay.

16 Q. In that school year, do you remember
17 approximately how many days were uncomfortably hot in
18 your mind?

19 A. I'm thinking just about weather patterns in
20 Oakland, and primarily the fall, early fall is pretty
21 hot, or Indian summer days. There was a few, maybe May
22 and June, where you get like a whole week, and it's 80
23 every day, and your classroom is 80, and that kind of
24 thing.

25 So those were the hot spots that I'm

1 business.

2 It's just -- I know you're trying to be
3 specific and get details, but generally whenever there's
4 a day that's just outstandingly hot, we're going to get
5 it. It's going to be a really difficult day to teach.
6 And those are the days where having air conditioning
7 would have completely changed the level of instruction
8 and the students' abilities to function at the level
9 they need to be at.

10 That's why the air conditioning issue has been
11 such a heated one for us, because it's so obvious to us
12 that everybody else has air conditioning in their work
13 environment. This is an educational environment. Why
14 aren't we being given the same, you know, conditions?

15 And obviously it meant something to the
16 district or they wouldn't have said, we're going to get
17 you air conditioning, right? You know, we fought for
18 it.

19 So I'm not -- I think I was just upset when I
20 found out, again, it was being put on hold. Not that
21 earthquake repairs aren't important, but it sort of came
22 out of nowhere after we had a plan in place for almost
23 two years to get some work done. That's why I brought
24 it up.

25 Q. And just so I have an understanding, so on a

1 day that, for example, temperatures were 80 degrees in
2 Oakland, would the classroom temperature on the non-hot
3 side of the school, would it be tolerable to teach in a
4 class like that, or was it a problem in those classrooms
5 as well?

6 A. It was still too hot. I mean, I said I was on
7 the non-hot side last year. Tolerable means, to me, I
8 can get through the day. The kids can get through the
9 day. It's uncomfortable. It's not as hot as the other
10 side where they just would look miserable the whole day.

11 I knew that at a certain time during the day,
12 it was going to be a little bit uncomfortable for us.

13 Q. You made a distinction earlier that on the hot
14 side of the school, the temperature could be warmer in
15 those classes than it was outside. On the tolerable
16 side of the school, would that be the case there as well
17 or would it be roughly the temperature outside, or less
18 than that, or whatever you tell me it is?

19 A. Okay. What I noticed is that at maybe a peak
20 hot time of the day, maybe between 11:00 and 2:00, it
21 would seem like it was hotter than outside, because at
22 least outside you get a little bit of a breeze or
23 something.

24 Q. That was the case even on the tolerable side of
25 the school?

1 Q. Do you remember the highest temperature you
2 ever saw?

3 A. I don't think it got up higher than, you know,
4 somewhere between 85 and -- I don't know that it, you
5 know, was accurate enough, but I'm assuming that it
6 worked. But not higher than, you know, like 85 to 90.
7 And that's when you notice people getting heat
8 exhaustion and dehydrating, just looking bad.

9 Q. You mentioned some of the steps you took to
10 alleviate the heat in your classrooms. Now, you said, I
11 believe, that you -- did you have a fan in your -- in
12 classroom 21 during the 2000-2001 school year?

13 A. I had one, and I gave it to the teachers on the
14 hot side because they were either brand new and they had
15 no -- they didn't have fans at home to bring in, and
16 there wasn't enough in the school for everybody to have
17 one on the hot side. So I donated what I had for most
18 of the year, you know, because I kept thinking, oh, how
19 can I have a fan on when they're even hotter than I am.

20 So we gave them our fan until the kids got
21 really mad at me. "Didn't you have a fan, Ms. Israel?
22 Where that is fan?"

23 So I brought the only one I had left at home,
24 this little teeny one, really. It didn't really do that
25 much, but it somehow made them feel better that, well,

1 A. Yes, I believe so. But then the rest of the
2 day, it would sort of -- what I said before is, the heat
3 would be released at some point, whereas the other side
4 just seemed to stay that way. Even way after school it
5 was uncomfortable.

6 Q. When you say that -- also in paragraph 9, you
7 talk about one side of the main building getting about
8 10 degrees hotter than the other side. You're referring
9 to -- those are the classrooms on the hot side?

10 A. Yeah.

11 Q. The 10 degrees, is that an estimate on your
12 part or is that based on a thermometer in the classroom
13 or something like that?

14 A. There's a thermostat. Some of them might not
15 be in working order. I knew they weren't, but -- that I
16 would go and look at. That's how I came up with -- I
17 knew there was 80 degrees on the non-hot side
18 occasionally, when it was a really hot day out, and that
19 was mind-blowing to me, that I was in an 80-degree
20 environment trying to teach. And what I meant by the 10
21 degrees is, when I was on the hot side, I remember it
22 going above 80 degrees on a hot day.

23 Q. You remember seeing the thermostat in the
24 classroom being above 80 degrees?

25 A. Yes.

1 we have fan now.

2 So I had one, but that was sort of the end of
3 the school year.

4 Q. And the fan that you had -- well, did you have
5 a fan at the beginning of the school year before you
6 gave it to the other side, or did you give it to them
7 immediately before the school year started?

8 A. In September when it got uncomfortably hot,
9 that's when, you know, I decided to donate it over.

10 Q. Was it a fan that was provided to you by the
11 school or was that one that you had brought in from
12 home, or some other means?

13 A. That was from home.

14 Q. Did any teachers have fans that were provided
15 from the school?

16 A. Yes.

17 Q. Did you ever try to get a fan for any of your
18 classrooms from the school?

19 A. Yes. The first year that I was on the hot
20 side, I went right -- of course, I went right to the
21 principal and said, "I can't teach in there. It's too
22 hot. Do you have a fan?"

23 And she gave me like a fan from her office, or
24 somewhere in the main office there was a fan. And I
25 used that that whole year in addition to the one I

1 brought from home.
 2 Q. Did you find that running fans in the classroom
 3 on hot days would alleviate the heat to some extent?
 4 A. Honestly, I don't think it did. The kids felt
 5 like if it was blowing on them, they were in heaven.
 6 But, you know, I couldn't -- I kind of rotated the fan
 7 around the room to make it fair.
 8 I didn't really feel that much of a difference,
 9 but I wasn't in the direct line of the fan ever, so --
 10 they seemed to think it helped a little.
 11 Q. Did having a fan in the classroom
 12 psychologically have a positive effect on the kids as
 13 far as the heat was concerned?
 14 MS. LHAMON: Calls for speculation.
 15 But you can answer what you perceived.
 16 THE WITNESS: I think it felt like it meant
 17 that I was doing something. And I showed that I was
 18 responding to their needs, and that meant a lot to them,
 19 you know, that somebody is doing something about the
 20 fact that I am so uncomfortable.
 21 MR. ROSENTHAL: Q. You also say in paragraph 9
 22 that one thing you did was turn off the lights in the
 23 classroom on hot days. Did you find that that helped to
 24 some extent in alleviating the classroom temperature?
 25 A. I don't think it really did anything to the

1 temperature. It just kind of made us feel calmer, a
 2 little less whiny from my students, to relax everybody.
 3 We have similar lights to yours here. They're
 4 fluorescent. I don't know that they give off heat.
 5 So -- and they're much higher than this, so I don't
 6 really think it mattered in terms of the temperature.
 7 Q. You mentioned earlier that you could open the
 8 windows in your classroom to some extent. Were the
 9 windows that you were referring to before with the bars,
 10 was that in classroom 21 where you were teaching in 2000
 11 or 2001, or was that a different classroom?
 12 A. That was room 21.
 13 Q. Did opening the windows have any effect on the
 14 classroom temperature?
 15 A. I think it was minimal because of not being
 16 able to open the windows all the way to get the -- you
 17 know how you open your windows, and then you can blow
 18 the fan from the windows to circulate the air a little
 19 bit better? I complained about it all the time. When
 20 are we going to get the bars off the windows? That was
 21 a problem.
 22 Q. So did any of the steps you took that we
 23 discussed to try to alleviate the heat, did any of
 24 them -- were any of them effective at all, or is it your
 25 testimony that it really didn't do anything?

1 A. I'm going to say that I don't believe it did
 2 anything to reduce the temperature in the classroom, but
 3 it helped us to relax and not be as frustrated and tense
 4 about it. So maybe there was a little more ability to
 5 concentrate and get some work done.
 6 But I really didn't feel that there was any
 7 physical difference, blowing hot air on people, no.
 8 Q. Do you remember any instances of any of your
 9 students becoming ill as a result of classroom
 10 temperature?
 11 A. In previous years to the last school year,
 12 there were students who I would send to the nurse
 13 occasionally to see if there was something cold they
 14 could put on their heads, or I would have them get wet
 15 paper towels and just kind of put their heads down.
 16 There was a lot of the nausea. You would get
 17 students saying, "I really feel sick."
 18 "What do you mean?"
 19 "My stomach feels upset."
 20 "Like what?"
 21 "Well, I just feel like I want to throw up,"
 22 or, "I feel dizzy."
 23 Even with drinking, you know, enough water,
 24 they were complaining a lot. Not as much last year
 25 because we weren't on the hot, hot side, but enough so

1 that I got complaints.
 2 Q. When you sent students to the nurse in prior
 3 years, was that typically during the summer months? Did
 4 you send -- did that not happen this past year because
 5 you were not in school during the middle of the summer
 6 any longer?
 7 A. No, I think it was more because the -- that
 8 classroom just wasn't as uncomfortable as the previous
 9 classrooms. But, yeah, it was during the hot times.
 10 That's when I would have to send someone.
 11 Q. But this past year during 2000-2001, you don't
 12 recall sending any students to the nurse under similar
 13 circumstances?
 14 A. No.
 15 Q. Did you ever take any other steps to try to
 16 alleviate the heat in the classroom? I can throw out an
 17 example and see if that's something you did, or anything
 18 else you can think of.
 19 For example, did you ever hold class outdoors?
 20 A. We did occasionally take maybe a silent reading
 21 period, and everybody would grab a book and come outside
 22 for reading time, but I couldn't really instruct very
 23 well outside. There's nowhere to sit as a group, other
 24 than the field that's attached to the school, and there
 25 was two shady areas that we could go to.

1 There's two large trees, but one of them
2 borders this really busy intersection of Foothill and
3 23rd, and it was impossible for me to do any speaking
4 because of the bus and the traffic noise. The other
5 side was a little quieter but not as shady. So it
6 wasn't convenient to really instruct in.

7 Q. You said that sometimes you would hold a silent
8 reading period outside. Did you do that on hot days?
9 Was that something you would do because it was hot in
10 the classroom, or was it just something you did
11 regardless of the weather?

12 A. No, we did that as a result of uncomfortable
13 heat in the classroom.

14 Q. Were there any other steps that you can think
15 of that we haven't covered that you took as far as
16 trying to make the classroom or the place where you
17 taught the students as comfortable as possible?

18 A. I was more instructing students to not dress
19 too warmly, to bring water bottles with them, if they
20 could, from home so they always had something to drink,
21 that they probably should try and hang out in the shade
22 as much as possible. They could come in if it was
23 really too hot even to be outside during lunch maybe.
24 You know, they could come in and just be quiet and relax
25 a little. Those kinds of things.

1 Q. And do you believe that the plan to install air
2 conditioning in the main building was the result of
3 those sorts of surveys from various teachers?

4 A. I believe so, and the fact that, you know, it
5 had been an ongoing issue probably before I got there
6 for years. For the teachers in that part of the
7 building, the communication between the administrators
8 and the teachers was probably an ongoing thing about
9 things like air conditioning.

10 Q. Do you know where the money came from to
11 finance the modernization plan?

12 A. I knew. I used to know. I'm sorry. I can't
13 remember if it was a measure that was voted on in
14 Oakland or if it was state money. I cannot remember.

15 Q. Do you know who made the determination as to
16 how the modernization money would be spent at Garfield?

17 A. No, I don't know.

18 Q. Do you know if that was a decision that was
19 made by an administrator at the school or was it made by
20 somebody at the district level or some other body?

21 A. I don't know that part of administration well
22 enough. I don't know.

23 Q. Did you ever hear who was in charge of deciding
24 where that money would be spent?

25 A. I can tell you that I know Mrs. Harris was

1 And then being really active and involved at
2 the faculty council meetings, which was the union group
3 that we met with monthly to discuss concerns. And also,
4 we had work groups at Garfield I mentioned last time,
5 and there was an environment-related work group that I
6 could let them know, you know, what was happening and
7 what was being worked on. So they would report to us.
8 That's it.

9 Q. Great. Thanks. Did you do anything else on a
10 day-to-day basis as far as speaking to any administrator
11 saying, "It's just, you know, really hot in my
12 classroom. Is there anything else I can do?"

13 Did they offer any additional suggestions or
14 anything like that?

15 A. Same things you mentioned, to take them outside
16 if you can, maybe we can get some more fans, and then
17 discussing the modernization plan.

18 Q. Were you involved in the development of the
19 modernization plan that was supposed to include putting
20 air conditioning in the main building during this past
21 summer?

22 A. I wasn't involved in the plan. I was, you
23 know, surveyed as a teacher about concerns about the
24 school and what have I noticed in my room, things like
25 the tiles on the floor that were broken.

1 involved in discussing, from what she found out from us,
2 how things were going at the school, with -- I forget
3 what department it is in the district. I'm sorry. I
4 can't remember. I'm trying to remember if it's building
5 and grounds or -- facilities. I'm sorry. Okay.

6 Facilities is an actual department for Oakland
7 Unified, and they came out as a team, I don't remember
8 what year it was, and met with whoever was available to
9 meet from the staff one year.

10 Q. So the facilities -- individuals from the
11 facilities department at the Oakland Unified School
12 District met with individual teachers?

13 A. I remember there was a couple of teachers, that
14 work group I mentioned, that dealt with environmental
15 issues, but they came as a team and met with the staff
16 to inform us about the modernization plan, and that was
17 at least two years ago. So they were informed about
18 what was going on at the school. It's just that I don't
19 know who makes the decision about the money.

20 Q. And you said earlier that you were surveyed as
21 a teacher in connection with development of the
22 modernization plan. Do you know who you were surveyed
23 by? Was that something that Ms. Harris instituted or
24 was that something done by somebody else or some other
25 group?

1 A. I know she was involved. I think probably that
2 work group again was helping. We were asked to count,
3 and I remember Ms. Chin was involved with this, how many
4 broken tiles do you see in your room on the floor? Are
5 there any other concerns you have about your room?

6 Q. Do you remember when that survey occurred? Was
7 it about two years ago? Is that what you said?

8 A. I think so.

9 Q. Were you given some sort of a written form to
10 fill out or was it just up to you to report on any
11 concerns you had in your classroom?

12 A. I think I was just filling -- I was writing it
13 down, you know, what did I see and what needed to be
14 done in my classroom. I don't really remember a formal
15 form. Then that was just information to help the
16 school, whoever was responsible for it, get an idea of
17 what's going on in each room.

18 Q. Do you remember giving that information to
19 Ms. Chin? Is that what you recall, or you're not sure?

20 A. About the floor tiles I remember. I don't
21 remember about anything else.

22 Q. And in this survey, in whatever writing you
23 submitted to Ms. Chin, was that just about floor tiles
24 or --

25 A. I remember her in particular asking me about

1 that all right?

2 MS. LHAMON: Sure.

3 (Recess taken.)

4 MR. ROSENTHAL: Q. Okay, Ms. Israel. I'd like
5 to now focus on paragraph 10, and I expect we should be
6 able to get through that before lunch, and we can take
7 our lunch break, and we'll see how that goes.

8 Why don't you take a minute to look over that
9 paragraph.

10 A. Okay.

11 Q. Have you had a chance to look that paragraph
12 over?

13 A. Yes.

14 Q. In the second sentence of the paragraph you
15 reference ceiling tiles in the main building that are
16 stained. Can you just describe what you mean by that?

17 A. Similar to the ceiling tiles in this room, we
18 have the -- yeah, they're pretty much the same as these.
19 What you would see in not every room but certain rooms,
20 they would have orange kind of wet stains on them. And
21 I assume, because I didn't know those were from leaky
22 roofs until it would rain, and then I would realize, oh,
23 yes, there's a leaky area in the roof.

24 The roof guys came from maintenance and laughed
25 about the conditions of the roof, which didn't make me

1 floor tiles. Like, whenever they would break or they
2 were broken, she would always say, "Can you find out how
3 many? Write it down and give it to me." And that was
4 just in the last, I think, in the last year.

5 The year before that was when I remember there
6 was a lot of activity and organizing around
7 modernization and funds and looking at the big picture,
8 you know, the leaky tiles in the roof and, you know, the
9 carpet in the wings and the air conditioning, and the
10 big stuff.

11 Q. So do you remember being surveyed in a -- with
12 regard to broader issues in connection with the
13 development of the modernization plan?

14 A. That's what I'm trying to remember, how that
15 was done. I just remember that I know I had to give
16 information, and I don't remember if it was to the work
17 group or to Ms. Harris, but they wanted feedback on what
18 our concerns were as a staff.

19 Q. Do you recall if you gave that feedback orally
20 or in writing?

21 A. I believe I gave it in writing.

22 Q. Do you think that that was in some kind of a
23 form or was that, again, just using your own language?

24 A. I think that was just using my own language.

25 MR. ROSENTHAL: Can we take a break here? Is

1 feel too good.

2 But they basically said most of the roofs in
3 Oakland need to be replaced or repaired, and there's a
4 huge waiting list. It's incredibly expensive, blah,
5 blah, blah.

6 So I would get them to just do patch work, I
7 guess, is what they would do up there, to stop the leak.
8 I think at some point in this particular paragraph, I
9 was referring to -- what room was I in? I think that
10 was 21, when I was in 21, or 20. Maybe it was 20. It's
11 hard to remember.

12 MS. LHAMON: Just so we're clear, you said that
13 the ceiling tiles in your room were similar to the ones
14 in this room. Is it fair to say that these are
15 one-foot-by-one-foot ceiling tiles in this room?

16 THE WITNESS: Yeah, because we did a math
17 thing. I'm looking up and I remember them counting
18 squares, and I remember they were about the size. And
19 the white -- whatever that material is, you would see --
20 as you looked up maybe in one corner, you'd just see
21 this stain on the ceiling, old, you know, sort of an old
22 stain, and I never really knew if there was something
23 growing or if it was just an old stain. But they never
24 seemed to get replaced or repaired or cleaned.

25 I think because the thought was, well, the roof

1 isn't replaced yet, and it may leak again. So I think
2 they were waiting for the roof to be repaired before
3 they went ahead and did ceiling tile replacement. I
4 think that was part of modernization, was the roof. It
5 was on the plan.

6 MR. ROSENTHAL: Q. I'm beginning to think all
7 California schools have the same ceiling. Every witness
8 seems to say, "They're just like these."

9 A. Think back, if you went to school here. I
10 don't know, but they all had them.

11 Q. So when you're referring to, in paragraph 10,
12 the ceiling tiles being stained, was it just in the
13 classroom you were in? Was it all the classrooms in the
14 main building?

15 I'm just trying to get a sense of what the
16 basis for that statement is and what you mean by it.

17 A. I don't think it was all the classrooms. I
18 really don't know how many it was, but I do remember it
19 was also in the wings when I used to be a wing teacher,
20 when I taught second grade the first few months that I
21 was there. So it just depended on what section of the
22 roof was having the most problems, that's the rooms that
23 had it.

24 Q. Was it typically in the corners of the rooms or
25 was it ever anywhere else aside from the corners, or

1 and then usually we were asked to put things in writing
2 so they could put a work order in for us. And within --
3 within a week or so, usually someone came from
4 maintenance, building and grounds or facilities. I'm
5 not sure which department.

6 Q. Do you ever remember an instance where you got
7 no response to your request?

8 A. No. I remember the few times I had to call
9 that someone eventually came out.

10 Q. I know you said that they didn't come and
11 replace the entire roof or replace the actual ceiling
12 tiles, but did the limited work that they did, did that
13 alleviate the problem?

14 A. Yes, temporarily. And then sometimes, you
15 know, you'd get a much heavier storm, maybe a month
16 later or into the thicker part of the season, and it may
17 act up again. And that would be the problem, you know.
18 We were just giving it a Band-Aid, and we know it's
19 going to be a while, but when is the roof coming?

20 Q. Do you know if -- I know you testified earlier
21 that the air conditioning part of the modernization plan
22 had been postponed. Do you know what the status of the
23 roof project of the modernization plan was? Do you know
24 if that went forward or was that also postponed?

25 A. My understanding was, modernization is on hold

1 along the edge?

2 A. It varied. One room I remember it was in a
3 corner, and one maybe over a little bit from the wall.
4 I can't remember.

5 Q. Did you ever actually see any liquid leaking
6 through the ceiling?

7 A. Yes. That's what I can't remember, what room
8 that was, the last time the guys came out to help. At
9 least two of my classrooms had leaky roof problems over
10 the years, and they did respond. They did come out and
11 go up on the roof and smack some, whatever. I don't
12 know what they put on the roof to make it stop leaking.

13 But the children usually noticed it before I
14 did because I moved around a lot as I taught, and they
15 were sitting there. You know, a drop would hit their
16 books, and it takes them a minute before they realized
17 it was coming from the ceiling, and they would tell me
18 right away.

19 Q. That would happen on days it rained?

20 A. On rainy days, during the winter occasionally,
21 in those classrooms.

22 Q. What did you do to get somebody to respond to
23 the problem? Did you -- can you tell me the steps you
24 took?

25 A. Yes. What I remember is notifying the office,

1 until we can do the retrofitting. And that was what I
2 found out last spring. But because I'm not at the
3 school site, I don't know if they went ahead and did it.

4 Q. But your understanding was that all of the work
5 pursuant to the modernization plan was put on hold until
6 the earthquake retrofitting could be completed?

7 A. That was my understanding. There may have been
8 some tiles replaced where it was obvious that we had
9 broken tiles. Actually, I know that for a fact. I did
10 go in the very first day of the school year for this
11 school year to collect some things that I had left, and
12 I went back to my old room, and voila, there were
13 replaced floor tiles.

14 Their intention was to redo the entire floors,
15 and that's what -- that part of the modernization was
16 put on hold. But where there was a missing tile, broken
17 stuff, and the asbestos is an issue because that was
18 part of the adhesive, they came out and replaced over
19 the summer, it looks like.

20 Q. Can you tell me when you were at the school to
21 pick up the things you were just referring to?

22 A. It was the first day of school for Oakland. It
23 might have been the 4th of September. Whatever the
24 Tuesday after Labor Day is.

25 Q. Did you notice any other things that had been

1 modernized? Did you notice a new roof, for example?
 2 Did you notice that air conditioning had been put in or
 3 any of those other items?

4 A. No.

5 Q. The only thing you noticed was there were some
 6 floor tiles replaced?

7 A. Yes.

8 MS. LHAMON: With respect to modernization, I
 9 assumed. You might have noticed other things.

10 THE WITNESS: Right. I don't know if they did
 11 them because the roof I wouldn't be able to see.

12 MR. ROSENTHAL: Q. You said that on a couple
 13 of occasions, or on some occasions, you had actual water
 14 leaking through the ceiling. Do you remember how many
 15 times that occurred over the four years you were
 16 teaching there?

17 A. Between three and five times possibly.

18 Q. Was it a problem in one particular classroom?
 19 I think you said it was a problem in two classrooms.
 20 Was it not a problem in the remainder of the classrooms
 21 you were in?

22 A. I only recall two. I don't know if I can give
 23 you room numbers or not. I don't want to because I
 24 can't remember the exact room number, but I do remember
 25 two where I had to call a couple of times.

1 Q. I know you moved around fairly frequently. Do
 2 you remember the total number of classrooms you were in
 3 at Garfield over your four years?

4 A. Probably six or seven because the first year I
 5 moved every month, so I got to experience all of the
 6 three that we were sharing at that time. I think so.

7 Q. Okay. I won't hold you to that exact number.

8 A. It might be half that because I might be
 9 duplicating the same year the rooms that -- I'm counting
 10 the year, not how many different rooms. Okay. Let's
 11 say four or five just to be on the safe side.

12 Q. Sounds good.

13 A. Four or five different rooms.

14 Q. Thank you for clarifying that.

15 Now, in the remainder of paragraph 10, the
 16 substance of the remainder of paragraph 10 deals
 17 primarily with a wood cabinet that was located in room
 18 20, and I think we covered that to some extent during
 19 the first day.

20 Is this the cabinet that was -- has since been
 21 removed?

22 A. Yes.

23 Q. Just to refresh my memory, do you remember when
 24 that cabinet was removed?

25 A. At the end of last school year, so the end of

1 2000-2001.

2 Q. Was that in any way connected with the
 3 modernization plan, or was that something that was
 4 entirely separate?

5 A. Entirely separate.

6 Q. So just looking at the third -- towards the end
 7 of the third sentence of paragraph 10, when you say,
 8 "The school will not clean it," what were you referring
 9 to there?

10 MS. LHAMON: It says "won't clean."

11 MR. ROSENTHAL: "The school will not clean it."

12 MS. LHAMON: "The school won't clean out the
 13 cabinet to" --

14 MR. ROSENTHAL: I'm on line 5 and 6.

15 MS. LHAMON: Thank you. Sorry.

16 THE WITNESS: What I meant by that was, the
 17 custodians, because they're the only people there that
 18 are responsible for cleaning, besides my regular
 19 cleaning of the classroom on my own, but I was referring
 20 to them.

21 Who referred me? I think the vice principal
 22 referred me at one point over the number of times I
 23 complained about it. Even when I wasn't in that room
 24 anymore, which was all of last year, I was still
 25 complaining about it because I knew the teacher right

1 next door, and the smell would occasionally go through
 2 the wall because we share the wall. When I was close to
 3 my board writing, I could smell it because it was right
 4 on the other side of my board.

5 The communication was something like, "Well,
 6 ask the custodians to clean it out with some bleach or
 7 something."

8 So when I did that, I got, "Yeah. Okay.
 9 Sure."

10 And then I'd ask the teacher, whose name was
 11 Dale, D-a-l-e, Turner, "Oh, so did the custodians come
 12 and clean the cabinet?"

13 "No."

14 And that just went on and on and on. And
 15 finally, I guess because I kept asking over and over,
 16 and I believe it was probably Krystal Chin again because
 17 she seemed to be more the facilities work order person
 18 for last year, that they got facilities or building and
 19 ground again -- I always get mixed up with who does
 20 what -- to come in and physically pull it out off the
 21 wall. And then you could see where it was all wet and
 22 black stuff or gray stuff, I can't remember what color
 23 it was, that was growing there. And they cleaned it off
 24 and repainted it and brought brand new cabinets. But it
 25 took two years from the first time I noticed the smell,

1 just about two years.

2 MR. ROSENTHAL: Q. Just so I'm clear, when you
3 say "The school will not clean it," you were referring
4 to the custodians there on a daily basis as far as, they
5 wouldn't clean out the cabinet?

6 A. Right.

7 Q. But ultimately, the school did make
8 arrangements to have the cabinet removed and replaced?

9 A. Yes.

10 Q. By "the school," and the way I use "the
11 school," I mean the administration of the school.

12 A. Yes. And the custodians may have at some point
13 gone in there and maybe wiped it off or something, but
14 it never diminished the smell. So this refers to my
15 frustration with the times I did ask, nobody did clean
16 it. At some point they may have gone in there, just to
17 clear the record. I don't know if they ever did.

18 Q. In the next sentence, you say that the cabinet
19 was tested and that there was no dangerous mold in it.
20 Do you know who tested the cabinet?

21 A. I don't remember her name, but I know the
22 principal may be able to tell you. An individual person
23 came out with equipment when the classroom was empty and
24 did an air test actually of the whole classroom. It
25 wasn't just the cabinet. And I thought she came out

1 nauseous the minute I got up to get anything out. And
2 then when I took the materials out, they smelled like
3 the cabinet because they were plastic math materials,
4 and they were -- just absorbed the smell.

5 The kids that sat in the back of the room near
6 those cabinets, if I opened them, would instantly
7 complain, "What's that smell? It's disgusting."

8 Some of them complained if I left it open that
9 they would get that headachy feeling or feel a little
10 nauseous.

11 I said, "Okay. I'll keep it closed."

12 So that's when I resorted to cleaning it
13 myself, just to try and get the smell out for a while so
14 we could use the cabinet. But that whole last year I
15 was there, Mr. Turner, to my knowledge, didn't open the
16 cabinet. He just kept it closed.

17 Q. Do you remember when you first raised a concern
18 about the cabinet with any -- anybody in the
19 administration at Garfield?

20 A. In the summer -- okay. I have to think back.
21 I think I wrote it here. 1999 -- why am I saying --
22 what do I mean by "summer"? When we come in -- I'm
23 remembering summer somewhere. I don't know if it was
24 the end of 2000 or 1999, the beginning. That's
25 confusing for me right this second. Let me read this.

1 more than once.

2 And I kept asking, "What was the result?"

3 And I believe, it might have been Ms. Harris,
4 it didn't seem like there was any mold in there,
5 dangerous molds from that air quality test, but there
6 was obviously mildew growing in there somewhere because
7 you could smell it.

8 Q. Did you request that somebody come to test the
9 air in the classroom or do you know why that was done?

10 A. I think I was just insistent that there was
11 something growing in there, and it was really horrendous
12 to work near it or open it, it smelled so bad. And
13 maybe someone interpreted that as, maybe we better get
14 out there and do a mold test, because that had been a
15 problem at other school sites. I didn't request them to
16 test. I just want it removed.

17 Q. But you think it was more insistence in raising
18 that issue that ultimately brought somebody in to have
19 the room tested?

20 A. Yes.

21 Q. Do you remember anybody ever becoming sick
22 because of the smell or the mildew in the cabinet or
23 anything like that?

24 A. I have myself a lot of allergies, and that
25 mildew is one of my worst ones. So I always got

1 Okay. The summer of 1999, I wasn't teaching
2 until September, or whenever my month was to come back.
3 I can't remember. There was another teacher in that
4 room, Ann Park, who said she can't smell anything.
5 Because I walked in when she was still in it, and I was
6 going to be the next teacher in that room. And I
7 immediately said, "What's that horrible smell?"

8 And she said, "What smell?"

9 So obviously I was sensitive to it, she wasn't.
10 But I remember when I came in, and here I'm saying
11 1999-2000, I reported it to the office. I don't know
12 who I told. I probably wrote it down because that was
13 what Ms. Harris requested that we do for documentation.

14 Q. Do you remember when the cabinet got taken out
15 and replaced? Was that --

16 A. That's what I told you before. The end of last
17 year, so the end of 2000-2001.

18 Q. So from the time you first complained about the
19 cabinet to the time it actually got replaced, it was
20 somewhat less than two years?

21 A. Yeah, almost two years. That's why I kept
22 saying two years, two years. So 1999 to 2001, June. I
23 believe it was in June of this year.

24 I believe they did that while the classroom was
25 in use, so they had to, you know, take the kids out and

1 go work somewhere else instead of waiting until after
2 school, which is how things get done a lot.
3 "Oh, we're here to fix your sink," and you're
4 in the middle of teaching. It's like, why can't you
5 guys ever come after school? That happens frequently to
6 us.

7 MR. ROSENTHAL: I'm at the end of this
8 paragraph. Is it a good time? Why don't you tell me
9 what time it is.

10 MS. LHAMON: It's ten to noon.

11 MR. ROSENTHAL: Do you want to keep going? Why
12 don't we break now.

13 MS. LHAMON: Okay.

14 MR. ROSENTHAL: Let's go off the record.

15 (Recess taken.)

16 MR. ROSENTHAL: Q. Ms. Israel, before we took
17 our lunch break, we were going through your declaration.
18 I think we'd gotten up to paragraph 11 in your
19 declaration, so if you want to take a quick minute to
20 read over that paragraph.

21 A. Okay.

22 Q. In the beginning of the paragraph, you say that
23 you and most of the other newer teachers at Garfield
24 came in through a particular program. How many of the
25 teachers at Garfield would you call -- do you refer to

1 school while you were taking classes after school.

2 Q. So they were either in your internship program
3 or a different internship program?

4 A. Right.

5 Q. Your internship program was run through the
6 Oakland Unified School District in connection with Cal
7 State Hayward; is that correct?

8 A. Yes.

9 MR. ROSENTHAL: I'm going to ask you to mark
10 this document as -- I think we're up to No. 2.

11 (Whereupon, Deposition Exhibit 2 was marked
12 for identification.)

13 MR. ROSENTHAL: Q. I'm going to ask you to
14 take a look at the document. I apologize that it's
15 dark, but it was on colored paper. If you have any
16 difficulty reading it, just let me know.

17 MS. LHAMON: Can I just ask where this came
18 from? It's not Bates stamped, and I haven't seen it
19 from --

20 MR. ROSENTHAL: It's a publicly available
21 document available in the Unified School District. It's
22 a brochure.

23 MS. LHAMON: It was publicly available to
24 someone who walks into the district?

25 MR. ROSENTHAL: Yes.

1 here as newer teachers?

2 A. How many? Okay. I'm going to think for just a
3 minute who I'm talking about. I'm thinking of at least
4 seven people that I remember seeing in my classes the
5 first two years I was there, and that's who I was
6 talking about.

7 Q. I don't remember -- you probably did tell me
8 this during your first day, but do you remember how many
9 total teachers there were at Garfield when you were
10 teaching there?

11 A. How many -- maybe something between 38 and 40.

12 Q. When you're referring to approximately seven
13 teachers as being newer, what criteria are you using?
14 Is it number of years of teaching experience?

15 A. I was thinking about just the people in my
16 credential program who were being trained through an
17 internship program. So we were teaching as we were part
18 of an internship credential program. There's probably a
19 few more, but I can't remember all of them now.

20 Q. And were all of the teachers you're referring,
21 all of the approximately seven teachers, were they in
22 the same program with you?

23 A. Some of them were in the one that I was in and
24 some were in a different school, but they were similar
25 in the sense that they provided you a position in a

1 MS. LHAMON: Thank you.

2 MR. ROSENTHAL: Just so we're clear, actually,
3 I believe these are two separate documents. I've
4 just -- I didn't want to mark them separately, but they
5 are -- one of them was -- they're not attached in this
6 format, but my understanding is that they're two
7 separate documents.

8 MS. LHAMON: Thanks. I appreciate that.

9 MR. ROSENTHAL: Q. Have you had a chance to
10 look at that?

11 A. Yes.

12 Q. Have you ever seen either of these two
13 documents?

14 A. No.

15 Q. Do these documents describe the program that
16 you took part in?

17 A. Yes.

18 Q. And do these two pages accurately describe the
19 program in which you participated?

20 A. Yes.

21 Q. Are there any inaccuracies in this document
22 concerning the program, internship program you
23 participated in?

24 A. No.

25 Q. We can put that aside.

1 A. Okay.

2 Q. Towards the latter half of paragraph 11, you
3 mention that, quote, teachers have support because we're
4 in training, but still we're dealing with classroom
5 management issues and language issues at the same time
6 that we're teaching for the first time. And then you go
7 on to say, "It's really hard to take in all those issues
8 at once and to try to teach students."

9 Could you just describe for me how being in the
10 internship program and being in your situation gave you
11 difficulties as far as teaching students?

12 A. Um-hum. I'm just thinking about myself
13 individually. I had classroom management experience
14 prior to becoming a candidate or a person in this
15 program, and I still felt challenged by the kind of
16 issues that were coming up in the classroom.

17 And what happens is, as you're in the program,
18 you get support and you get time to talk with other
19 teachers and you get more ideas as you're moving along
20 through the credential program.

21 So what I meant by the challenges were, you
22 know you're going to find out how to deal with it, but
23 it's hard in the very beginning when you first start,
24 like the first month of school, because it's a whole new
25 experience.

1 those days and talk with her.

2 Q. Just so I'm clear, when you got your -- when
3 you got your own class to start out a school year, your
4 first fourth grade class, you were still in the
5 internship program?

6 A. Yes.

7 Q. Have you ever heard that there's a teacher
8 shortage in the State of California?

9 A. Yes.

10 Q. Was it your understanding that that's why there
11 were a number of newer teachers hired at Garfield?

12 A. Yes, and I think also turnover. People would
13 come in, and then they would be so frustrated with --
14 usually within that first year, and they would leave.
15 So there always seemed to be vacancies the first couple
16 of years that I was there.

17 Q. Was turnover a problem -- did turnover continue
18 to be a problem at Garfield in the last couple of years
19 there?

20 A. I don't think so. I think that that's -- I
21 mention in here that we had a really nice team of folks
22 that were what I considered newer a couple years back,
23 but they -- we stayed. We got over that first really
24 challenging year and we made the commitment to stay.
25 And most of -- I think most of those people are still

1 So my concerns as a brand new teacher in a
2 classroom in that role was that I needed more support
3 from the school site in terms of making sure I had
4 someone with me that I could check in with regularly to
5 help me, you know, deal with whatever -- either they
6 were language issues, that meant dealing with teaching
7 second language students, and also, dealing with the
8 behavioral issues that were coming up.

9 Q. Was that support not available to you at
10 Garfield?

11 A. I don't remember in the beginning. That was
12 when I came in in a really, really difficult class as
13 sort of the fifth person or something that year as their
14 teacher, and I was the long-term sub, and that's where
15 they put me for my first classroom experience. And it
16 was -- I didn't feel supported. I didn't feel that the
17 school provided me with a person to go to other than the
18 principal if I needed to.

19 The following year when I was assigned to be a
20 fourth grade teacher, she made sure that I had another
21 teacher that I could go to, and I did, as much as I
22 could, which sometimes just meant very infrequently
23 because I was in school I think two days a week or so,
24 and I had to leave right after school to go to the
25 classes. And then because of that, I couldn't stay late

1 there from that initial group, the internship program.

2 Q. Do you remember approximately how high the
3 turnover was during your first year, if you can put a
4 number to how many teachers leave after that year?

5 A. I think -- I'm going to give you just a range.
6 I think in the first couple of years I was there, it was
7 pretty high. One year, 12 or 15 people left. Some
8 transferred to other school sites, some left teaching,
9 some moved out of the state. We had a variety of
10 reasons. Moved out of the country, went back to school.

11 But it was a big problem for us, you know,
12 because it's almost like you're starting over with a
13 whole new staff when that many people leave out of your
14 staff. So that's what I'm saying, that towards the last
15 couple of years, we started to retain people.

16 Q. Was it 12 to 15 teachers who left in one
17 particular year, or was it 12 to 15 additional in the
18 following year?

19 A. I think there were two years, '97-'98, '98-'99,
20 where it was significant, pretty high numbers.

21 Q. And each year it was about 12 to 15, or was
22 there some variation?

23 A. One year might have been a little more than the
24 other, so there might have been eight to ten the other
25 year. It's been a while for me.

1 Q. And of those teachers who left, were they
2 teachers who were newer teachers or were they teachers
3 who were fully credentialed teachers, or to the extent
4 you can describe what kind of teachers were leaving the
5 school?

6 A. I think we had both. I don't know how many of
7 one or the other, but I know there were
8 credentialed, had been there for a while, transferred to
9 another school. And I believe that a lot of the reasons
10 why people left was the moving, the moving classrooms.
11 They moved to traditional schools.

12 One woman in particular that was in my program
13 said, "I can't take this anymore. I'm going to go to a
14 traditional school year in a non-rotating school."

15 Q. Do you think the fact that Garfield no longer
16 has that rotating system has helped to stabilize the
17 staff at school?

18 MS. LHAMON: Calls for speculation.

19 THE WITNESS: I think that because we
20 instituted the work groups that made us sort of a
21 pseudo-site-based management school where we had early
22 child resources, ECR was there, getting the teachers
23 involved actively in how things happened, then yes,
24 because those are the people that made it happen, and
25 those are the ones who wanted to reap the benefits of

1 A. No.

2 Q. Is that based on conversations with teachers
3 who had emergency credentials at Garfield?

4 A. Yes.

5 Q. Are there any particular teachers that come to
6 mind?

7 A. One was -- she's still there this year, but I
8 don't know if she's in a program. Her name is [REDACTED]
9 [REDACTED] and it's [REDACTED]

10 Q. Did she tell you that it was particularly
11 difficult for her to teach at Garfield because she was
12 an emergency -- she only had an emergency credential?

13 A. She didn't state it that way. The
14 conversations that we had about some of the frustrations
15 she had as a teacher and getting support and resources
16 indicated to me that she's not connected the same way
17 that the rest of us were. But we were all there for her
18 as a teacher as much as we could be.

19 Q. Do you know how many teachers with emergency
20 credentials were at Garfield when you were teaching
21 there?

22 MS. LHAMON: Calls for speculation.

23 THE WITNESS: I don't know. I just know the
24 people that, you know, that I saw in my classes were on
25 these internships, but I'm not really sure who was on an

1 the work that they did, so they stayed.

2 MR. ROSENTHAL: Q. In paragraph 11, you go
3 on to describe how it's harder for emergency
4 credentialed teachers than it is for teachers who have
5 participated in the internship program.

6 Can you just tell me what that's based on?

7 A. I believe that -- it's also depending on their
8 years of experience, if they've been in any kind of
9 classroom environment. But they're not in a structured
10 program where they get a mentor or an advisor or, you
11 know, a counselor, or some kind of administrative person
12 who -- or a teacher at the site who is specifically for
13 them. And they're not attending any kind of classes and
14 they're not getting that nice network that we get in
15 being a part of a program where you can use each other
16 as a resource.

17 They would get resources, I would suppose, I
18 would hope, from the school site through the principal.
19 Well, here's a teacher you should meet with, but it's
20 not as structured. It could be now. I think in the
21 beginning when I was there, it wasn't. And those people
22 don't stay a lot. Some of those people have such a hard
23 time.

24 Q. You're not an emergency credentialed teacher,
25 right?

1 emergency. I knew Genevieve because we were in the same
2 grade level.

3 MR. ROSENTHAL: Q. Did it seem like there were
4 a lot of people with emergency credentials at Garfield?

5 A. I'm not sure.

6 Q. In the last sentence of paragraph 11, you say
7 that teachers really need to be in internship programs,
8 at least.

9 Is it your belief that teachers in internship
10 programs are more qualified and better prepared to teach
11 than teachers who only have emergency credentials?

12 A. I believe that with the support that they get
13 and the academic training that you get, that you have to
14 be better prepared unless you were in some kind of
15 environment -- in an educational environment where you
16 got that.

17 That was my concern, is that they keep hiring
18 just anybody, the warm body theory. They're taking
19 anyone who breathes because they're so desperate. We
20 want at least for them to be -- they're making a
21 commitment to be trained in some kind of a formal
22 program.

23 Q. Do you have an understanding as to whether
24 teachers on emergency credentials make any sort of
25 commitment to enter a formal teaching program?

1 A. I don't know. I'm not sure. I know I had to
2 sign something myself when I was hired indicating
3 that -- because I was teaching sheltered English
4 instruction, I had to sign a document stating that I
5 would pursue my CLAD, and that you have so many years to
6 complete it. I can't remember what that was right now,
7 but I had to. Anybody teaching a second language class
8 or bilingual, you made a formal commitment.

9 Q. To obtain the CLAD?

10 A. Yeah. So you would think theoretically that
11 meant even emergency credentials because sometimes they
12 had to teach those classes, also.

13 Q. I'm going to move on to paragraph 12, which
14 carries over from page 4 to page 5. It's a relatively
15 short paragraph. If you can review that.

16 A. Okay.

17 Q. We covered some of this during your first day
18 of testimony. I just want to tie up a few loose ends.

19 When you were hired to take over that class in
20 April of 1997, you were hired as a permanent substitute?

21 A. I don't know if that's the right term or not.
22 They called me a long-term substitute, so that meant it
23 was my class until the end of the year.

24 Q. Did you stay with that class until the end of
25 the year?

1 A. No. I didn't know.

2 Q. Do you know for how long the class that you
3 took over had been having substitute teachers before
4 your arrival?

5 A. No.

6 Q. When you taught in -- when you taught that
7 class, it was a second grade class, wasn't it?

8 A. Right.

9 Q. Did you instruct the class in the second grade
10 curriculum?

11 A. Yes.

12 Q. Do you have an understanding as to why you
13 replaced the substitute who was there immediately before
14 you?

15 A. There's a limitation on day-to-day subs. I
16 think it's 30 days, something like that. And then after
17 that, they have to move on to another classroom, and he
18 had come to the end of his 30 days, and that's how I got
19 in there.

20 Q. Why don't you take a look at paragraph 13.

21 A. Okay.

22 Q. In paragraph 13, you're describing the
23 classroom that -- where you had the second grade class
24 that we were just talking about; is that right?

25 A. Yes.

1 A. Yes.

2 Q. It was your understanding that there had been a
3 number of substitutes prior to your arrival in the
4 class?

5 A. Yes.

6 MS. LHAMON: I believe this series of questions
7 was asked and answered on the first day, in the interest
8 of time.

9 MR. ROSENTHAL: I understand. I'm just trying
10 to clarify some points I didn't cover.

11 MS. LHAMON: Okay.

12 MR. ROSENTHAL: Q. Do you know if the class
13 that you took over that year had a permanent teacher at
14 the beginning of that school year?

15 A. Yes. I believe that was Mr. Levinson. That's
16 all I remember about him.

17 Q. And do you have an understanding as to why he,
18 at some point, left the class?

19 A. It wasn't related to me because it was a
20 personnel issue. I just remember the principal saying
21 something about credential, something about his
22 credential needed to be taken care of, and that's all I
23 know. But she wasn't supposed to share any details
24 about it.

25 Q. Do you remember when he left the school?

1 Q. Was there a classroom number or letter for that
2 class?

3 A. That's when I moved every month, so I'm trying
4 to remember which classroom in particular I was talking
5 about. But there were different letters, and I can't
6 remember all the different letters. It's on the second
7 floor of our wing, and I sort of jumped from -- back and
8 forth from one side of the hall to the other side.

9 Q. Just so I'm clear, all the classrooms in the
10 wing are labeled by -- identified by numbers, and all
11 the classrooms in the main building are identified by --
12 I'm sorry. The wing is identified -- the wing
13 classrooms are identified by letters, and the main
14 building classrooms are identified by numbers?

15 A. Yes.

16 Q. Do you remember which wing classrooms you were
17 in when you taught that second grade class?

18 A. I can't. I could show you, but I can't
19 remember the actual letter.

20 Q. Regarding the information you included in
21 paragraph 13, were you referring to one particular
22 classroom or was it all of the classrooms you were in in
23 the wing during that school year?

24 A. All of the classrooms that I was in, actually
25 all of the classrooms in there had the same carpet. It

1 was laid at the same time. And then some of the
2 classrooms had stained, damaged ceiling tiles. Some of
3 them had more -- seemed to have more dust content in
4 them than others.

5 I know -- not the one I was in, but I know
6 there was a major health concern about at least one
7 where, that's how a lot of the corrections got done, was
8 related to that one teacher's room where they thought
9 there was some kind of mildew or mold in the ceiling
10 tiles that was causing numerous respiratory problems.
11 And I don't remember the room number.

12 Q. You said that -- I'll need to ask this quickly.
13 Were you ever in that one particular classroom? Were
14 you ever teaching in that classroom you were just
15 referring to?

16 A. No, I don't think so.

17 Q. You said there was the same carpet in all of
18 the classrooms in the wing. Did you have -- you
19 identified some problems here, that it was ripped up, it
20 had duct tape on it and things like that. Was that true
21 in all of the classrooms you were in?

22 A. Pretty much. Also, where it was, in the common
23 area, there was a common hallway. The rooms were right
24 off this common hallway, and there was just huge lines
25 of duct tape where people really would trip and fall.

1 Q. You used the word "horrendous" in paragraph 13.
2 The wing has since been renovated since you taught in
3 those classrooms; isn't that right?

4 A. Yes.

5 Q. Would you still use that word to describe the
6 environment in the wing?

7 A. No.

8 Q. How would you describe it now?

9 A. Now it's -- it's a more pleasant environment
10 because the rug was taken away, the floor tiles were
11 replaced. The only concern we had was those stained
12 ceiling tiles are still there, and I think that's
13 because that issue of, well, we're going to wait until
14 they do the roof, and then we'll replace them, because
15 they'll just get ruined again if the roof is still
16 leaking. That was the one thing we were still concerned
17 about when I was there.

18 Oh, and the walls. There were no walls. It
19 was one of those open things so that they had, like, the
20 sliding soft -- I forget what you call them, but they
21 move over. The wall would open so you could have a big
22 open space. And the problem with that was the noise
23 level. I think that was the only other concern.

24 So they said, "Well, we'll put doors and
25 walls." They built the walls, but they didn't build an

1 Little ones run a lot, and we were really
2 concerned about, "Can you fix this part?" But there was
3 duct tape kind of covering cracks and rips on the carpet
4 in various classrooms. I don't -- I can't say it was
5 every classroom.

6 Q. You also identify some stained ceiling tiles.
7 Were there any classrooms you were in during that time
8 frame where there were no problems with the ceiling, or
9 was that a problem in all the classrooms?

10 A. A lot of them in the wing in particular, I
11 think even on one side is probably where most of the
12 leakage was. When I talked about ceiling tiles earlier,
13 there was a lot of problems in the wing, on the one side
14 of the classrooms for some reason, and that's where we
15 thought a lot of the damage was in the roof. But
16 probably not in all.

17 Q. You say also here that there were some falling
18 ceiling tiles. Can you just tell me what you meant by
19 that?

20 A. I'm trying to remember because I just
21 underlined "falling ceiling tiles." What happened is,
22 pieces might come off, but I don't remember seeing one
23 hanging down. But I know they were damaged to the point
24 where it looked like little pieces were not there
25 anymore, to be more specific.

1 enclosed door, a frame for a door.

2 So you walk in and it's still open. So the
3 noise right across from your room, it's still there.
4 It's not as loud as it was, though, because you've got a
5 floor to ceiling wall separating you.

6 Q. I think you cover that in paragraph 14, so
7 we'll come to that in a minute. Thank you for providing
8 that example, but I think we'll get there in a couple of
9 minutes, anyway.

10 A. Okay.

11 Q. Now, you mentioned also that -- and you had
12 already testified that some people had tripped over the
13 carpet. Were there any injuries that you recall that
14 arose from that?

15 A. Not from students. I can't remember if there
16 were teachers that had twisted ankles or something like
17 that sticks in my mind, but I'm not really sure.

18 Q. Do you remember people tripping on a daily
19 basis or any sort of -- I'm just trying to get a sense
20 of --

21 A. Because they would run. The kids would run and
22 fall and bang into the next kid, and we were constantly
23 saying, "Please be careful. Please walk. Do you see
24 that tape right there? It's not a good thing to do."

25 So we kind of got used to going to the side to

1 avoid it.

2 Q. When you say the carpeting was filthy, what did
3 you mean by that?

4 A. You wouldn't want to sit on it. It was stained
5 in several places. It was obviously dusty. I have
6 allergies, and so I'm a good guinea pig or a canary for
7 anything that's there. I walk in, and I sound like this
8 right away, more than I do today.

9 And then I saw this a lot, you know, like the
10 kids, they're always rubbing their noses or they're
11 going like this, or some of them with allergies would
12 sneeze a lot. So I thought, it must be heavy pollen
13 season. And then we realized you couldn't really clean
14 that carpet enough.

15 And then they came in finally because of a lot
16 of organizing, and they did test for dust mites, and
17 they said it had a very high concentration of dust
18 mites.

19 There was a report, I don't remember the agency
20 that came in and did that for us, and so that's when it
21 was pretty obvious that when we did any kind of
22 renovation, we needed to get rid of the carpeting.

23 Q. Was the carpeting removed as part of the
24 renovation?

25 A. I think, I think in one of these paragraphs,

1 A. Yes.

2 Q. Can you just describe for me what kind of
3 problems you're talking about? I mean, I get the
4 understanding that they just weren't doing everything
5 they were supposed to do. Was there anything more to
6 it, or was it just that they weren't doing everything
7 they were supposed to do?

8 A. Yeah. There were arguments about what they
9 were supposed to do. Then once that was established and
10 we had a schedule for what they were supposed to do and
11 when and how often, blah, blah, blah, it still appeared
12 that things were not being done on a regular basis.

13 There were some really serious confrontations
14 between staff and custodians that were threatening. It
15 was just a mess. And most of those people have been
16 replaced, and I know now they have a new head custodian,
17 and they really wanted to start the year off with open
18 communication and be very clear what teacher
19 expectations were and what their expectations were of
20 us.

21 Q. And at that time, was it one of the
22 responsibilities of the custodians to clean the
23 carpeting?

24 A. Yes. They were supposed to vacuum the carpets.
25 I don't know how often, but they were supposed to do it.

1 maybe later on, there was Measure C money, and I can't
2 remember if the Measure C money from Oakland was used
3 for that or if that was just modernization money. I
4 can't remember. But they were going to put more,
5 carpeting in, and we really fought hard, you know. It's
6 not healthy for kids to be in a wall-to-wall carpeting
7 environment because of the dust. And then if it gets
8 wet, anything like that. So we've got linoleum tiles
9 now.

10 Q. Do you have an understanding as to whether the
11 janitors were cleaning the carpeting at that time?

12 A. There was and still is, I think, there's been
13 ongoing issues about the lack of cleaning. It was a big
14 fight for several years that they weren't cleaning it.
15 Then when you saw the vacuums they had, you kind of got
16 a sense for why it wasn't doing very well. They didn't
17 really work very well to do the -- so even if they did
18 vacuum, because I would ask for the vacuum occasionally,
19 it didn't really work to clean them.

20 And they were just beyond cleaning, I think, at
21 that point. They'd been there for many, many, many
22 years.

23 Q. When you say there were ongoing problems with
24 the -- was it just ongoing problems with the janitors
25 having them fulfill their responsibilities?

1 Q. You testified earlier about some problems in
2 the vents in the classrooms and the wings, and you refer
3 to those here. Were those the same sorts of problems
4 you mentioned earlier, or was there something more that
5 you haven't already told me?

6 A. I can't remember what I already told you, but
7 I'm sure I covered it.

8 Q. And you said that as part of the renovations
9 that were done in the wing, all of the vents and the air
10 conditioning units -- well, the air conditioning system
11 was cleaned out.

12 A. Yes.

13 Q. So is there -- is it your belief that there
14 was -- well, that occurred during the time you were
15 there; is that right?

16 A. Yes.

17 Q. So were there any problems with regard to the
18 air vents being dirty, dusty or filthy after the
19 renovation occurred?

20 A. I'm not aware of it, but I haven't worked in
21 the wings since 1998 so I don't know. But I'm sure I
22 would have heard if there was, again, if things were not
23 being maintained correctly.

24 Q. Did you hear any such complaints?

25 A. No.

1 Q. You say that the classrooms had been tested for
2 dust mites. Do you recall the circumstances of how that
3 came about?

4 A. I think because of the high number of related
5 health problems amongst staff and students in terms of
6 our observations of their health, several of the
7 teachers in the wing began organizing amongst themselves
8 and writing up letters and signing petitions and
9 submitting them to the principal to then be forwarded to
10 maybe facilities, the department that should handle
11 that. And I don't know all the steps that were
12 involved, but eventually someone did come out and did an
13 environmental study on the wings.

14 Q. Were you a part of that effort at all as far as
15 signing the petitions or organizing the petitions?

16 A. I don't -- I wasn't working there at that
17 point, and I think I was involved in terms of supporting
18 them or hearing it if I was on the union by then, I
19 can't remember, or the faculty council, and helping make
20 sure meetings were held with the right people. I
21 remember going to some meetings with facilities people.

22 Q. When you say "working there," you were working
23 in the main building at Garfield as opposed to the wing?

24 A. Yes.

25 Q. Why don't you take a look at paragraph 14,

1 put in?

2 A. No.

3 Q. Did you hear about any noise problems in
4 classrooms in the wings after the permanent walls had
5 been put in?

6 A. Occasionally people would say, "Oh, it's so
7 much better," but it depends on what's going on in the
8 room across from you. If they have music time while
9 you're doing silent reading, the kids are, "Oh, what are
10 they singing?" Or if they have a movie and you don't,
11 or a party and your kids didn't get one --

12 Q. I was going to say, I love to listen to music
13 when I'm reading.

14 A. Yeah.

15 MS. LHAMON: It's a choice, Michael. You're
16 making a choice.

17 MR. ROSENTHAL: Q. Now, when there were
18 non-permanent walls in the wing classrooms, were there
19 doors to the classrooms then?

20 A. No.

21 Q. Was there -- again, just a sort of open space
22 where a door would be similar to how the classrooms were
23 arranged after the permanent walls were put in?

24 A. It was a space from about that window to that
25 window -- I don't know how far this is -- 20 something

1 which we've kind of touched on that relates to noise
2 issues.

3 A. Okay.

4 Q. Have you had a chance to read that paragraph?

5 A. Yes.

6 Q. Just so I'm clear, as part of the renovation,
7 were permanent walls put between the classrooms in the
8 wing?

9 A. Yes.

10 Q. You said that there were no doors put in for
11 the individual classrooms?

12 A. Right.

13 Q. Do you have an understanding as to why no doors
14 were put into the classrooms?

15 A. I don't remember exactly. I thought there was
16 something about some code or something in the code in
17 terms of -- who knows. I don't know. Something
18 prohibited it, and I never understood what that was.

19 Q. Did the replacement of the non-permanent walls
20 with permanent walls lessen the noise problem in the
21 wing classrooms?

22 A. Between the classroom that you were adjacent
23 to, yes.

24 Q. Were you -- did you ever teach in -- you didn't
25 teach in the wings after the permanent walls had been

1 feet or so -- and it would just face the one on the
2 other side, which had the same amount of open space.
3 And then you had these folding accordion walls, movable
4 walls, between you and the next room.

5 Q. And after the permanent walls were put in, did
6 that open space remain in the classroom opposite?

7 A. I can't -- I'm trying to visualize. I can't
8 remember if they had some kind of a wall that left maybe
9 a doorway open. I can't remember. It might be that the
10 cabinets are there now, that there's maybe a wall of
11 cabinets, so there's less of an open space opposite the
12 room. That's my memory.

13 Q. Do you remember -- when you were teaching in
14 the wing, do you remember ever raising problems
15 regarding the noise with any administrator at Garfield
16 or anybody else?

17 A. I think what we did was try -- someone there --
18 a couple of people knew about the Measure C money, and
19 they started telling us, there might be a way for us to
20 get some money to repair some of these problems. And
21 then we would bring that up at staff -- kind of staff
22 meetings as, is there someone working on Measure C
23 money? Where is the money? If we don't use it by a
24 certain date, we'll lose it.

25 I remember, there was momentum around that

1 while I think I was still in the wing. And then that
2 was just for a few months, and then I moved on.

3 Q. On a day-to-day basis, did you take any steps
4 to attempt to deal with the noise issues you were
5 experiencing in the classroom in the wing?

6 A. I think we would try to collaborate a little
7 bit with the teacher right opposite you or right next to
8 you in terms of what you scheduled and when, but
9 sometimes it was just impossible because I couldn't
10 control everything they did and what time.

11 We oftentimes would try and team-teach
12 something together, you know, at some point during the
13 day, so that's when we still had split reading where you
14 had half your kids for an hour in the morning and the
15 rest would show up about an hour later. Then the first
16 group that was there left an hour early, and at the end
17 of the day, you just had half your class, so you could
18 do readings in small groups twice a day.

19 So at some point when we were -- they don't
20 have that anymore. When we were doing that, it would be
21 nice when you had your smaller group to maybe do
22 something with another teacher so you weren't
23 distracting each other from other lessons.

24 Q. Now, when you were teaching in the classrooms
25 in the wing, was the noise in the adjacent classroom or

1 MR. ROSENTHAL: Q. Just let me know when
2 you've had a chance to read that paragraph, paragraph
3 15.

4 A. Okay.

5 Q. I think we've covered most of this. Is there
6 anything else that you haven't told me about that you
7 think is relevant to these conditions that you're
8 identifying?

9 A. No.

10 Q. In your declaration, you cover -- we've covered
11 a number of concerns regarding the facilities at
12 Garfield, and I think in paragraph 10, you say, on the
13 first line, quote, I have serious concerns about the
14 facilities at Garfield.

15 Have you identified all these, quote unquote,
16 serious concerns in your declaration? Have we covered
17 all those, or are there any other additional ones that
18 you haven't told me about?

19 A. I think this covers it.

20 MR. ROSENTHAL: Okay. Why don't we take a
21 brief break now for, like, three minutes or so, and then
22 we'll come back and wrap up.

23 (Recess taken.)

24 MR. ROSENTHAL: Can we mark this as Exhibit No.
25 3, please.

1 the noise coming from a classroom across the way, was
2 that a constant distraction in the class, or did it just
3 depend on what the other class was doing?

4 A. It -- a couple of things. It depended on what
5 they were doing and it depended on the teacher. I was
6 probably one of the noisier classrooms because I just
7 walked in from, you know, from my program, and I was
8 given -- literally, this class was the most challenging
9 class I've ever had. They were just physically all over
10 the place. And so my class was noisy and I needed a lot
11 of help in terms of dealing with the classroom
12 management issues.

13 But there were teachers who -- you know,
14 there's different styles of teaching, and some of them
15 use that big, loud, booming voice that you always hear,
16 or they do a lot of, you know, really wonderful
17 activities where the kids are always up and making
18 noises and doing things.

19 And you just -- it's like, if you were standing
20 outside the door and the door was open, you could hear
21 someone talking, it would distract you. So it was kind
22 of an ongoing thing throughout the day.

23 Q. Take a look at paragraph 15.

24 We can go off the record for just one second.

25 (Discussion off the record.)

1 (Whereupon, Deposition Exhibit 3 was marked
2 for identification.)

3 THE WITNESS: What year is this from?

4 MR. ROSENTHAL: Q. I was going to ask you the
5 same question. I'm going to ask you -- take a moment to
6 look at it and see if you recognize that document.

7 A. I see some names I haven't seen in a long time.
8 Yes.

9 Q. And have you seen this particular document
10 before?

11 A. No.

12 Q. Have you seen documents like this before?

13 A. No.

14 Q. So do you not recognize this form of document
15 at all?

16 A. No. I know what it is now from looking at it,
17 but I have never been presented with it.

18 Q. You're basing it on the type of document which
19 says "Master Schedule Listing by Course"?

20 A. Right.

21 Q. And in looking at this document, does it
22 indicate to you at all for what school year this was?

23 A. Well, this isn't right if it's for -- no, I
24 don't see it.

25 Q. Your name is referenced on the second page

1 about halfway down.
 2 A. Fourth grade. Right. Right.
 3 Q. Were you teaching --
 4 A. That was fourth.
 5 Q. You taught a sheltered fourth grade class for
 6 four years at Garfield; is that right?
 7 A. Yes.
 8 Q. This document is dated May 24th, '01, or it
 9 appears to be dated that day. You were teaching at
 10 Garfield at that time?
 11 A. Right, but this isn't reflective of the staff.
 12 This composition of the staff is not from that school
 13 year.
 14 Q. Are there members of -- are there teachers on
 15 this two-page document that were not teaching at
 16 Garfield during the year 2000-2001?
 17 A. Yes.
 18 Q. Can you identify those for me?
 19 A. The first one, Dorfman.
 20 Q. And you can write on it. That's fine.
 21 A. She's gone. Fleishman is gone.
 22 F-l-e-i-s-h-m-a-n.
 23 Q. When you say they're gone, they were gone for
 24 the entire 2000-2001 school year or --
 25 A. Yes.

1 Q. Okay.
 2 A. I don't know who took the vacancy for
 3 kindergarten that year. Okay. Here's a problem with
 4 being in a big school. I don't even know who Lee is.
 5 Honestly, I don't know.
 6 Mercado, gone. Nguyen, N-g-u-y-e-n, gone.
 7 McCarther, retired. Wong, gone. Walter, gone. These
 8 are last names. Shannon, S-h-a-n-n-o-n, gone. Aguirre,
 9 A-g-u-i-r-r-e, gone. Behnke, B-e-h-n-k-e, gone. Trinh,
 10 T-r-i-n-h, gone. Westergaard, W-e-s-t-e-r-g-a-a-r-d,
 11 gone. Price, P-r-i-c-e, gone. Johnson, gone. I don't
 12 know who Perez is. Nielsen, gone. N-i-e-l-s-e-n.
 13 McGinnis, M-c-G-i-n-n-i-s. That's it.
 14 Q. Now, on page 2 of this document where your name
 15 is listed, it says -- it lists a track number, and it
 16 also says room 7.
 17 A. Room 7? Okay.
 18 Q. Were you ever a teacher in room 7 at Garfield?
 19 A. I suppose that was one of the rooms I had that
 20 year.
 21 Q. Do you think that this list may be for a
 22 different year rather than the 2000-2001 school year?
 23 A. Oh, it is. Yes. This might be 1999-2000
 24 because I remember Johnson was still there. She was
 25 gone 2000-2001. Ross-Morrison is still there, but she

1 was a fifth grade teacher this last year, and I think
 2 she was fourth the year before with us.
 3 Q. So were all the teachers that you just
 4 indicated on that document as being not teachers at
 5 Garfield during the 2000-2001, were they teachers there
 6 during 1999-2000?
 7 A. I think so, yeah. That's why I'm pretty sure
 8 that that's what year this is. That was the last year
 9 they were there.
 10 Q. And does the fact that there are numbers from 1
 11 to 4 in the "Track" column indicate to you that this is
 12 not a list of the teachers from 2000-2001, because the
 13 school was not on four tracks during that year?
 14 A. Correct.
 15 MS. LHAMON: Good, Michael.
 16 THE WITNESS: Got it.
 17 MR. ROSENTHAL: Q. So it's your belief in
 18 looking at this that it's probably the master schedule
 19 for 1999-2000?
 20 A. I believe so, yes.
 21 Q. Okay. You can put that aside.
 22 A. I thought this was one of the better years. We
 23 all stayed. My little cadre stayed.
 24 Q. That raises one more question I have. Of the
 25 teachers who did not return for 2000-2001, do you know

1 how many of them were fully credentialed teachers?
 2 A. I could probably tell you just -- yeah, the
 3 ones that I knew.
 4 Q. As you do that, if you can tell me if you know
 5 the reason for why each one of them left.
 6 A. I don't know the reason.
 7 Q. To the extent you know.
 8 A. Okay. Dorfman, I don't know the reason. She
 9 was fully credentialed. I don't know if she had a CLAD.
 10 I don't think so. I don't know, though.
 11 Fleishman just moved away to another city.
 12 Q. Do you know if Fleishman was fully
 13 credentialed?
 14 A. I'm not sure.
 15 Q. That's fine.
 16 A. I'm not sure.
 17 MS. LHAMON: While we're doing this, I'd like
 18 to interpose an objection on privacy grounds just for
 19 the teachers to the extent that we're talking about the
 20 reasons why they left the school.
 21 I have no objection to questions about whether
 22 they had a credential, but I think that there are some
 23 privacy concerns raised by talking about why teachers
 24 left the school.
 25 MR. ROSENTHAL: Q. You can still give me the

1 answer to the extent you know.
 2 A. Okay. Nguyen, N-g-u-y-e-n was in the
 3 internship program with me. I believe he finished it.
 4 He left for a master's in education.
 5 MS. LHAMON: Deborah, you skipped
 6 Mercado-Ramirez.
 7 THE WITNESS: I don't know that one. I don't
 8 know anything about them, who that was.
 9 McCarther, fully credentialed, I mentioned,
 10 retired.
 11 Wong was in the internship program with me.
 12 I'm not sure when she completed it. Her main reason for
 13 leaving was the frustration with the rotation schedule
 14 and the year-around schedule. I don't know if she went
 15 to a traditional calendar.
 16 Walter, I don't know anything about him. I
 17 think he went to, like, a small charter school or
 18 something like that in Oakland.
 19 Shannon was fully credentialed. We talked
 20 about her last time. She had a lot of health issues and
 21 concerns in the wings and could not work because of
 22 that.
 23 Aguirre was fully credentialed, bilingual. I
 24 still don't know why she didn't come back last year.
 25 Behnke was in the credential program, I

1 These are people who moved out of the area.
 2 Q. Great. Thank you. It's very helpful. Now you
 3 can put it aside, I think for the last time.
 4 Have you ever heard of something called the
 5 Fiscal Crisis and Management Assistance Team?
 6 A. No.
 7 Q. Sometimes it's referred to by its acronym,
 8 FCMAT, F-C-M-A-T?
 9 A. Oh, the FCMAT, yeah. I know the acronym. My
 10 knowledge of them is that, or whoever, whatever it is,
 11 that they were involved in an audit of Oakland, I
 12 thought it was last year.
 13 Q. Did you have any interaction with anybody at
 14 FCMAT?
 15 A. I don't think so.
 16 Q. Do you know if they did any sort of review of
 17 facilities at schools across the Oakland Unified School
 18 District?
 19 A. I believe so. There was a team, I remember Don
 20 Perata being very involved in the media constantly
 21 about, we're coming to your schools and we're going to
 22 see what's wrong. There was a lot of hype about it at
 23 the time.
 24 Q. Do you remember a FCMAT team coming to look at
 25 the facilities at Garfield?

1 believe, and I'm not sure when he finished. I don't
 2 know why he left.
 3 Oops, I did this wrong. I'm giving you wrong
 4 information. I'm going to backtrack a little bit.
 5 Nguyen, again, in the credential program, did
 6 not leave to go away.
 7 MR. ROSENTHAL: Q. Just so we're clear --
 8 A. Wrong one. I'm thinking of another teacher.
 9 Q. Mr. or Mrs. Wong, Mr. Wong did come back to
 10 teach in 2000-2001?
 11 A. Yes. Sorry. My apologies. Take him off.
 12 He's still there. He's fully -- I believe he's fully
 13 credentialed now. He was with me. Okay. Sorry about
 14 that.
 15 I'm down to Trinh, T-r-i-n-h. He was in the
 16 program with me. He's the one that left for a master's
 17 program.
 18 Westergaard was fully credentialed. That's my
 19 recollection. Moved away. Don't know.
 20 Price, I believe, was in an internship program,
 21 moved away.
 22 Johnson, fully credentialed, moved away.
 23 Nielsen, fully credentialed, moved away.
 24 McGinnis, credential program, finished it, I
 25 think, that year, moved away.

1 A. You know, I can't remember. I'm aware of
 2 something but I can't remember who it was or if that was
 3 them.
 4 Q. Do you remember -- I'm sorry. You just don't
 5 recall?
 6 A. I can't remember.
 7 Q. Did you ever hear that a team from FCMAT had
 8 come to review the facilities at Garfield?
 9 A. No.
 10 Q. Did you ever hear any results of any review of
 11 facilities at Garfield or any other schools by a FCMAT
 12 team?
 13 A. I'm trying to remember. Mostly what I heard
 14 was things that I remember from maybe the newspaper or
 15 things that were in the media.
 16 There was a lot of talk at school board
 17 meetings that I went to about the audit, and I'm mostly
 18 remembering physical conditions being a huge complaint,
 19 specifically bathrooms, you know, fire extinguishers
 20 that didn't work, broken windows, the heat not working,
 21 the air conditioning -- all that stuff.
 22 Q. Do you remember facilities issues being a focus
 23 of the FCMAT evaluation?
 24 A. I thought that's one of the things they were
 25 looking at, and also auditing the money. That was the

1 other part of that, where the money was going and was it
2 being managed. And I heard that it wasn't, that there
3 was missing money. You know, it's all sort of a big
4 blob in my mind at this point. It's been a while.

5 Q. Before, we had discussed some of the facilities
6 problems that were in the wing classrooms. Before,
7 prior to the renovation, did you ever hear about -- hear
8 that any teachers at Garfield had complained, had filed
9 any sort of complaint with the Division of Occupational
10 Safety and Health?

11 A. I think that might have been something that
12 Patty Shannon was involved with, or Laura Aguirre. I
13 can't remember which one. But I remember them talking
14 about -- either one of them talking about OSHA and
15 trying to get them to come in and inspect the issue of
16 the tiles being mildewy or the dust in the rugs or the
17 air filtration system not working correctly because of
18 all those sinus and respiratory problems.

19 Q. Do you remember if anything occurred as a
20 result of their efforts to get OSHA involved?

21 A. My memory is that we -- that sort of
22 spurred everybody on and got us together as a cohesive
23 group more to get facilities to do something about the
24 wings. And then I read in here, because I couldn't
25 remember, that it was Measure C money that we were

1 MS. LHAMON: Yes. I have ten until 2:00, which
2 means it's 20 to 2:00.

3 MR. ROSENTHAL: We should be fine.

4 MS. LHAMON: It's quarter to 2:00.

5 MR. ROSENTHAL: Fair enough. We still should
6 be fine.

7 Q. Have you ever seen any written policies of the
8 Oakland Unified School District?

9 A. Regarding?

10 Q. Regarding the kinds of issues we've been
11 talking about over the past -- during the two days of
12 your deposition, and by that, I mean textbook issues,
13 facilities issues, issues regarding teachers and things
14 along those lines.

15 A. I don't recall reading anything in writing
16 about their policies toward any of these things.

17 Q. Have you ever seen any such written policies?

18 MS. LHAMON: I think that question is asked and
19 answered, but --

20 THE WITNESS: Yeah. In regards to these
21 things, I really don't remember a written policy. I
22 know that I've been handed things to read about, you
23 know, child abuse reporting, you know, like the
24 guidelines for things, things like retention of your
25 students. Those are the kind of policies I've received

1 pushing for.

2 Q. Do you remember OSHA being involved in any way
3 in dealing with facilities problems at Garfield?

4 A. I'm trying to remember. I remember something
5 about Laura Aguirre talking to me about whether OSHA
6 could come out and do an inspection to help, you know,
7 with our concerns, to help back us up, that there really
8 were problems there. I don't know what they actually
9 did.

10 I know there was some program that -- I think
11 it was them -- some agency had come and then left some
12 sort of curriculum for teachers to get involved with
13 clean, safe -- something about clean air in the
14 classroom.

15 Q. So do you remember OSHA coming to inspect the
16 school at any time?

17 A. I don't know if they actually came or not, no.

18 Q. Did you ever hear that they did?

19 A. No.

20 Q. Did you ever hear that they did not?

21 A. No. I think I was a little too far removed
22 from that, that whole movement at that point. Just,
23 wrong teacher to ask, I guess.

24 Q. Fair enough.

25 Can I get a time check?

1 and read. If I received anything else, I can't remember
2 it right now.

3 MR. ROSENTHAL: Q. Do you know if policies
4 regarding -- written policies regarding facilities,
5 textbooks, teachers and the topic areas we've been
6 discussing exist?

7 A. I would assume so, so that administrators have
8 something to follow in terms of guidelines and hiring
9 and maintenance of your school.

10 Q. But you've never seen those?

11 A. I don't think so.

12 Q. Have you ever heard of --

13 A. Wait. There's an operations manual. I don't
14 know that I actually read it, though. I think in the
15 office, that's what I'm thinking about, what the
16 administrators have, that there might be some sort of
17 operational binder that has guidelines for them to
18 follow. And if you're on the right committee and you're
19 working on it, then you probably have access, or anybody
20 would probably have access. It's in the office. I
21 don't remember going to look at it.

22 MS. LHAMON: Do you remember at the beginning
23 of the deposition, Michael told you he doesn't want you
24 to speculate. If you're saying you assume, that's
25 conjecture. If you know something exists, you should

1 testify about that.
 2 Michael, correct me if I'm wrong, but I don't
 3 think you're asking her to speculate.
 4 MR. ROSENTHAL: Q. I don't want you to
 5 speculate.
 6 A. Okay.
 7 Q. Do you know there's an operations manual that
 8 exists?
 9 A. I'm not sure.
 10 Q. Have you ever heard of something called Oakland
 11 Unified School District board policies?
 12 A. I haven't read them.
 13 Q. Have you heard of the term "board policies"?
 14 A. No.
 15 Q. How about administrative bulletins? Have you
 16 ever heard of Oakland Unified School District
 17 administrative bulletins?
 18 A. No.
 19 Q. Now, when we met during your first day of
 20 testimony, I think you said you were still employed by
 21 the Oakland Unified School District until August 31st of
 22 this year; is that right?
 23 A. Right.
 24 Q. Has your employment status changed since we
 25 last met?

1 A. Yes.
 2 Q. Can you just tell me what your current
 3 employment status is?
 4 A. I'm working in an afterschool program through
 5 the YMCA as the fiscal agent, and I'm part of a
 6 collaborative at Brett Harte Middle School. So I'm the
 7 program coordinator for their afterschool academy.
 8 Q. Brett Harte Middle School is a middle school in
 9 the Oakland Unified School District?
 10 A. Yes.
 11 Q. Are you employed by the Oakland Unified School
 12 District?
 13 A. No.
 14 Q. You're employed by the YMCA?
 15 A. Right. Right.
 16 Q. Can you just tell me what your
 17 responsibilities -- well, strike that.
 18 Have you started that position yet?
 19 A. Yes.
 20 Q. Can you tell me what your responsibilities are
 21 in connection with that position?
 22 A. It's constantly developing. I'm responsible
 23 for most of the administrative duties, collecting and
 24 doing data input on registration of all the students,
 25 maintaining the databases on all of our participants,

1 maintaining relationships with administrators, teachers,
 2 parents and students and instructors who do all of the
 3 afterschool classes, kind of like the liaison person for
 4 all of that.
 5 A lot of administrative duties in terms of
 6 maintaining the program and running the program and
 7 developing programs to serve the needs of the students
 8 based on evaluations. Because it's a granted program,
 9 we're constantly doing evaluations, and so I'm part of
 10 the implementation team for doing evaluation of the
 11 program with the students, the parents, and the
 12 teachers, and the classroom teachers as well.
 13 Q. Can you just tell me when you started in that
 14 position?
 15 A. It's the end of September. I don't remember
 16 the day. I remember that Monday of the last week in
 17 September.
 18 MR. ROSENTHAL: I think this is the last
 19 exhibit.
 20 (Whereupon, Deposition Exhibit 4 was marked
 21 for identification.)
 22 MR. ROSENTHAL: Q. I'm going to ask you to
 23 read this document. I know it's somewhat lengthy.
 24 We'll go off the record and take as long as you need to
 25 read it.

1 I want you to review it for substance, and if
 2 there's anything in this document that strikes you as
 3 being inaccurate, then we can discuss those items after
 4 you've had a chance to look at the document. And just
 5 for the record, this is -- do you recognize this
 6 document?
 7 A. No.
 8 MS. LHAMON: I'll just note that at the top of
 9 the first page of the document, it says "Page 1 of 3,"
 10 and then there's another page, four pages into it, that
 11 says "Page 1 of 2." So it seems like --
 12 MR. ROSENTHAL: It's multiple pages from what
 13 appears to be a website for the Garfield Elementary
 14 School, and I've just -- I have stapled them together as
 15 one document, but it is a number of technically separate
 16 pages, web pages.
 17 MS. LHAMON: Thank you.
 18 MR. ROSENTHAL: Let's go off the record so the
 19 witness has an opportunity to read the document.
 20 (Recess taken.)
 21 MR. ROSENTHAL: Q. Ms. Israel, in the interest
 22 of time, if there's anything that strikes you as
 23 inaccurate, feel free to mark on the document so we can
 24 just go back and identify the areas that you find.
 25 A. Okay.

1 MS. LHAMON: Before we go off, are you asking
 2 Ms. Israel to identify what she knows to be inaccurate,
 3 because she's testified that she hasn't seen this
 4 document before. There may be information in it that
 5 she doesn't have any information about.
 6 MR. ROSENTHAL: Anything that she knows to be
 7 inaccurate or believes to be inaccurate.
 8 MS. LHAMON: Thank you.
 9 (Recess taken.)
 10 MR. ROSENTHAL: Q. Have you had an opportunity
 11 to review what we've marked as Exhibit No. 4?
 12 A. Yes.
 13 Q. I noticed you marked a few items as you were
 14 going through the document. Why don't you just take me
 15 through the areas that you think there are inaccuracies
 16 or believe that there might be inaccuracies.
 17 A. Well, for this school year, I suppose it's all
 18 accurate. It's just that there's been changes since
 19 then. So do you want me just to stick with the school
 20 year it's discussing?
 21 Q. Why don't you tell me the changes that occurred
 22 along the lines of -- any changes, either the ones
 23 you've marked or additional ones you see as you go
 24 through it.
 25 MS. LHAMON: I'm sorry. Can we also just state

1 for the record which school year you believe this is
 2 discussing?
 3 THE WITNESS: This says 1998-1999. There's
 4 less students, a little bit less. I thought it was
 5 about 980 last year.
 6 MR. ROSENTHAL: Q. Just so we're clear,
 7 everything you're describing as far as the changes are
 8 as --
 9 A. Based on last year.
 10 Q. Based on last year. Fair enough.
 11 A. That's the first page.
 12 MS. LHAMON: I'm sorry. On the first page --
 13 THE WITNESS: Just that the enrollment is a
 14 little bit less.
 15 Second paragraph, "Garfield has entered the
 16 next century early," second page. It states that we
 17 have research on the Internet when, in fact, most of the
 18 year the Internet was not accessible in the classroom,
 19 and the printers attached to the Internet computers
 20 didn't work most of the year.
 21 MR. ROSENTHAL: Q. And that was during the
 22 2000-2001 school year or was that --
 23 A. Yes. Not limited to that year, but definitely
 24 last year we had problems with the computers.
 25 The home reading program, the books were

1 purchased, and while there was staff available to
 2 coordinate the efforts, it worked really well. But when
 3 they left or they sort of assigned it to your grade
 4 level to send books home with your kids, if your grade
 5 level didn't get it together and didn't organize it, the
 6 program just became -- you know, was defunct.
 7 So we had boxes of books not being distributed,
 8 and that was just based on your team. If you got it
 9 together, great. But a lot of teams had brand new
 10 teachers, and I don't think they knew what they were
 11 supposed to do with the books. Hopefully this year it's
 12 back on track. But it was very successful the year that
 13 they started it.
 14 Bottom of that same page, second page, the
 15 junior achievement program, that year maybe it was Coast
 16 Guard, I frequently did not receive the program in my
 17 classroom because they didn't have enough instructors,
 18 so we didn't all get it.
 19 Ms. Harris' message, that page, I don't know
 20 what page it is. It says "1 of 2."
 21 MS. LHAMON: Fourth page.
 22 THE WITNESS: The efficacy program may have
 23 been in place or implemented prior to my being hired,
 24 but I never received any training.
 25 MR. ROSENTHAL: Q. Just on that, do you know

1 if other teachers received training on the efficacy
 2 program.
 3 A. Teachers that have been there before me kept
 4 mentioning it. "What training? I don't know what
 5 you're talking about."
 6 I was never invited to participate. I didn't
 7 pursue it. I didn't know what it was for. I saw a
 8 binder on a shelf. I read some of it. That's the same
 9 thing. Just, the two teachers in the picture are no
 10 longer working there.
 11 MS. LHAMON: On which page?
 12 THE WITNESS: Garfield Programs, page 6.
 13 MR. ROSENTHAL: We can number the actual pages
 14 in the exhibit if we want at the end just to make it
 15 easier to follow along.
 16 THE WITNESS: Page 10, HRP, that's the home
 17 reading program. Same thing I said before. Those folks
 18 are no longer there to contact. Well, some of them are.
 19 It lists some teachers. Sharon Blackburn is the only
 20 one left, but she no longer is responsible for that
 21 program.
 22 MR. ROSENTHAL: Q. Is there somebody else who
 23 is responsible?
 24 A. It's what I said before. It's kind of by grade
 25 level. Your team is supposed to implement it and

1 distribute the books.
 2 I stopped counting. I'm sorry.
 3 MS. LHAMON: That's 11.
 4 THE WITNESS: 14, PTA. Most of last year, we
 5 tried to meet maybe -- we may have had a few meetings,
 6 but we never really had an active organized PTA with a
 7 board, you know, president, and all that in place. It
 8 just didn't happen that year. Some of these events were
 9 still happening by the individuals who made sure they
 10 happened, but there wasn't really an organized active
 11 PTA. That's it.
 12 MR. ROSENTHAL: Q. So no other things in this
 13 document that you believe to be inaccurate?
 14 A. I didn't underline it. There was just
 15 something about, you know, parents and students believe
 16 Garfield to be a safe, something, environment. I'm
 17 sorry. I didn't underline it. Shoot. But, you know,
 18 based on the things that I brought up earlier, that is
 19 not always true.
 20 Q. Just so the record is clear, is that on page 5?
 21 A. Yes.
 22 Q. When you say it's not always true, you're
 23 referring to the adjective "safe"?
 24 A. It's a safe place for people, yeah. And just
 25 based on, you know, some of the things I've said to

1 you.
 2 Q. Is there anything else other than what you've
 3 testified to today and during your first day that make
 4 Garfield unsafe that we haven't covered? I just want
 5 to make sure we get it all out there for those other
 6 areas.
 7 A. I think we talked about it all. No.
 8 MS. LHAMON: Just for the record, I'm going to
 9 number the bottom of the pages with numbers.
 10 MR. ROSENTHAL: That's fine. I believe it was
 11 1 through 15. We'll check your math after.
 12 MS. LHAMON: Okay.
 13 MR. ROSENTHAL: Q. I'd also just like to -- we
 14 might as well just mark this declaration, which I think
 15 you took a couple notes on, right?
 16 A. Right.
 17 MR. ROSENTHAL: Let's mark it as an exhibit.
 18 I'm just going to quickly look through it as well just
 19 to make sure I can read your handwriting, if I have any
 20 questions about it.
 21 MS. LHAMON: I don't object to marking it, but
 22 they didn't seem to be substantive changes.
 23 MR. ROSENTHAL: I'd like to just mark it, just
 24 in case.
 25 MS. LHAMON: Okay.

1 MR. ROSENTHAL: Let's mark this as No. 5, which
 2 is another copy of the declaration with some handwritten
 3 comments by Ms. Israel.
 4 (Whereupon, Deposition Exhibit 5 was marked
 5 for identification.)
 6 MR. ROSENTHAL: And once Catherine is done
 7 numbering Exhibit No. 4 --
 8 MS. LHAMON: You can move on.
 9 MR. ROSENTHAL: -- we can do our closing
 10 stipulation.
 11 MS. LHAMON: Fabulous.
 12 MR. ROSENTHAL: Can we stipulate that the
 13 declaration will be signed under penalty of perjury,
 14 that the original deposition transcript will be
 15 delivered to the offices of Ms. Lhamon, that the court
 16 reporter is relieved of liability for the deposition
 17 transcript, and that Ms. Lhamon will send any
 18 corrections to the deposition transcript within 30 days
 19 of the date of the transmittal letter from the court
 20 reporter, and that if no corrections or signature page
 21 is received at that time, that any unsigned or
 22 uncorrected copy of the deposition transcript can be
 23 used as if signed and corrected?
 24 MS. LHAMON: So stipulated.
 25 MR. ROSENTHAL: Did I miss anything?

1 MS. LHAMON: Not that I remember.
 2 MR. ROSENTHAL: Very good. Then we're all
 3 set.
 4 THE REPORTER: Ms. Lhamon, a copy for you?
 5 MS. LHAMON: Please.
 6 (Whereupon, the deposition was adjourned
 7 at 2:05 p.m.)
 8 --oOo--
 9 I declare under penalty of perjury that the
 10 foregoing is true and correct. Subscribed at
 11 _____, California, this ____ day of _____,
 12 2001.
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 16 _____
 17 Debra Israel
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CERTIFICATE OF REPORTER

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I, CARLA SOARES, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: _____, 2001.

CARLA SOARES, CSR 5908