

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

ELIEZER WILLIAMS, et al.,)

Plaintiffs,)

vs.)

No. 312 236

STATE OF CALIFORNIA, DELAINE)
EASTIN, State Superintendent)
Of Public Instruction, STATE)
DEPARTMENT OF EDUCATION,)
STATE BOARD OF EDUCATION,)

Defendants.)

STATE OF CALIFORNIA,)

Cross-Complainant,)

vs.)

SAN FRANCISCO UNIFIED SCHOOL)
DISTRICT, et al.,)

Cross-Defendants.)

DEPOSITION OF ALONDRA JONES
San Francisco, California
Friday, May 25, 2001
Volume II

Reported by:
PATRICIA C. STEPHENS
CSR No. 10058
JOB No. 848130

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 CITY AND COUNTY OF SAN FRANCISCO

3 ELIEZER WILLIAMS, et al.,)
4)
5 Plaintiffs,)
6 vs.) No. 312 236

7 STATE OF CALIFORNIA, DELAINE)
8 EASTIN, State Superintendent)
9 Of Public Instruction, STATE)
DEPARTMENT OF EDUCATION,)
10 STATE BOARD OF EDUCATION,)
11)
12 Defendants.)

13 STATE OF CALIFORNIA,)
14)
15 Cross-Complainant,)
16 vs.)
17)
18 SAN FRANCISCO UNIFIED SCHOOL)
19 DISTRICT, et al.,)
20)
21 Cross-Defendants.)

22 Deposition of ALONDRA JONES,
23 Volume 2, taken on behalf of
24 Defendant/Cross-Complainant State of
25 California, at 275 Battery Street, 26th
Floor, San Francisco, California, beginning
at 9:51 a.m. and ending at 6:18 p.m.,
before PATRICIA C. STEPHENS, Certified
Shorthand Reporter No. 10058.

1 INDEX
2 WITNESS: EXAMINATION
3 ALONDRA JONES
4 Volume 2

5 BY MR. ROSENTHAL 210

6 EXHIBITS
7 DEPOSITION: PAGE
8 7 Article from the "San Francisco Weekly"; 449
9 10 pages

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 APPEARANCES:
2
3 For Plaintiffs Eliezer Williams, et al.:
4 MORRISON & FOERSTER, LLP
5 BY: LOIS K. PERRIN AND AMY M. KOTT
6 Attorneys at Law
7 425 Market Street
8 San Francisco, California 94105
9 415-268-6621

10 For Plaintiffs Eliezer Williams, et al.:
11
12 AMERICAN CIVIL LIBERTIES UNION
13 BY: CATHERINE E. LHAMON
14 Attorney at Law
15 1616 Beverly Boulevard
16 Los Angeles, California 90026
17 213-977-9500
18 (No appearance.)

19 For Defendant/Cross-Complainant:
20
21 O'MELVENY & MYERS, LLP
22 BY: MICHAEL T. ROSENTHAL AND SHAUN SIMMONS
23 Attorneys at Law
24 400 South Hope Street, Suite 1500
25 Los Angeles, California 90071
213-430-6000

For Defendants Delaine Eastin, State Superintendent of
Public Instruction; State Department of Education; State
Board of Education:
19 OFFICE OF THE ATTORNEY GENERAL CALIFORNIA
20 DEPARTMENT OF JUSTICE
21 BY: THOMAS YANGER
22 Attorney at Law
23 1300 I Street, Suite 125
24 Sacramento, California 95814
25 916-324-2500
(No appearance.)

23
24
25

1 San Francisco, California, Friday, May 25, 2001
2 9:51 a.m. - 6:18 p.m.

3
4 ALONDRA JONES,
5 having been first duly sworn, was examined and testified
6 as follows:

7
8 EXAMINATION
9 BY MR. ROSENTHAL:

10 Q Good morning, Ms. Jones. Welcome back. I'm
11 still Michael Rosenthal and I represent the State of
12 California in this case.

13 Do you understand that you will be under oath
14 the entire day today and your testimony is the same as if
15 you were testifying in a court of law?

16 A Yes.

17 Q And you understand that that will be the case
18 even after we come back from breaks and your testimony
19 will be pursuant to that oath the entire day?

20 A Yes.

21 Q So I won't keep asking you that question when we
22 come back on the record. Do you understand that?

23 A Yes.

24 Q Do you remember the basic rules that we went
25 over last week when we took your deposition again, or do

1 you want me to go over them again?
 2 A No, I remember them.
 3 Q You remember all of them?
 4 A Yeah.
 5 Q Very good.
 6 MS. PERRIN: If you have any questions, you can
 7 just ask.
 8 BY MR. ROSENTHAL:
 9 Right. If you have any questions about the
 10 rules or if you would like me to rephrase any of the
 11 questions. And, again, let's try not to talk over each
 12 other so the court reporter can get everything down. All
 13 those basic guidelines.
 14 Q Have you done anything to prepare for today's
 15 deposition since your last deposition which was --
 16 MS. PERRIN: A week ago Wednesday.
 17 MR. ROSENTHAL: Right. I was looking for the
 18 date but -- May 16th.
 19 THE WITNESS: No.
 20 BY MR. ROSENTHAL:
 21 Q Have you reviewed any documents in preparing for
 22 today's deposition?
 23 A No.
 24 Q Now, when we met last week we were discussing
 25 some of your -- we had started discussing some of your

1 classes at Balboa High School. And if you can just again
 2 tell me what classes you're taking this semester at
 3 Balboa?
 4 A European lit.
 5 Q Any other classes?
 6 A Economics.
 7 Q And that was it?
 8 A Um-hum. I mean yeah.
 9 Q Are both of those courses -- well, let's start
 10 with the European literature class. Is that a semester
 11 course or is that a full-year course?
 12 A It's a full-year course, and the first semester
 13 was European Lit, like one, and then the second semester
 14 is European Lit II.
 15 Q Do you receive a final grade at the end of the
 16 first semester for European Lit I?
 17 A Yes.
 18 Q Do you have the same teacher in European Lit I
 19 and European Lit II?
 20 A Yes.
 21 Q How about economics, was that a full-year course
 22 or just a semester?
 23 A No, that was just a semester.
 24 Q As I go through your classes -- I'm going to
 25 take them semester by semester. You received final

1 grades in each one of your courses on a semester basis;
 2 is that correct?
 3 A Yes.
 4 Q Can you tell me who your teacher is in your
 5 economics course?
 6 A Ms. Yunis.
 7 Q Do you know how to spell that?
 8 A Y-u-n-i-s.
 9 Q Do you know how long she's been with Balboa High
 10 School?
 11 A No.
 12 Q Do you know if she was there last year?
 13 A She was there last year.
 14 Q Do you know if she was there when you were a
 15 sophomore?
 16 A I don't know that.
 17 Q Can you describe for me a typical day in
 18 Ms. Yunis' economics class.
 19 MS. PERRIN: Objection, vague.
 20 BY MR. ROSENTHAL:
 21 Q Do you understand the question?
 22 A Yes. We sit in class -- well, when we get to
 23 class, we do our warmup for the day. And our warmup
 24 would be a question about economics. It would be written
 25 on the board. And we do that.

1 And after that we would -- whatever our project
 2 is, like recently we was doing stock portfolios. So we
 3 would do our stock -- work on our stock portfolios, turn
 4 in homework, and do some book work, some vocabulary.
 5 Q Just to go back for one second, what period do
 6 you have European literature?
 7 A Second period.
 8 Q What period do you have economics?
 9 A No, European literature is first period.
 10 Economics is second.
 11 Q Can you tell me approximately how often -- let
 12 me rephrase that.
 13 Has Ms. Yunis ever been absent from a class this
 14 semester?
 15 A Yes.
 16 Q Do you recall approximately how many times?
 17 A Less than five.
 18 Q Do you recall if you had a substitute teacher
 19 during those days?
 20 A Yes, we had substitute teachers.
 21 Q On each of those five days?
 22 A Oh, it wasn't five days.
 23 Q I'm sorry. I misstated the testimony. On each
 24 of the days that she was absent?
 25 A Yes.

1 Q Do you recall the last time Ms. Yunis was
2 absent?
3 A No, I don't remember.
4 Q Can you tell me how students behave in
5 Ms. Yunis' economics class.
6 MS. PERRIN: Objection, calls for speculation.
7 THE WITNESS: We sit there and do our work.
8 BY MR. ROSENTHAL:
9 Q Would you say students are well-behaved?
10 A Yes.
11 Q When there's a substitute teacher in for her, do
12 students behave any differently?
13 A There are probably more students in the
14 classroom, like some students that are not actually in
15 the class but are in the class because there's a
16 substitute in there. But besides from that, yes, they're
17 well-behaved still.
18 Q Why would students who are not supposed to be in
19 the class come in the class?
20 A Because it's a substitute.
21 Q Shouldn't those students be in other classes?
22 A Yeah, they should.
23 Q Any other behavior differences when there's a
24 substitute in Ms. Yunis' economics class?
25 A We'll talk amongst each other a little bit more.

1 Q Would you say students are not as well-behaved
2 when there is a substitute teacher for Ms. Yunis?
3 A No.
4 Q You would say they were just as well-behaved as
5 when she's there?
6 A Yes.
7 Q When you have a substitute teacher in Ms. Yunis'
8 economics class, does the teacher instruct you in
9 economics?
10 A They tell us probably do some vocabulary words
11 out of the book or work on what we've been currently
12 working on.
13 Q You said that on a typical day there is a
14 warmup question on the board. Is there one there when
15 you have a substitute teacher?
16 A No.
17 Q Other than that, though, do you do basically
18 the same work when there is a substitute teacher in
19 Ms. Yunis' economics class?
20 MS. PERRIN: Objection, vague.
21 THE WITNESS: It depends, like if they tell
22 us -- most of the time it would be like a written
23 instruction for the substitute to tell us to just
24 basically do what we've been doing, like a project we've
25 been working on, still work on that. That's what

1 happened most of the time. Or sometimes the substitute
2 is like, "Do chapter whatever vocabulary words."
3 BY MR. ROSENTHAL:
4 Q You mentioned that there are written
5 instructions. Do you know who leaves the written
6 instructions?
7 A Ms. Yunis.
8 Q So when Ms. Yunis is absent from class, she
9 leaves written instructions for the substitute as to what
10 the class should be doing?
11 A Yes.
12 Q And do the students typically follow those
13 instructions?
14 MS. PERRIN: Objection, calls for speculation.
15 Answer only if you know.
16 THE WITNESS: Yes, they still do it.
17 BY MR. ROSENTHAL:
18 Q Does Ms. Yunis give homework?
19 A Yeah.
20 Q Does she give a lot of homework?
21 A Yes.
22 Q Can you give me some examples of the types of
23 homework she gives?
24 A Work on our stock portfolios if we have
25 computers, and if we don't have, still work on it, but

1 you have to look in the newspaper. That was a lot of the
2 recent homework.
3 Oh, we recently had a two-page paper to do on is
4 the U.S. going into a recession.
5 Q You mentioned a couple times that you work on
6 your stock portfolio. Can you tell me a little about
7 that project.
8 A On etrade.com there's this game that you play.
9 And then you basically get \$100,000 and you have to buy
10 at least five stocks. And she said that who -- like we
11 got points if we picked stocks that went up, like if we
12 made some money we got extra points and that if we
13 like -- because she -- she told us we had to check on our
14 stock portfolio, but she didn't tell us how many times.
15 So if you checked every two or three days and
16 you gave her a printed out paper of how your stocks are
17 doing, you would probably get extra points for keeping up
18 with it, and that's it.
19 Q So you are supposed to monitor your stocks on a
20 daily basis?
21 MS. PERRIN: Objection. Misstates her
22 testimony.
23 THE WITNESS: Not daily, she didn't tell us like
24 when to actually check them. Like she would probably
25 tell us like once on Monday, and then again she would be

1 like "you should check your stock portfolio again" like
 2 on Thursday. But it would be better if you like checked
 3 it daily or like every two days because she'd give you
 4 points for that.
 5 BY MR. ROSENTHAL:
 6 Q How often do you check the stocks in your stock
 7 portfolio?
 8 A About three times a week.
 9 Q Do you get tests in Ms. Yunis' economics class?
 10 A Yes.
 11 Q About how frequently are you tested in her
 12 class?
 13 A Maybe about twice a month.
 14 Q Can you describe for me what kind of tests she
 15 gives?
 16 A Depends on the chapters we're studying. The
 17 tests would be about whatever we want or whatever we was
 18 doing.
 19 Q Are they multiple choice tests?
 20 A There's different, like it's multiple choice
 21 answers, there might be an essay question, some graphs
 22 you have to do.
 23 Q Do you think Ms. Yunis is a good teacher?
 24 A She a little rougher than my other teachers I've
 25 had, but she's a good teacher.

1 Q A little -- I didn't hear you?
 2 A Rougher.
 3 Q What do you mean by that?
 4 A She is strict. She is more strict than some of
 5 the teachers. She assigns a lot more work it seems than
 6 the other teachers. She's less lenient than other
 7 teachers. That's what I mean. Not rough in a bad way,
 8 but she's a little stricter.
 9 Q You say she assigns a lot more work. Can you
 10 tell me approximately how much homework you get from
 11 Ms. Yunis per day?
 12 A We have homework every day.
 13 Q And how long does it take you to complete that
 14 homework.
 15 A It depends on what the homework is.
 16 Q Can you give me a range?
 17 A Like if we have to write a paper or something,
 18 it would take me maybe an hour. If it's like book work,
 19 it would take like maybe 30 minutes. Just the stock
 20 stuff that takes 10, 15 minutes.
 21 Q So is it safe to say that the homework she gives
 22 you ranges each day from 10 to 15 minutes up to an hour?
 23 A It could be longer, like it really depends on
 24 what the homework is, you know.
 25 Q But you get homework from her every day?

1 A Yeah, just about.
 2 Q Can you tell me where your economics classroom
 3 is located?
 4 A On the third floor in the main building.
 5 Q When you say main building, you're using the
 6 terminology we agreed to at our last day of deposition?
 7 A Yes.
 8 Q Great. Your European literature class is on the
 9 third floor of the main building, as well, isn't it?
 10 A Yes.
 11 Q Can you describe the actual classroom to me,
 12 your economics classroom?
 13 A Like what do you want to know?
 14 Q The physical setup of the classroom.
 15 A It's about 30 to 35 chairs -- I mean desks.
 16 There's a TV in there, her desk. We got three computers
 17 in there. Her podium.
 18 Q Anything else?
 19 A A heater that don't work.
 20 Q Anything else?
 21 A Bookshelf.
 22 Q Anything else you can think of?
 23 A No, not that I can think of.
 24 Q How many students are in Ms. Yunis' economics
 25 class?

1 A I don't know.
 2 Q Are there enough seats for all the students?
 3 A I think so, yeah.
 4 Q Do you recall any students having to stand in
 5 her class?
 6 A No, not in her class.
 7 Q So every student in her class had their own
 8 desk?
 9 A Yes.
 10 Q You mentioned that the heater in Ms. Yunis'
 11 class doesn't work. Has it ever been unbearably cold in
 12 Ms. Yunis' classroom?
 13 MS. PERRIN: Objection, vague.
 14 BY MR. ROSENTHAL:
 15 Q Do you understand the question?
 16 A Yes, I understand the question.
 17 And it's been cold enough that you shiver.
 18 Q When you say it's been cold enough to shiver,
 19 what do you mean by that?
 20 A It's been -- some days it's been colder inside
 21 the classroom than it is outside.
 22 Q It's colder in the classroom than it is outside?
 23 A Yes.
 24 Q About how often is that?
 25 A I don't know.

1 Q Is it colder in the classroom than outside every
2 day?
3 A Not every day.
4 Q Is it colder in the classroom than it is outside
5 once a week?
6 A Maybe, I don't really know.
7 Q What do you do when it's colder in the classroom
8 than it is outside?
9 A See if one of the boys be gentleman enough to
10 give me their coat.
11 Q How many times have you asked one of the boys in
12 your classroom to borrow their coat?
13 A Every time it's cold.
14 Q Do they give you their coat?
15 A Some of them.
16 Q Have you heard other students in Ms. Yunis'
17 class complain that it's cold in the classroom?
18 A Yes.
19 Q How many other students have complained?
20 A I don't know the approximate number, but they
21 have. I don't know exactly how many.
22 Q Do all the students complain?
23 A No, but that's because all the students don't
24 talk as much. Some of the students are less quiet than
25 others.

1 Q Have you ever told anybody that it's cold in
2 Ms. Yunis' classroom?
3 A Yes.
4 Q Who have you told?
5 A Ms. Yunis.
6 Q What did she say to you?
7 A "Talk."
8 Q She says talk?
9 A Yeah.
10 Q What -- do you know what she means by that?
11 A She is like, "Talk to each other and you won't
12 think about the cold. Do our work. It will warm us up."
13 But that never helped.
14 Q When we met last time, you said that your
15 European literature class was not cold. Do you know why
16 that room wasn't cold and Ms. Yunis' class is cold?
17 MS. PERRIN: Objection, compound.
18 THE WITNESS: Okay. I don't know why Ms. Yunis'
19 class is cold and Mr. Brady's class is not cold. Usually
20 it is hot in Mr. Brady's class.
21 BY MR. ROSENTHAL:
22 Q So on first period Mr. Brady's class is hot and
23 second period Ms. Yunis' class is cold?
24 A Yes. That can cause you to get sick, too,
25 changes in weather like that.

1 Q How do you know the heater in Ms. Yunis' room is
2 broken?
3 A 'Cuz I tell Ms. Yunis or a student tell her it's
4 cold, and then she'll be like, "Do your work, you won't
5 think about it."
6 And then we'll sit there and somebody will say,
7 "Ms. Yunis, it's cold."
8 And then she'll say, "Well, turn on the heater."
9 And then there's like a student who is sitting
10 by the heater. He will turn it on and he'll be like,
11 "It's broken."
12 Q So a student says it broken?
13 A Or myself. I even tried to turn it on. And
14 when I tried to turn it on, nothing happened because it's
15 broken.
16 Q Did you tell Ms. Yunis that you thought the
17 heater was broken?
18 A I told Ms. Yunis I knew the heater was broken,
19 and she said there's nothing she can do about it.
20 Q That's what she said?
21 A Huh?
22 Q She said there's nothing she can do about it?
23 A Yes.
24 Q Have you ever told anybody else that you thought
25 the heater was broken?

1 A Besides Ms. Yunis and the other students in
2 class, no.
3 Q Is it ever unbearably hot in Ms. Yunis'
4 classroom?
5 A Not that I can recall, no.
6 Q Would you say there's a lot of outside noise in
7 Ms. Yunis' classroom?
8 MS. PERRIN: Objection, vague as to outside
9 noise.
10 BY MR. ROSENTHAL:
11 Q Do you understand the question or do you want me
12 to rephrase it?
13 A No, I understand the question.
14 It's a lot of -- there's not a lot of noise
15 outside other than like outside the building, but then in
16 the hallways there's noise.
17 Q You hear noise from the hallways when you are in
18 Ms. Yunis' classroom?
19 A Yes.
20 Q Are you able to hear Ms. Yunis instructing the
21 class when there's noise outside in the hallway?
22 A She go tell the kids to be quiet.
23 Q When she tells them to be quiet, does it get
24 quiet?
25 A No. They probably yell a little bit more just

1 to aggravate her. And then a security guard will come,
 2 and then that's when they will run.
 3 Q Then does it get quiet then?
 4 A Yes.
 5 Q Do you recall any instances when Ms. Yunis was
 6 instructing your class and you were unable to hear her?
 7 A Ooh, yeah. It was funny, because it's like our
 8 classroom right here (indicating) and there's a door.
 9 And then you go -- not the door to go outside the hallway
 10 like to leave, but it's a door. And then right across
 11 that door is our old art class, Ms. Khodabandeloo's
 12 class.
 13 And like you walk out that door and there's a
 14 little thing and then it's their door. And maybe like
 15 freshmen or sophomore or some lower class person -- not
 16 lower class, but like lower classmen, their class was
 17 right there.
 18 And they was banging on the door making heck of
 19 noise, and we was just sitting there doing our work. And
 20 Ms. Yunis was like, "Hold on," because she thought it was
 21 one of us and we were like banging on those desks.
 22 And we were like, "No, that's coming from
 23 next-door."
 24 And she'd open the door and she'd go in and tell
 25 the kids to be quiet and sit down. And she'd look around

1 and then she'd come back. And we was like, "What
 2 happened?"
 3 She was like, "There's no teacher in there."
 4 And we are like, "Where is Ms. Khodabandeloo,"
 5 because that's our class -- that was our class. "Where
 6 is Ms. Khodabandeloo at?"
 7 And she was like, "I don't know. There are no
 8 kids in there."
 9 So we was doing our work and it started up
 10 again. And we was laughing. And then one of the kids
 11 from next-door ran in our classroom and saw that
 12 Ms. Yunis was in there, because their teacher wasn't in
 13 there, they probably thought -- I don't know. He saw Ms.
 14 Yunis was in there, and it was like, "Oops," and he was
 15 about to run out.
 16 And then one of the kids in our classroom popped
 17 him in the back of his head and told him to go sit down
 18 in his class and act right. And then we laughed at that.
 19 And I guess eventually a teacher came in because they got
 20 quite. It was a funny thing.
 21 Q Do you remember when this happened?
 22 A This happened like -- when was this. Like
 23 March. I think this happened around March. I could be
 24 wrong, but I think it was around March.
 25 Q Was that a one-time occurrence?

1 A It was the first time something like that
 2 happened.
 3 Q Do you recall any other instances of there being
 4 noise from outside the classroom that you could hear in
 5 Ms. Yunis' class?
 6 A Yeah. Like we'll be doing work, and a kid will
 7 be yelling something to like somebody else in the hallway
 8 like right outside the door, like they stand there and
 9 yell. I don't see the point, but that's what they do,
 10 they stand there and yell.
 11 Q Can you tell me how -- you described a couple of
 12 instances of outside noise. Can you tell me how that
 13 affects your ability to learn in Ms. Yunis' class?
 14 A Well, if she's sitting there teaching, we can't
 15 hear her if there's kids yelling outside in the hallway,
 16 you know. Or then if I'm sitting there trying to read my
 17 economics book and concentrate on the answer and I hear
 18 someone yelling outside, besides being rude and
 19 aggravating, I can't do my work like that.
 20 Q About how often would you say you hear noise
 21 from outside Ms. Yunis' class that impedes your ability
 22 to do your work?
 23 A I don't know. Maybe once or twice a week,
 24 considering we only have her class four times a week.
 25 Q And for how long does the noise last?

1 A Until either the kids like get out of the
 2 hallway or the security guard tell them to go to their
 3 class. But then when he tell them to go to the class,
 4 he's yelling, so that don't help much either.
 5 Or Ms. Yunis goes, "Can you please be quiet.
 6 I'm teaching in here."
 7 And then like, "Oh, am I bad," and they walk
 8 away.
 9 Q Is it usually for a minute or two?
 10 A As long as I guess Ms. Yunis can stand hearing
 11 them.
 12 Q But the only noise from outside the classroom
 13 that you hear while in Ms. Yunis' class is noise caused
 14 by other students?
 15 MS. PERRIN: Objection, misstates her testimony.
 16 THE WITNESS: It's -- I mean the kids be yelling
 17 in the hall or the security guard yelling in the hall for
 18 the kids to go in the classroom, and then that incident
 19 that we had with Ms. Khodabandeloo class.
 20 And then like one time -- this is the same
 21 classroom, same teacher, but it wasn't economics. It was
 22 American democracy.
 23 MR. ROSENTHAL: Let's stick with economics for
 24 now. We'll get to American democracy later on.
 25 THE WITNESS: Well, there was noise then, too,

1 because I guess they was fixing something or building
 2 something or something, because we heard hammers.
 3 BY MR. ROSENTHAL:
 4 Q That's in American democracy, though?
 5 A Yes.
 6 Q Just focused on economics here for a second, the
 7 only noise you heard is noise from students in --
 8 MS. PERRIN: Objection, misstates her testimony.
 9 She said the security guard she hears often, as well.
 10 THE WITNESS: Just some kids yelling in the
 11 hall, Ms. Khodabandeloo's kids that time, and the
 12 security guards.
 13 BY MR. ROSENTHAL:
 14 Q And the only time you hear security guards is
 15 when they're telling kids to be quiet?
 16 A No, that's not the only time. Sometimes you'll
 17 hear the security guard like yelling hi to somebody. And
 18 then you can hear -- when they take kids to the bathroom,
 19 you hear the bathroom door close.
 20 And then the walkie-talkies, like the
 21 administrators who have walkie-talkies, they is loud
 22 because you can hear like somebody walk, like the vice
 23 principal you'd say walk past the classroom, and you will
 24 hear whoever is talking on the walkie-talkie.
 25 Q And you hear that while in Ms. Yunis' classroom?

1 A Yes.
 2 Q And that impedes your ability to learn in
 3 Ms. Yunis' classroom?
 4 A Yes.
 5 Q Is Ms. Yunis' door closed?
 6 A Yes.
 7 Q And you still hear it?
 8 A Yes.
 9 Q Have you ever seen any mice in Ms. Yunis'
 10 classroom?
 11 A No.
 12 Q Have you ever seen any mice droppings?
 13 A No.
 14 MS. PERRIN: In Ms. Yunis' classroom?
 15 MR. ROSENTHAL: In her classroom, yes.
 16 THE WITNESS: No.
 17 BY MR. ROSENTHAL:
 18 Q Can you describe for me the condition of the
 19 windows in Ms. Yunis' classroom.
 20 MS. PERRIN: Objection, assumes that there are
 21 windows.
 22 BY MR. ROSENTHAL:
 23 I'll ask that question first then.
 24 Q Are there any windows in Ms. Yunis' classroom?
 25 A Yes.

1 Q How many are there?
 2 A I don't know. They're all on the side. I don't
 3 know how many.
 4 Q Can you describe the condition of the windows
 5 for me?
 6 A Windows seem fine.
 7 Q Can you describe for me the condition of the
 8 ceiling in Ms. Yunis' classroom? I assume there's a
 9 ceiling?
 10 MS. PERRIN: I assume there is, too.
 11 THE WITNESS: I haven't looked.
 12 BY MR. ROSENTHAL:
 13 Q Have you ever heard any problems about the
 14 ceiling in Ms. Yunis' classroom?
 15 A No. Then, again, I've never asked, so I
 16 probably wouldn't hear unless I asked.
 17 Q How about the condition of the floor in her
 18 classroom?
 19 A Floor is fine.
 20 Q How about the door to her classroom?
 21 MS. PERRIN: Objection. Which door?
 22 BY MR. ROSENTHAL:
 23 Q How many doors are there in Ms. Yunis'
 24 classroom? You have mentioned --
 25 A The front door.

1 Q -- two, I believe.
 2 A Go out the door to Ms. Khodabandeloo's class and
 3 that's it. Two.
 4 Q And can you tell me what the condition of the
 5 two doors is?
 6 A The front door is fine. The side door, too much
 7 to pay attention to since I don't use that door.
 8 Q Does it open and close properly?
 9 A I don't know. I don't use it.
 10 Q A little bit earlier we were talking about
 11 Ms. Yunis. Would you say she's qualified to teach
 12 economics?
 13 MS. PERRIN: Objection, vague as to qualified.
 14 BY MR. ROSENTHAL:
 15 Q Do you understand the question?
 16 A Yes. Yes.
 17 Q Do you have any textbooks that you use in
 18 Ms. Yunis' classroom?
 19 A Yes.
 20 Q How many textbooks?
 21 A One.
 22 Q Do you know the name of the textbook?
 23 A Economics, like "Principles of Economics" or
 24 something like that.
 25 Q Do you have your own textbook?

1 A Yes.
 2 Q Does everybody in the class have their own
 3 textbook?
 4 A I believe so. I know I have my own.
 5 Q Are you allowed to take your book home?
 6 A Yes.
 7 Q Is everybody allowed to take their books home?
 8 A If everybody has one, I'm pretty sure.
 9 Q Do you have any reason to believe that there's
 10 somebody in the class that does not have their own?
 11 A I don't know. I just know I have mine.
 12 Q Have you ever heard that somebody in the class
 13 did not have their own textbook?
 14 A Yes.
 15 Q Can you tell me about that?
 16 A Like when we be doing book work and somebody
 17 would be like, "Can I use your book," like if I'm working
 18 on something else or if like, "You want to share a book
 19 with me?"
 20 I'm like, "What happened to your book? Get your
 21 own book."
 22 And they were like, "I never got one. I don't
 23 have one."
 24 And I'll go, "Okay."
 25 Q Do you remember a specific instance of that

1 Q That's the first you ever heard of Glen or
 2 whoever it was not having a book?
 3 MS. PERRIN: In economics class?
 4 MR. ROSENTHAL: In economics class.
 5 THE WITNESS: No. But then the other times I
 6 didn't pay too much attention to it. Like she will be
 7 like, "Get out your books so you can do your vocabulary
 8 on chapter 12" or whatever.
 9 And you will hear, "I don't have my book."
 10 And she would be like, "Why?"
 11 And then the student probably say like, "I
 12 didn't bring it" or "I don't have one."
 13 BY MR. ROSENTHAL:
 14 Q So the other instances that you have heard about
 15 people not having their books is because people forgot to
 16 bring them to class?
 17 MS. PERRIN: Objection. Misstates her
 18 testimony.
 19 THE WITNESS: And because they don't have them,
 20 both.
 21 BY MR. ROSENTHAL:
 22 Q You told me about one instance where a student
 23 said that he did not receive a book.
 24 A Yes.
 25 Q Are there any other instances like that?

1 happening?
 2 A Yes.
 3 Q And somebody told you that they had never
 4 received a book?
 5 A Yes. We were sitting for our final Tuesday --
 6 Wednesday. Wednesday.
 7 Q This was --
 8 A The 23rd.
 9 Q -- two days ago you mean?
 10 A Yes.
 11 Q Do you recall the student's name?
 12 A Who said they never got a book? I think that
 13 was -- who was that? Maybe Glen. I could be wrong,
 14 though. I think it was Glen. I didn't pay much
 15 attention to him. I was trying to pay attention to the
 16 final.
 17 Q Do you know Glen's last name?
 18 A No.
 19 Q But he's a student in your economics class?
 20 A Yes.
 21 Q And he told you he never received a book?
 22 A I think it was Glen, but whoever the student
 23 was, they said they never received a book. And that's
 24 kind of cold because Wednesday was the last day of class,
 25 and he never had a book the whole semester.

1 MS. PERRIN: Objection, calls for speculation.
 2 Answer only if you know.
 3 THE WITNESS: I've heard some say that they
 4 don't have books, that they don't have one.
 5 BY MR. ROSENTHAL:
 6 Q In economics class?
 7 A In economics class.
 8 Q What other students have you heard say that?
 9 A Students in the class.
 10 Q Can you tell me who they are?
 11 A No, I don't look at the students. I do my work.
 12 Q So you don't know the names of the students that
 13 don't have books?
 14 A I don't know how to -- I'm not too familiar with
 15 them students enough on their voices to tell who they are
 16 yet.
 17 Q Have you been in class with them all semester?
 18 A Yeah, but I do my work. I know their names, but
 19 I do my work so much -- I'm a very hard working student.
 20 I don't have time to sit there and distinguish voices
 21 with names.
 22 Q Approximately how many students have you heard
 23 do not have books --
 24 A Well --
 25 Q -- in economics?

1 MS. PERRIN: Thank you.
 2 THE WITNESS: The final day, I think it was
 3 Glen. But anyway, Glen on finals day for sure. And who
 4 said they didn't have one? I think Tish said she didn't
 5 have one one time.
 6 MS. PERRIN: Did you say Tish or Trish?
 7 THE WITNESS: Tish. I would say less than five
 8 times.
 9 BY MR. ROSENTHAL:
 10 Q Do you know if they ever told Ms. Yunis that
 11 they didn't have a textbook?
 12 A I don't know, but if I heard it, I'm pretty sure
 13 Ms. Yunis heard it, too.
 14 Q Do you know if Ms. Yunis tried to give them
 15 books?
 16 A I don't know if Ms. Yunis tried to give them
 17 books.
 18 Q When students did not have a textbook in the
 19 economics class, did they share with other students?
 20 A Yes, they do share with other students. Or if
 21 the student is working on something else, the student --
 22 like I remember someone was doing something else, so
 23 Shaquanna, S-h-a-q-u-a-n-n-a, let the student use her
 24 book.
 25 Q Have you ever had to share with any other

1 students in your economics class, share your textbook?
 2 A Yes, but I always have my book. I share with
 3 kids who didn't have their book.
 4 Q Can you tell me how often you have shared with
 5 students in your economics class?
 6 A Maybe twice every two weeks.
 7 Q So is that once a week, about once a week?
 8 A Just about, yeah, I guess.
 9 Q You shared with them in class?
 10 A Yes. And the girl in my class who stay in my
 11 building, I shared. She called me because she didn't
 12 have a book, and I went over to her house and we did our
 13 work together.
 14 Q Do you know her name?
 15 A Ava.
 16 Q Spell that.
 17 A A-v-a.
 18 Q Do you know her last name?
 19 A Jordan.
 20 Q Do you know why you got your own book in
 21 economics class but other students did not?
 22 A No, I don't know why.
 23 Q Do you know how many books there are in your
 24 economics classroom?
 25 A No, I do not know.

1 Q Can you describe for me the condition of the
 2 books?
 3 A They are good books, very good.
 4 Q Are they new books?
 5 A They could be. Like it's nothing in them.
 6 Like you know the stamp they write where it says pupil,
 7 year, all that stuff -- are you familiar how like they
 8 stamp the books and they say pupil name and then the year
 9 and condition, are you familiar with that?
 10 Q Yes.
 11 A Well, I'm the first one who wrote my name on
 12 there. So if that means they're new, yes, they are new.
 13 Q So yours was the first name written on there?
 14 A Yes.
 15 Q And the books appeared to be new?
 16 A Yeah, they was in good condition.
 17 Q Do you use any other materials in your
 18 economics class besides the textbook?
 19 MS. PERRIN: Objection, vague as to materials.
 20 BY MR. ROSENTHAL:
 21 Q Do you understand the question?
 22 A Yes. I use the computer and the TV. We watch
 23 movies -- related to economics this time.
 24 Q Do you receive any other handouts from the
 25 teacher?

1 A Yes. Not as often as we do the book work.
 2 Q About how often do you receive handouts from
 3 your teacher in economics?
 4 A Like once a week. I take that back, about
 5 twice a week.
 6 Q What kind of handouts do you typically get from
 7 Ms. Yunis?
 8 A Recently we've been getting a lot of handouts
 9 about like interest rates and stuff like that, the work
 10 on that. And then a handout we'd have to read, like she
 11 would get it from a newspaper article or something, and
 12 we have to read that and do some work on that.
 13 Q Are the handouts typically things for students
 14 to read or are they worksheets?
 15 A About half and half, worksheets and stuff for us
 16 to read.
 17 Q Does everybody get their own copy of these
 18 materials in the class?
 19 MS. PERRIN: Objection, calls for speculation.
 20 Answer only if you know.
 21 THE WITNESS: We all get -- yeah.
 22 BY MR. ROSENTHAL:
 23 Q Ms. Yunis gives copies to each student in the
 24 class?
 25 A Well, she's got to give us the interest rate

1 because that's our work. But then like the handouts that
 2 we read, everybody gets one.
 3 Q No students have to share those?
 4 A Unless they forgot theirs, no. Everybody get
 5 one.
 6 Q You mentioned that there was a TV in Ms. Yunis'
 7 room and you watch movies. What kind of movies do you
 8 watch?
 9 A Well, thankfully, in this class we watch movies
 10 related to the subject. Like we watched the movie about
 11 Rwanda, the genocide in Rwanda. And we watch -- we
 12 watched that one, we finished that one last week.
 13 Michael somebody somebody. He a writer and he was going
 14 to all these big businesses, and all these big businesses
 15 was like laying off all their workers, making 60 billion
 16 dollars off laying off these people. But he wrote a
 17 book, though, but I can't remember.
 18 Q So you watched a movie about him?
 19 A Yeah. And like it was kind of like a
 20 documentary, you know, because he was doing a book
 21 signing tour, because he wrote a book, too. And he would
 22 go to the companies. And it would be funny because the
 23 company people put him out, and they don't like cameras
 24 in their faces and stuff. So we watched about that.
 25 Q About how often do you watch movies in

1 yeah. Like they just talk about like how companies is
 2 making a lot, like making money off like cheap labor and
 3 stuff like that. So yeah, that's economics, yes.
 4 Q So all the speakers you have speak on issues
 5 relating to your economics class?
 6 A Yes.
 7 Q You also explained that you used computers in
 8 your economics class?
 9 A We use them to check on our stock portfolios.
 10 Q Do you use them for anything else?
 11 A News, CNN. News.
 12 Q How often do you use them in class?
 13 A Like depends on what type of project we're
 14 doing. Like recently with the stock we used them more
 15 than -- like we used them a lot, like every class
 16 period. Like, yeah, every time we come to class,
 17 students usually who didn't have a computer at their
 18 house used the computer.
 19 And we have to do a stock -- current events,
 20 that's what it is. When we do current events we use the
 21 computers to go to CNN news.
 22 Q Did you say there was three computers in the
 23 classroom?
 24 A Yes. But like hers that is behind her desk,
 25 that freezes a lot. That's a bogus computer. And she

1 Ms. Yunis' class?
 2 A Not often. Like once or twice a month.
 3 Q Have you ever watched a movie in Ms. Yunis'
 4 class that wasn't related to economics?
 5 A No. We have some speakers sometimes, too.
 6 Q You have speakers come to the class?
 7 A Yes.
 8 Q About how often do you have speakers come to the
 9 class?
 10 A That's a privilege. We don't get that that
 11 often. Like maybe once a month or so. Once every two
 12 months.
 13 Q What kind of speakers come to class, typically?
 14 A Like once this dude came who do some type of
 15 comic something strip or something called the
 16 "K Chronicles." And he was talking about Phillip Knight,
 17 the founder of Nike something, Nike Corporation, and how
 18 like Nike was making a lot of the money off the
 19 sweatshops and stuff like that way out there. So he came
 20 and he shared some stuff with us.
 21 And then, oh, this other guy came. He did
 22 basically the same thing, too.
 23 Q Are all the speakers you have in your economics
 24 class, do they speak about economics issues?
 25 A Yeah. Like they speak about economics issues,

1 has like two newer computers in the back, so we just use
 2 those two because her computer be tripping.
 3 Q Do you know how old the computers are?
 4 A Well, she just got the two black ones in the
 5 back this year. And those look new and they work new to
 6 me. Her computer -- I don't know if her computer is
 7 old. I know it don't work all the time, but maybe
 8 because it's got like a lot of memory in it. I don't
 9 know.
 10 Q But two of the computers in the classroom are
 11 new to the classroom this year?
 12 A Yes.
 13 Q Do you pay any fees in connection with your
 14 economics class?
 15 A No.
 16 Q Have you ever paid any fees in your economics
 17 class?
 18 A No.
 19 Q Do you know how many times you have been absent
 20 from your economics class?
 21 A No.
 22 Q Can you give me a rough estimate?
 23 A No, I don't know.
 24 MR. ROSENTHAL: That just brings up an issue
 25 for counsel. How are we doing on the progress reports on

1 the other documents that I requested the other day,
2 because I don't have her -- I don't have anything from
3 this semester?

4 MS. PERRIN: From this semester, I don't have
5 anything from this semester either.

6 MR. ROSENTHAL: Well, I know we established that
7 there are progress reports every six weeks, so I know
8 this semester hasn't ended. But there have been two
9 progress -- I can ask the question, but I assume there
10 has been two progress reports this semester already.

11 MS. PERRIN: I assume. You can ask her.

12 BY MR. ROSENTHAL:

13 Q Have you received any progress reports this
14 semester?

15 A I haven't got them, but I saw -- well, I asked
16 my progress report grades so I know what I got.

17 Q Do your progress reports get sent home?

18 A Yes.

19 Q Do you know who they get sent to?

20 A Well, because of where I stay, like one of the
21 counselors probably got it.

22 Q Do you know who the progress reports are
23 addressed to?

24 A To the parent or guardian of Alondra Jones.

25 Q Do you know if your progress reports from this

1 Q Have you ever been absent from your economics
2 class this semester?

3 A Unexcused or excused?

4 Q Let's start with excused.

5 A Yes.

6 Q Do you know approximately how many times?

7 A No. But then I went on a college tour, and then
8 I had some doctor's appointments or I have something to
9 do with my social worker. So I don't know, but I can
10 remember those times.

11 Q When you went on the college tour, that was
12 for -- was that for two weeks?

13 A It was from the 4th to the 22nd and then like a
14 week of that being spring break.

15 Q Do you recall how many classes, how many days of
16 school you missed as a result of going on that tour?

17 A I don't know what days, no.

18 Q Do you recall how long spring break was?

19 A I don't know how long spring break was for them
20 because I went on the college tour.

21 Q Did you miss any school by going on the college
22 tour?

23 A Yeah.

24 Q So is it safe to say you were absent from your
25 economics class at least for a few days this semester?

1 semester got sent to the transitional home you're staying
2 in now or if they went to your legal guardian?

3 A I think they got sent to where I'm staying now.

4 Yeah, they got my new address and stuff.

5 Q And progress reports get mailed out every six
6 weeks?

7 A Yes.

8 Q Three times a semester?

9 A It would be two progress reports and then our
10 final grades, but only the final grades, the third
11 progress report grade is there, because they tally them
12 up. But because like the third progress report basically
13 is your final grade in the class, they don't send the
14 third home. Just the two progress reports and then the
15 actual report card.

16 Q So in any given semester you get three reports
17 with your grades sent to you, two progress reports and
18 one final grade report which also includes the third
19 progress report grades?

20 A Yes, I think that's how it goes.

21 Q Do you know how many tardies you had in your
22 economics class this semester?

23 A No.

24 Q And can you give me a rough estimate?

25 A No.

1 A Yeah.

2 Q And you also mentioned you had doctor's
3 appointments?

4 A Yes.

5 MS. PERRIN: I'm going to instruct you not to
6 answer any more questions about your absences.

7 About the reasons for her absences.

8 MR. ROSENTHAL: That's fine.

9 BY MR. ROSENTHAL:

10 Q You were absent from class on other occasions,
11 as well, aside from the college tour?

12 A Yeah.

13 Q And do you know approximately how many days that
14 was for?

15 A No, I do not.

16 Q Was it for more than one day?

17 A I don't know.

18 Q How about unexcused absences, have you had any
19 unexcused absences from your economics class?

20 A I shouldn't have.

21 Q Do you know if you have had any, though?

22 MS. PERRIN: Alondra, just answer yes or no,
23 okay.

24 THE WITNESS: I don't know. I shouldn't have,
25 no, but I don't know.

1 BY MR. ROSENTHAL:
 2 Q Would that information be reflected on your
 3 progress reports?
 4 MS. PERRIN: Objection, calls for speculation.
 5 Answer if you know.
 6 THE WITNESS: I don't know. I don't know how to
 7 answer on the progress report. I don't know how to -- I
 8 don't know how to -- I don't know where they get those
 9 absences from.
 10 BY MR. ROSENTHAL:
 11 Q Have you ever been tardy to your economics class
 12 this semester?
 13 A Excused.
 14 Q An excused tardiness?
 15 A Yes.
 16 Q Do you recall how many times this semester?
 17 A No, I do not.
 18 Q Do you have a rough estimate?
 19 A No.
 20 Q Is it more than once?
 21 A Yeah.
 22 Q More than five times?
 23 A I don't know that.
 24 Q Do you remember last Wednesday you said that
 25 there were unfair conditions at your school?

1 A Yes.
 2 Q Do you remember that?
 3 A Yes.
 4 Q Can you tell me what unfair conditions exist in
 5 your economics classroom?
 6 A What's unfair, there are some students that they
 7 don't have books. It's unfair that class time has to
 8 stop because kids are left unattended to next-door. It's
 9 unfair that the heater don't work and I would be sitting
 10 in there freezing half to death.
 11 It's unfair that because I don't have a computer
 12 at home and -- well, that's nobody's fault, but it's
 13 unfair that we have to sit there and wait like in the
 14 line to use the computer in Ms. Yunis' class. And then
 15 sometimes because so many students have to use the
 16 computer, we don't get to do our work for that day that's
 17 like computer work for that day. That's unfair.
 18 Q Any other unfair conditions you can think of?
 19 MS. PERRIN: In economics class?
 20 MR. ROSENTHAL: In economics class.
 21 THE WITNESS: Yeah, I got to get interrupted
 22 from students being in the hallway and from security
 23 guards yelling to people walking around with them
 24 walkie-talkies.
 25 BY MR. ROSENTHAL:

1 Q Any other unfair conditions in your economics
 2 class?
 3 A Not that I can think of at this time.
 4 MS. PERRIN: We've been going for an hour. Can
 5 we take a short break?
 6 MR. ROSENTHAL: That's true. That's fine.
 7 (Brief break.)
 8 BY MR. ROSENTHAL:
 9 Back on the record.
 10 Q Ms. Jones, I forgot to ask you a couple of
 11 introductory questions, which I would like to do now very
 12 quickly.
 13 Is there any reason why you won't be able to
 14 give your best testimony today?
 15 A No.
 16 Q Are you on any medications today?
 17 A No.
 18 Q You know, last time you had taken some Dayquil.
 19 No Dayquil?
 20 A No.
 21 Q Let's get back to talking about Ms. Yunis'
 22 economics class. You have given me a list of the unfair
 23 conditions that exist in her class.
 24 A Yes.
 25 Q And the first one you said, that some students

1 don't have books; is that right?
 2 A Yes.
 3 Q But you have always had your own book in this
 4 class?
 5 A Yes.
 6 Q You also mentioned that there was the incident
 7 from the art teacher's class next-door. That was a
 8 one-time occurrence?
 9 A Yes.
 10 Q You also said that because the heater was broken
 11 or you thought the heater was broken in Ms. Yunis' class,
 12 that caused you to freeze half to death. Can you
 13 describe what that means?
 14 A That was just figurative speech. I don't freeze
 15 half to death, of course, but it's cold enough to where I
 16 can't concentrate on my work because I'm so cold.
 17 Q Are there times of the year that this room is
 18 cold and other times of the year where that's not a
 19 problem?
 20 A No, it's always cold in her classroom.
 21 Q So from the beginning of the semester in, I
 22 think you had previously stated it was in early February
 23 up until now, her room continues to be cold and it's
 24 been -- there have been times it's been cold during the
 25 entire period?

1 A Yes.
 2 Q You also said that one of the unfair conditions
 3 was that because there are only a limited number of
 4 computers in the economics class, that sometimes you
 5 don't get to finish your computer work during class time?
 6 A Yes.
 7 Q Is there a computer lab at the school?
 8 A It's the common computer lab -- yes, the common
 9 arts computer lab.
 10 Q Is there a place at school where you can use
 11 computers to do schoolwork other than classrooms?
 12 A Well, the common arts students -- the common
 13 arts lab, but that is if you're in common arts, and I'm
 14 not in common arts.
 15 And the library. But Ms. Yunis don't like --
 16 she won't -- like if you say, "I need to use the
 17 computer, can I go to the library," she'll say no. I
 18 don't know why, but she'll say no.
 19 And sometimes even if you do get to go to the
 20 library, there will be classes who are already scheduled
 21 to be in the library at that time using the computers.
 22 So if there's a computer available because like not all
 23 the students are in there, you can use it. But most of
 24 the time you can't use the library computers because
 25 teachers are already in there with their students.

1 Q But there are computers for students to use in
 2 the library?
 3 A They are there, but we can't use them if there
 4 is a class in there.
 5 Q Is there a signup procedure for using the
 6 computers in the library?
 7 A No. The teachers sign up, like they say, "I
 8 need to use the computers for my classroom say Tuesday,
 9 second period," or something like that, right? And then
 10 that's that class' designated time to use them. So if I
 11 need to use the computer Tuesday, second period, in the
 12 library, I can't do it unless there happens to be an
 13 extra one left, and usually there's not.
 14 But I went down there several times after school
 15 was over for me, like after my second period I'm through
 16 and -- after economics class. I went down there plenty
 17 of times trying to use the computer real quick. But the
 18 librarian, she kind of sticks to her schedule, which is
 19 good, I guess. Then again I wish I could use the
 20 computer.
 21 MS. PERRIN: Then again what?
 22 THE WITNESS: I wish I could use the computer.
 23 BY MR. ROSENTHAL:
 24 Q Even though class is third period this semester,
 25 do you -- you have no classes third period this semester?

1 A No.
 2 Q You have no classes fourth period?
 3 A No.
 4 Q You have no classes fifth period?
 5 A No.
 6 Q You have no sixth period this semester?
 7 A No.
 8 Q Have you tried to use the computers during any
 9 of those four periods?
 10 A At school, yeah. Like I go third period, it
 11 would be class. I go in at lunch, but I have to get a
 12 pass from my teacher. But I don't have a teacher to get
 13 a pass from, then I can't go in at lunch.
 14 And then I try to use it fourth period maybe, if
 15 I'm there. But sometimes I have to go look for jobs and
 16 stuff or do workshops. Because of my transitional home,
 17 you have to do stuff.
 18 So I don't have time like that to be staying
 19 after school all day trying to use the computer, although
 20 like I do stay sometimes third period trying to use the
 21 computer.
 22 Q And are computers never free during third period
 23 in the library?
 24 A No, because there's always classes in there,
 25 like there's always a class in there.

1 Q Every day?
 2 A Every day that I've been down there, yes.
 3 Q How many days have you been down there?
 4 A Every day last week I went down there.
 5 Q You went down there every day last week?
 6 A Yes.
 7 Q How about the week before?
 8 A I don't go every day. I went down there,
 9 though, like maybe twice.
 10 Q And every day there was a class using all the
 11 computers in the library?
 12 A Yes.
 13 Q How about during fourth period?
 14 A Fourth period. Oh, I don't be there fourth
 15 period. Like I might stay fourth period one week -- I
 16 mean one day out of the week, but usually I don't stay
 17 for fourth period because I have stuff to do.
 18 Q So usually after third period you go home?
 19 A Just about -- well, no, not even after third
 20 period, not even the whole third period. If I go to the
 21 library and I see there's no computers available, I'll go
 22 ask some of the teachers that I had before, like "Can I
 23 use your computers?"
 24 But they would be, "No, because it might cause a
 25 distraction to some of the students."

1 Then I might go to the main office and try to
 2 use their computer, but the main office is usually busy
 3 so I can't go in there to use the computer.
 4 Q But you don't stay after third period to try to
 5 use the computers?
 6 A No, unless it's lunchtime.
 7 Q How many times has it happened that you weren't
 8 able to finish the computer work that you were assigned
 9 in Ms. Yunis' economics class?
 10 A All last week for a fact, so that has to be four
 11 days. And it's happened sometimes after that, so it has
 12 to be more than four times.
 13 Q Do you recall what you were working on last week
 14 that you were unable to finish?
 15 MS. PERRIN: On the computer?
 16 MR. ROSENTHAL: Yes.
 17 THE WITNESS: Stocks and -- just stocks. Stock
 18 work.
 19 BY MR. ROSENTHAL:
 20 Q When you say stock work, is that checking your
 21 stocks that are in your portfolio?
 22 A Yeah.
 23 Q Are there other ways to check your stocks in
 24 your portfolio besides using a computer?
 25 A You can use a newspaper, but the one in the

1 newspaper don't -- like the one on the computer is better
 2 because you can like print out the page of how you, like
 3 how you're doing, whether you lost money or gained money
 4 or whatever.
 5 And then the one on the computer, it -- like,
 6 because I didn't spend my whole \$100,000, I was still
 7 trying to spend it all, but because there weren't
 8 computers available all the time, I wasn't able to.
 9 So the money I did spend -- like this is totally
 10 easier because -- and then plus I don't think I could
 11 even use the newspaper that much anyway because like the
 12 etrade, it calculate it for you. And because I didn't
 13 spend all my money, it showed like, I don't know, just
 14 totally.
 15 Q Did you ever say anything to Ms. Yunis that you
 16 weren't able to finish the computer work she had assigned
 17 during class time?
 18 A Yes.
 19 Q And what did she say to you?
 20 A She was like, "Oh, well, we might be able to go
 21 to the computer lab like in two or three days."
 22 Q The computer lab is the library we were talking
 23 about earlier?
 24 A No, it's room 118.
 25 Q Is that the common arts -- is that what you

1 called it?
 2 A No, not the common arts building. Room 118. I
 3 don't know what computer lab that is, but that's the
 4 computer lab we used for Ms. Yunis' class.
 5 Q So there are always computers available -- let
 6 me rephrase that.
 7 There are computers in the library and there are
 8 computers in a separate computer lab that you have access
 9 to?
 10 A No, because there has to be a teacher in there.
 11 You can't just go in there. There has to be a teacher in
 12 there. And in third period teachers teach, so they can't
 13 watch me in the computer lab. That's why I didn't bother
 14 mentioning that one because I don't have access to it
 15 because there's the class.
 16 Q That computer lab is to be used by entire
 17 classes with a teacher there?
 18 A Yes.
 19 Q Do you know why classes use the computers in the
 20 library when there's a computer lab to be used in that
 21 manner?
 22 A Because there's only those two for all the
 23 classes that need the computers. So when somebody is
 24 using the computer lab and the library, I'm pretty sure
 25 there's a class in the computer lab.

1 I don't know that for sure, but like everybody
 2 don't wait to use the library computers. They go to
 3 the -- like the common arts class goes to common arts
 4 computer lab and everybody else goes to room 118 and the
 5 library.
 6 Q You said that you don't have enough time to
 7 finish your computer work in Ms. Yunis' economics class
 8 during class time. Can you tell me how time on the
 9 computer is divided up between the students?
 10 MS. PERRIN: In the classroom?
 11 MR. ROSENTHAL: In the classroom.
 12 THE WITNESS: Like if she say ten minutes -- no,
 13 I really don't know how time is divided up. I know like
 14 if you be like, "Oh, Ms. Yunis, he's been on the computer
 15 ten minutes already and there's still four people
 16 waiting," she would be like, "You have to let everybody
 17 else try to get a turn, too." So like only when you
 18 complain to her that you've been waiting for a while,
 19 that's when she say something.
 20 BY MR. ROSENTHAL:
 21 Q So if you tell her that somebody has been on the
 22 computer for a long time, she tells them to get off the
 23 computer and let everybody else have a chance?
 24 MS. PERRIN: That certainly misstates her
 25 testimony, but go ahead.

1 THE WITNESS: She'd say, "Oh, well, you've been
2 on there for ten minutes or whatever, so hurry up and
3 finish because everybody has to use it."

4 BY MR. ROSENTHAL:

5 Q Does she try to ensure that everybody in the
6 class gets to use the computer?

7 A Thank you.

8 She tries, but it don't always work, obviously.

9 Q When she tells a student that their turn on the
10 computer is up, do they typically get off the computer at
11 that point?

12 A Yes.

13 Q But all last week you were unable to do your
14 computer work?

15 A No. Because there was so many students that
16 needed the computer and not enough computers.

17 Q Did you tell Ms. Yunis?

18 A Yes.

19 Q And did she tell the students to use the
20 computer more efficiently?

21 A I don't know. She told me to try my best using
22 the newspaper. But I told her I couldn't use it. And
23 she was like, "All right, just do your best."

24 Q Can you tell me how you're doing in economics?

25 MS. PERRIN: Objection, vague. Are you asking

1 know what I'm doing.

2 Q You mentioned that two of your grades on your
3 progress reports in economics were a [REDACTED] Do you
4 think you deserved the [REDACTED]

5 A I think I deserved better than a [REDACTED]

6 [REDACTED].

7 Q Why do you think you deserved a [REDACTED]

8 A Because I did all the work, and I did good on
9 the work. Actually, I did excellent on the work, but
10 then again I didn't do so well on the previous tests, so
11 that's probably where that came from.

12 Q Did you ever discuss your grade with -- [REDACTED]

13 [REDACTED] Ms. Yunis?

14

15 Q How about [REDACTED], did you think you deserved the

16 [REDACTED]

17 A No.

18 Q Why not?

19 A Not at all.

20 Q Why not?

21 A Well, I think she gave me [REDACTED] because the work
22 maybe -- I don't know. I think it was because the work
23 that I missed when I was on the college tour. But then,
24 again, she gave me work to take on the college tour, like
25 she assigned a lot of work for me to do while I was on

1 about her grades?

2 MR. ROSENTHAL: Yes. I know she hasn't gotten
3 any final grades yet.

4 THE WITNESS: I can tell you how I'm doing. I
5 got -- I don't know which was first or second, but I know
6 I got [REDACTED]. And that's all I know I
7 got. I don't know about this final grade.

8 BY MR. ROSENTHAL:

9 Q So for the first two reporting periods you got a
10 C and an F, although you're not sure which order?

11 A Yes.

12 Q Do you know what your final grade will be yet?

13 A No. But she did tell me that I did well on the
14 final.

15 Q When was the final?

16 A Wednesday, the 23rd.

17 Q Two days ago?

18 A Yes.

19 Q And she told you that you did well?

20 A Yes. She said, "Alondra, you actually did well
21 on the final."

22 Q Was she surprised?

23 A Yeah.

24 Q Do you know why?

25 A Yeah, because I'm always complaining I don't

1 the tour. And I turned all the work in, so I don't know
2 where [REDACTED] came from. I really don't know.

3 Q Did any of the work you did get graded?

4 A Yeah.

5 Q Do you know what the grades on those pieces of
6 work were?

7 MS. PERRIN: Are you talking about the college
8 tour?

9 MR. ROSENTHAL: Yes.

10 THE WITNESS: She don't do letter grades on work
11 like that. She gives points. And I got all my points,
12 because I think that was -- I don't know if it was
13 separate work from what the other students were doing,
14 but I know it was the work I did. And I did all the
15 assignments that she assigned me and I got checks on it,
16 which means I got all my points.

17 BY MR. ROSENTHAL:

18 Q Did you take any tests during the period of time
19 where you got the F?

20 A No, not -- I took a test, but I don't know if it
21 was for the [REDACTED] But I know I
22 didn't do well on the test, so maybe it was the [REDACTED] one, I
23 don't know.

24 Q You only recall one test?

25 A Um-hum. I recall the one test that I didn't do

1 so well on. And then I think there was a test that I
 2 don't remember how I did on.
 3 Q So do you have any idea why you got an [REDACTED]
 4 A No, I really don't.
 5 Q Did you talk to Ms. Yunis about the [REDACTED]
 6 A Yes, I did.
 7 Q What did she tell you?
 8 A She told me that -- she said you -- like I guess
 9 I turned in the work late. And I said, "Oh, okay. Well,
 10 that don't equal [REDACTED]"
 11 And she was like, "Then you were on the college
 12 tour."
 13 And I was like, "Well, you gave me work to take
 14 on the tour, so I still don't understand where your [REDACTED] is
 15 coming from."
 16 And then she was like, "Then you don't come to
 17 class."
 18 And I said, "I went on the college tour and
 19 that's why I was not in class."
 20 And then she didn't remember signing the paper
 21 to say I could go on the college tour. And I said, "If
 22 you don't remember signing the paper that said I could go
 23 on the college tour, how did you give me work for the
 24 college tour?"
 25 And I dumbfounded her on that one. She couldn't

1 answer the question. And I was like, "It's all right."
 2 And then I walked out. And then all the time after that
 3 she will probably say something in class to try to bust
 4 me out like she will be discussing classes, and she says
 5 nobody do too well in her class.
 6 And then she'll like say, "Yeah, you guys can do
 7 this for extra points or do that for extra points." And
 8 then she'll look at me and be like, "And if you are here,
 9 you can do the work."
 10 And I will be like, "Stop trying to bust me out,
 11 Ms. Yunis."
 12 And then she'll be like, "Come talk to me about
 13 your grade."
 14 And I'm like, "We talked already."
 15 And she was like, "Just come talk to me."
 16 And then I went and talked to her again, and she
 17 gave me some makeup work to do, and I did.
 18 Q Do you feel like you learned economics this
 19 semester?
 20 A No.
 21 Q Why not?
 22 A I don't know why. I just felt I haven't learned
 23 it. I don't think if someone asked me a question about
 24 economics, I can successfully answer the question.
 25 MR. ROSENTHAL: Can I have that answer read

1 back.
 2 (Record read.)
 3 BY MR. ROSENTHAL:
 4 Q Why don't you think you could answer the
 5 question about economics successfully?
 6 A I haven't learnt anything.
 7 Q But why haven't you learned anything in the
 8 class?
 9 A I haven't learned anything in class because it's
 10 always noise distracting me outside the classroom. I
 11 haven't learned anything because some of the economics
 12 principles or whatever, I don't understand some of the
 13 concepts. I haven't learned anything because it's always
 14 cold in her classroom and I can't even think about
 15 learning. It's freezing.
 16 I couldn't -- well, I shouldn't say couldn't. I
 17 didn't learn anything because sometimes when I share a
 18 book with other students, they will be doing something
 19 different like be -- yeah, just doing some different
 20 work, maybe some makeup work or something they didn't
 21 finish from a previous assignment. And when I'm sharing
 22 my book, they will be flipping my page to a different
 23 page than what I'm doing.
 24 And I sit there and look at them like, "This is
 25 my book," but I'm not a selfish person, although I

1 portray I am. So I let them do it. So I can't do my own
 2 work, and that's probably why I didn't learn, too. I
 3 didn't learn.
 4 Q You mentioned three basic reasons for not
 5 learning in the class. You said it was because of the
 6 noise outside the room, because of the cold and because
 7 you had to share a book. Are those the things we
 8 discussed earlier?
 9 MS. PERRIN: Well, objection. Misstates her
 10 testimony. She also said there were some concepts that
 11 she didn't understand.
 12 THE WITNESS: Those were some of the things we
 13 discussed earlier, yes.
 14 BY MR. ROSENTHAL:
 15 Q And you did say that there were some concepts
 16 that you didn't understand. Did you do anything about
 17 trying to understand the concepts better?
 18 A Yes.
 19 Q What did you do?
 20 A I read their book.
 21 Q Where did you read the book?
 22 A At home.
 23 Q Did you share the book with anybody at home?
 24 A With -- besides that time Ava had called me to
 25 ask to do some work with her and share my book, no, I

1 just read it at home.
 2 Q Was it cold at your home?
 3 A My heater works.
 4 Q Is there a lot of noise at home?
 5 A No, my house is quiet.
 6 Q But you still didn't understand the concepts?
 7 A Some of them. Some of them, no.
 8 Q Do you think your absence from class had any
 9 effect on your ability to understand the concepts in
 10 economics?
 11 MS. PERRIN: Objection, which absence?
 12 THE WITNESS: No.
 13 BY MR. ROSENTHAL:
 14 Q Why not?
 15 A Because whatever I didn't get or whatever I
 16 didn't do when I was absent, I made up for it when I got
 17 back to class. And I asked questions and I asked to see
 18 people's work to see what we did and all that good stuff.
 19 Q But you didn't have the class time that the
 20 other students had, right?
 21 A Right.
 22 Q But you still think you were able to learn the
 23 materials as well as they were?
 24 A I was able to see the materials and try to
 25 understand the materials and do the work. And I got good

1 points or good marks on the work that I did from when I
 2 was absent. So obviously, yeah.
 3 But had I been in class, there probably would
 4 have been a distraction like noise or me not using the
 5 computer anyway. So I mean, hey.
 6 Q Why don't we move on to your fall semester
 7 during your senior year. This is the fall of 2000. Can
 8 you tell me what classes you took during the fall
 9 semester?
 10 A I don't even remember them all. I can tell you
 11 the ones I remember, though.
 12 Q Would it help if I showed you your transcript?
 13 A Oh, sure.
 14 Q Actually, I'm going to show you the report card.
 15 Do you need a copy? I don't want to mark it as
 16 an exhibit again unless -- it's been previously marked as
 17 Exhibit Number 3 to her first day of testimony.
 18 MR. ROSENTHAL: Let's go off the record for a
 19 minute.
 20 (Brief break.)
 21 BY MR. ROSENTHAL:
 22 Back on the record.
 23 Q Ms. Jones, I asked you to take a look at what
 24 was previously marked as Exhibit 3 during your first day
 25 of deposition. Does that accurately reflect the classes

1 you took during the fall semester?
 2 A Yes.
 3 Q Why don't we start with your first period
 4 class. Was that Health?
 5 A Yes.
 6 Q Can you tell me who the teacher was for that
 7 class?
 8 A [REDACTED]
 9 Q Do you know how long he's been with the school?
 10 A No, I don't know. I know he's no longer with
 11 the school.
 12 Q Do you know why he's no longer with the school?
 13 A Yes.
 14 Q Can you tell me why?
 15 A [REDACTED]
 16 Q How do you know that?
 17 A It was in the school newspaper, and I overheard
 18 some grownups talking about it.
 19 Q Do you know when he left the school?
 20 MS. PERRIN: I'm sorry, did you say when?
 21 BY MR. ROSENTHAL:
 22 Q When?
 23 A I'm thinking. Was it -- I heard it right after
 24 I got out. I don't know exactly when. I know I stopped
 25 seeing him, but then again I stopped having his class in

1 the spring so I just assumed it was because I didn't have
 2 his class anymore.
 3 Q He was your teacher for the entire fall
 4 semester?
 5 A Yeah.
 6 Q So he left sometime after that?
 7 A After that.
 8 Q Do you know if [REDACTED] was at the school
 9 last year?
 10 A I don't know. Oh, wait a minute, he was there
 11 the summer of last year.
 12 Q Summer of 2000?
 13 A I don't know if it was 2000 or '99. I know he
 14 was there the summer I was about to take his class in
 15 summer school.
 16 Q Do you recall when you took summer school?
 17 A Well, not -- health ed. I don't know whether it
 18 was '99 or 2000. I'm not sure.
 19 Q I think you previously testified that you took
 20 summer school during 1999.
 21 A Okay. Then it was '99.
 22 Q So you know he was there during that time
 23 period?
 24 A Yeah. But I didn't take the class -- I mean his
 25 class the whole time. I got into a different class.

1 Q But you know he was teaching at the school
2 during the summer of 1999?

3 A Yes.

4 Q Can you describe for me a typical day in
5 [REDACTED] health class?

6 A We would go in class, do our free write, which
7 is basically a page about anything. Free, like you
8 writing freely, so a free write.

9 What did we do in that man's class? Free
10 write. Umm, some book work like we reading a book. We
11 do some questions at the end of whatever we read in the
12 book.

13 Oh, and then like we had different speakers like
14 it was a group, like women, young women who got pregnant
15 during their teens from City College, CCAP or whatever
16 the group was called. And they would talk to us about
17 disease and pregnancy prevention and stuff like that.

18 And then who else did we have come? We had some
19 people come to us and tell us about male testosterone
20 cancer and breast cancer. And then we had some speakers
21 come talk to us about AIDS, and we had some speakers come
22 talk to us about smoking and the disease smoking causes.

23 MR. ROSENTHAL: Let the record reflect that the
24 witness just looked at Ms. Perrin, who apparently is a
25 smoker.

1 health education?

2 A Not that I saw or that we discussed or that we
3 did any work on.

4 Q Do you know if Balboa High School has a policy
5 regarding showing movies in classrooms?

6 A I don't know about the policy.

7 Q You have never heard that there was a policy
8 regarding the showing of movies in classes?

9 A I know one time we was in -- oh, well, this
10 doesn't have nothing to do with health ed, though. This
11 is a different class. So should I still say it or wait?

12 Q Go ahead.

13 A We was in a Spanish class. We were about to
14 rewatch "Rush Hour," and Mr. Barone came in. And
15 Mr. Barone, I believe, is an assistant principal. And he
16 came in and then he took the movie, and it was like we
17 can't watch it because it's not Spanish-related.

18 And I guess because it was, like "Rush Hour" has
19 cuss and stuff in it. And he was like, "We can't watch
20 it." And then we had to watch some boring movie, some
21 boring movie that wasn't Spanish-related either, but it
22 just didn't have cuss in it.

23 Q We'll come back to the Spanish clash. But did
24 Mr. Barone mention anything about a movie policy at that
25 time?

1 BY MR. ROSENTHAL:

2 Q Anything else you can think of?

3 A What else did we do in that class? We used to
4 watch movies in his class.

5 Q Can you tell me what kind of movies you watched?

6 A We watched "Cruel Intentions" in his class. I
7 remember we watched that. I think we watched "Snake
8 Eyes" in his class. We watched some other action movie.
9 I'm not too much into action movies and -- no, no, no, I
10 know it. Those two movies with Keanu Reeves in them.
11 "Matrix" and "Speed," the bus movie.

12 Q Do those movies have anything to do with health
13 education?

14 A If it did, he didn't discuss them with us. We
15 just watched them.

16 Q Were there any other movies you can think of you
17 watched in his class?

18 A There was. I just can't remember them.

19 Q Approximately how often did you watch movies in
20 his class?

21 A Like three times a week.

22 Q Three times a week you would watch movies in his
23 classroom?

24 A Yes.

25 Q Did any of those movies have anything to do with

1 A He said that we weren't supposed to watch movies
2 with cuss in it because "Rush Hour" is rated R, right?
3 So we couldn't watch rated R movies in class.

4 But then one time we watched a rated R movie in
5 class -- well, I don't know if it was rated R, I take
6 that back. But we had to get a permission slip signed or
7 something like that.

8 And I just remember Mr. Barone saying we
9 couldn't watch it because it was rated R and it had
10 sexual preferences and cussing and it was not
11 Spanish-related so we could not watch it.

12 Q I asked you earlier to describe a typical day in
13 [REDACTED] classroom. Is it typical that you watched
14 movies?

15 A Yes.

16 Q Earlier you said that you had a free write and
17 there was book work and speakers on occasion. But
18 subsequently you said that you watched movies about three
19 times a week.

20 A Yes. And we did watch -- okay, we watched a
21 movie about Spanish once. I mean -- no, we watched a
22 movie about Spanish in health ed.

23 Q What do you mean a movie about Spanish?

24 A It was about this Spanish man, and he was
25 teaching a class like he was a teacher or summer school

1 teacher. He taught like advanced algebra, trigonometry
 2 or something.
 3 In the classroom the students were primarily
 4 black and Latino, so I identified it as a Spanish movie,
 5 because he talked Spanish sometimes. When he was talking
 6 to his wife at dinner or something like that, he would
 7 talk in Spanish.
 8 Q This was a movie you watched in health class?
 9 A Yes.
 10 Q Did it have anything to do with health
 11 education?
 12 A No.
 13 Q Did you think it was strange that you were
 14 watching movies that were not related to health education
 15 in health education class?
 16 A Yes.
 17 Q Why?
 18 A Because I didn't find the relevance to watching
 19 a movie that's not health-related in a health-related
 20 class. Like the class is about health. Why are we
 21 watching movies that don't, like that don't show anything
 22 about what we're learning or what we're studying or
 23 something.
 24 Q Did you ask [REDACTED] why he was showing you
 25 movies like that?

1 A Yes.
 2 Q What did he say?
 3 A "Students seem to enjoy it."
 4 Q Did you tell anybody else?
 5 MS. PERRIN: About watching movies in class?
 6 MR. ROSENTHAL: Yes.
 7 THE WITNESS: No, I don't think I told nobody
 8 else. But my cheerleading coach -- like if we weren't --
 9 like if we were watching a movie and like work was done,
 10 I asked [REDACTED] if I could go to the cheerleading room
 11 and do some anaerobic exercises or practice cheerleading,
 12 since we wasn't doing anything.
 13 And he told me, "Sure, go ahead."
 14 And then when I go in the cheerleading room, my
 15 cheerleading coach, she was like, "How come you're not in
 16 class?"
 17 And I was like, "[REDACTED] said I could come
 18 because we're not doing anything but watching movies."
 19 I mean she was like, "What class is it?"
 20 I'm like, "Health ed." At least if I practice
 21 some of the cheers and do anaerobic exercises that we
 22 did, that was health-related.
 23 BY MR. ROSENTHAL:
 24 Q Did you get any homework in [REDACTED]
 25 health class?

1 A No.
 2 Q How did students behave in [REDACTED] health
 3 class?
 4 A They were well-behaved.
 5 Q Was [REDACTED] ever absent from your first
 6 period health class?
 7 A Yeah. Less than five.
 8 Q Did you have a substitute when he was absent?
 9 A Yeah, we would have a sub. And then one time, I
 10 don't know, either he didn't call for a sub, because I
 11 think the teachers got to call -- I don't know, I think
 12 so, but I don't know.
 13 Either he didn't call for a sub or maybe the sub
 14 just didn't show up, I don't know. The security guard
 15 had to sit in class with us, and we just watched a
 16 movie and played games.
 17 Q Aside from the one instance where a security
 18 guard sat in the class, did you have substitute teachers
 19 every other time [REDACTED] was absent?
 20 A Yes. But sometimes we didn't have substitutes
 21 when he would be late because [REDACTED] had a
 22 different job, like he was a referee for college
 23 basketball games or something or other like that.
 24 And say sometimes like he would come back from
 25 wherever he was refereeing at. And maybe his flight

1 landed that morning in the morning, so he would be late.
 2 And like we were just sitting there or we might go to the
 3 gym until he come.
 4 Q How often was he late?
 5 A I really don't recall.
 6 Q Was it once a week?
 7 A No, I don't think it was that much.
 8 Q Once a month?
 9 A Maybe like twice a month maybe. I won't even
 10 say a month, like it happened all the month because I
 11 don't know when basketball season ends, but when there
 12 was a lot of games, that's when it happened.
 13 Q Would you say [REDACTED] is a good teacher?
 14 A I would say [REDACTED] is a nice man.
 15 Q Would you say he's a good teacher?
 16 A He's not as good as my other teachers.
 17 Q Why is he not as good?
 18 A He didn't give homework, he showed movies every
 19 day, got suspended for [REDACTED] He was late,
 20 but then that was out of his control if his flight landed
 21 in the morning, so. And just like overall in class, the
 22 only time I learned something is when the speakers came.
 23 That's when I learned things. Like when we were just
 24 reading a book, I don't really learn nothing.
 25 Q Did [REDACTED] give you tests?

- 1 A Yes.
 2 Q How often?
 3 A Maybe once every two weeks.
 4 Q Were the tests on issues relating to health
 5 education?
 6 A Yes.
 7 Q Can you tell me where [REDACTED] health
 8 classroom was located?
 9 A The first floor right before you get to the gym
 10 building, like right before the door.
 11 Q Is that in the main building, or is that a room
 12 off the covered hallway that we discussed, or is that
 13 someplace completely different?
 14 A It's the main building but like right -- it's
 15 like the doors are right there, the doors to get to the
 16 gym building, they're right there.
 17 Q But the classroom is in the main building?
 18 A Yes.
 19 Q Can you describe the classroom itself for me?
 20 A There's windows, TV, his desk, I would say
 21 roughly around 25 seats, the bookshelf -- or the closet,
 22 I should say. Did I say the TV?
 23 Q You did.
 24 A Okay. Then that's about it.
 25 Q How many doors are there?

- 1 A One.
 2 Q Can you tell me how many students were in
 3 [REDACTED] health education class with you?
 4 A I think anywhere between 15 and 25. I don't
 5 know how many kids were enrolled, but I know just about
 6 every day around 15 to 25 showed.
 7 Q Did everybody in the class have their own seat?
 8 A Yes.
 9 Q Was it ever unbearably hot in [REDACTED]
 10 room?
 11 A I don't remember it being hot. I remember it
 12 being cold, though.
 13 Q You don't recall it ever being hot in his
 14 classroom, though?
 15 A No.
 16 Q Do you recall [REDACTED] classroom ever
 17 being unbearably cold?
 18 A Yes.
 19 Q Can you tell me about that?
 20 A It was cold in his class. And then like --
 21 well, he told us hisself that the heaters didn't work, so
 22 that's how we knew that they didn't work, because he told
 23 us.
 24 Like we'd make up a joke -- we would joke in
 25 class, like a student would be like, [REDACTED] turn on

- 1 the heater."
 2 And he would be like, "You know those heaters
 3 don't work."
 4 And we will tell him to fix it. And he would
 5 run over to the heater and act like he's fixing it just
 6 to amuse us. And then he would be like, "There, fixed."
 7 And then five minutes later everybody either
 8 started taking off our coats like it was warm, like it
 9 was actually getting warmer in the classroom like, oh,
 10 thank you, [REDACTED] for fixing the heater. And we
 11 would throw them coats right back on.
 12 Q Can you tell me how frequently it was unbearably
 13 cold in his classroom?
 14 A No. But that's because like it was -- that was
 15 last year and I don't too much remember.
 16 Q Was it every day?
 17 A No, I don't think it was every day.
 18 Q Once a week?
 19 A I really don't remember. I just know it wasn't
 20 every day.
 21 Q Did you complain to [REDACTED] that it was
 22 cold in his classroom?
 23 A Yes.
 24 Q Did you complain to anybody else?
 25 A Yeah, my cheerleading coach.

- 1 Q What did your cheerleading coach say?
 2 MS. PERRIN: When she complained?
 3 MR. ROSENTHAL: Yes.
 4 THE WITNESS: Like she asked why, because on our
 5 uniform we have a vest and a turtleneck. And she was
 6 like, "Why do you have your turtleneck on?"
 7 And I was like, "Because it was cold in
 8 [REDACTED] class." But it would be like warm everywhere
 9 else or something, and she'd say, "But the other girls
 10 have on their vests."
 11 And I was like, "The other girls don't have
 12 [REDACTED] class."
 13 And she was like, "Oh," and she was like, "Well,
 14 tell somebody."
 15 And I said, "I did." I said, "I told [REDACTED]"
 16 And she said, "Well, tell somebody else. They
 17 will never know unless you guys say something."
 18 BY MR. ROSENTHAL:
 19 Q What did you say to that?
 20 A I said okay.
 21 Q And did you tell anybody else?
 22 A Eventually I told Katherine.
 23 Q And when you say Katherine, who do you mean?
 24 A Katherine Layman.
 25 Q Did you ever tell your principal?

- 1 A No.
 2 Q Did you ever tell any of the assistant
 3 principals?
 4 A No.
 5 Q Why not?
 6 A I don't know.
 7 Q Do you think they could have done something
 8 about it?
 9 A I think they could have done something about it
 10 had I told them. But then again I did take the
 11 initiative to tell my cheerleading coach and the teacher.
 12 So maybe the teacher should have said something, too. I
 13 mean it is their classroom.
 14 Q Do you know if [REDACTED] told anybody about
 15 the coldness of his classroom?
 16 A I don't know if he ever told anybody.
 17 Q And you say the heater in his classroom was
 18 broken?
 19 A Yes.
 20 Q Was it broken for the entire semester?
 21 A The entire semester, yes.
 22 Q How do you know that the heater was broken?
 23 A Because when it was cold, we told him to turn it
 24 on, he would laugh and say it's broken.
 25 Q When you were in [REDACTED]'s class, did you

- 1 referral or got in trouble and got sent down to the
 2 dean's office, it was maybe two to three minutes.
 3 Q When there was noise coming from the dean's
 4 office, can you explain to me how that affected your
 5 ability to hear what was going on in [REDACTED]
 6 class?
 7 MS. PERRIN: Objection, assumes facts. She
 8 never said that it affected her ability.
 9 BY MR. ROSENTHAL:
 10 Q Let me ask: Does the noise outside [REDACTED]
 11 [REDACTED] classroom affect your ability to hear inside
 12 his classroom in any way?
 13 A When we was reading aloud. We read aloud in his
 14 class.
 15 Q Can you tell me how the noise affected that?
 16 A Well, it never affected me when I read aloud.
 17 But like other students, they would have to stop and wait
 18 for the noise -- I guess they couldn't read and hear the
 19 noise at the same time. I don't know.
 20 Q Did the noise affect you in the class in any
 21 other way?
 22 A Like if I was trying to do some work. Not when
 23 I read out loud.
 24 Q How would it affect you when you were silently
 25 doing the work?

- 1 hear any outside noise?
 2 A Sometimes.
 3 Q Can you tell me about that?
 4 A Right. Because his classroom was near the
 5 dean's office. And like if there was a fight or a
 6 student got in trouble, like I hear whatever commotion or
 7 whatever confrontation is going on, like you would hear
 8 it because the dean's office is right there.
 9 And then you hear the -- oh, my God, those
 10 doors. That's what killed me. You hear the doors
 11 opening and shutting all the time, constantly opening and
 12 shutting.
 13 Q Those are the doors to the dean's office?
 14 A No, the doors to go to the gym.
 15 Q About how often would you hear fights or
 16 confrontations or other noises from the dean's office?
 17 A It was like maybe once every three weeks.
 18 Q Would [REDACTED] do anything as a result of
 19 the noise?
 20 A He would go look outside and see what it is, but
 21 I don't remember him saying too much.
 22 Q How long did the noise typically last?
 23 A Well, it would depend on what was going on, like
 24 if it was a fight or something, then it lasted like
 25 longer. But then if it was like somebody just got a

- 1 A It was like the noise -- I can't deal with the
 2 noise and concentrate on my work at the same time.
 3 Q You mentioned there was also noise created by
 4 the doors that lead to the gym?
 5 A Yes.
 6 Q About how often would you hear that noise while
 7 in Mr. Gabutero's class?
 8 A You would hear it all the time because like
 9 students go back and forth.
 10 Q Students go back and forth through that door
 11 during class time?
 12 A Yes.
 13 Q Can you tell me approximately how often you
 14 would hear the doors in any given day in [REDACTED]
 15 class?
 16 A At least three or four times a day, at the
 17 least.
 18 Q And you would hear the opening of the door or
 19 the shutting of the door or both?
 20 A Both.
 21 Q Both?
 22 A Both.
 23 Q And each time you heard it, how long would the
 24 noise last?
 25 A When you here a clink, clink or something and

1 that's opening it. Then it would be like four seconds
2 or, depending on how wide they open the door, and it
3 would go shut (indicating). And that lasted altogether
4 no more than 20 seconds. Then when you're hearing it
5 like time after time, it was just pretty hard to do what
6 you're doing.

7 Q Did the noise from the doors affect you in the
8 same way the noise from the dean's office affected you?

9 A Worse. Because the doors gave me headaches, and
10 then I couldn't do any work at all with a headache.

11 Because my vision gets blurry and it's hard to just read
12 when my head is pounding because of the doors being
13 slammed all the time.

14 Q How do you know it's the doors that causes those
15 problems?

16 A Because I know what the doors sound like.

17 Q And you know the doors are giving you a
18 headache?

19 A Yes. There would be no other noise, and I don't
20 get headaches on the spur of the moment. So it had to be
21 the doors.

22 Q Have you seen any mice in [REDACTED]
23 classroom?

24 A No, not in [REDACTED] classroom.

25 Q Have you seen any mice droppings in

1 A No, it was clean.

2 Q Can you describe for me the condition of the
3 windows in his class?

4 A Oh, I don't even like remember. I don't
5 remember.

6 Q You don't remember?

7 A No.

8 Q Do you remember the windows being broken?

9 A No, they were fixed.

10 Q Were they broken at any time during the semester
11 you were in that classroom?

12 A If they were, I wasn't aware of it.

13 Q Can you describe for me the condition of the
14 ceiling in [REDACTED] classroom?

15 A I don't know. I don't remember looking up.

16 Q Do you remember ever hearing that the ceiling
17 was in any way in disrepair?

18 A No. But then again I never asked, so.

19 Q But you have never heard that from anybody
20 either?

21 A No.

22 Q Can you describe for me the condition of the
23 floor in [REDACTED] classroom?

24 A The floor was fine.

25 Q The floors were fine?

1 [REDACTED] classroom?

2 A No.

3 Q Would you say [REDACTED] classroom is clean?

4 A Cluttered, but clean, I guess.

5 Q What do you mean by cluttered?

6 A Because the classroom is -- the actual classroom
7 is smaller than the other classrooms. It's a small
8 classroom. So we had like all those chairs and we had
9 his desk, and his desk took a lot of room because he had
10 like a big desk. It was this size (indicating). He had
11 a big desk. And then the closet and the TV monitor
12 thing. What else. That's it.

13 Q So his classroom is smaller than most of your
14 other classrooms?

15 A Yes.

16 Q And that's why it appeared cluttered?

17 A Yes.

18 Q Was the classroom otherwise orderly?

19 A What you have mean by orderly?

20 Q Everything was organized?

21 A I guess.

22 Q Do you understand the question?

23 A No.

24 Q Other than the room being cluttered, was the --
25 was [REDACTED] class in any other way not clean?

1 A Yes.

2 Q How about the door to his classroom?

3 A The door was fine. The only thing -- well, I
4 don't want to say the only thing, but. The only thing I
5 can remember off the top being wrong about like a door or
6 something like that in [REDACTED] room, in the closet
7 his shelf was broke where we put our books.

8 So we had to put them in the top shelf because
9 the bottom shelf was broken. And I really couldn't reach
10 the top shelf. I couldn't even reach the middle shelf.
11 So I had to wait until Matt came to class.

12 Q You had to what?

13 A Wait until Matt came to class.

14 Q That's a classmate of yours?

15 A Yes, the tall one.

16 Q And he could put the book on the top shelf?

17 A No, he could get the books. And he usually got
18 the books and sat them on like a desk, and then the kids
19 would get the books.

20 Q Other than the broken shelf, was there anything
21 else broken in [REDACTED] class that you're aware of?

22 MS. PERRIN: Other than the heater?

23 MR. ROSENTHAL: And the heater, as well.

24 THE WITNESS: There was a broken desk, but
25 nobody sat in it since it was broken.

1 BY MR. ROSENTHAL:
 2 Q Anything else that was broken?
 3 A No, not that I can remember.
 4 Q Did you have a textbook that you used in health
 5 class?
 6 A Yes.
 7 Q Do you remember the name of the book?
 8 A No.
 9 Q Did you have your own book?
 10 A I shared a book. He had -- well, I don't know
 11 approximately how many books there was, but let's say he
 12 had 30 books. But those 30 books, you had to share them
 13 with his -- well, I think he had two -- both of his
 14 health ed classes.
 15 So my name was in a book and then another
 16 student. I guess I shared my book with Lorraine because
 17 her name was in the book, too.
 18 Q Was Lorraine in your class?
 19 A No. She was in fourth period.
 20 Q So when you were in [REDACTED]'s health class,
 21 you had the book to yourself?
 22 A Yes.
 23 Q Did everybody in the class have their own book
 24 to use during class?
 25 A Yes. But that's the reason he didn't assign

1 homework is because we couldn't use the books to take
 2 home.
 3 Q So you were not able to take those books home
 4 with you?
 5 A No.
 6 Q But [REDACTED] never gave homework, right?
 7 A No. That's why.
 8 Q How do you know that?
 9 A Because he said that's why he didn't give
 10 homework. It was in the SF Weekly, too. I think I
 11 remember one time reading that he said that.
 12 Q Did you ever get homework in other classes that
 13 is not from a textbook?
 14 A Well, now, we had homework from Ms. Yunis like
 15 the stock papers. That wasn't in a textbook. And the
 16 recession paper, that wasn't in a textbook. Before I
 17 really can't remember.
 18 Q Did you ever get handouts from teachers in any
 19 class --
 20 A Yes.
 21 Q -- that they gave you for homework to complete?
 22 A Yes.
 23 Q Did [REDACTED] ever give you any of those?
 24 A No.
 25 Q He never gave you homework during the entire

1 semester, right?
 2 A No.
 3 Q Can you tell me the condition of the health
 4 textbooks?
 5 A There were in good condition.
 6 Q Were they new?
 7 A I think so.
 8 Q Did you have to pay any fees in connection with
 9 your health class?
 10 A No fees.
 11 Q Did you use any other materials in your health
 12 class besides the textbook?
 13 A And the TV and whatever the speaker gave us.
 14 Q Anything else?
 15 A Not that I can remember, no.
 16 Q And when you say the TV, was that used just to
 17 show the movies we talked about earlier?
 18 A Yeah.
 19 Q And the speakers gave you stuff, as well. What
 20 kind of things would the speakers give you?
 21 A I know that the CCAP girls, they gave us a
 22 Manila folder like a lot of diagrams of babies and where
 23 do babies go and stuff like that.
 24 Q Did everybody in the class receive their own set
 25 of those materials?

1 A The folks from the CCAP girls, yes.
 2 Q How about from other speakers?
 3 A Well, like the smoking ones, we had to share.
 4 Like he had this little book, real small, little book
 5 thing. He had maybe about three of them, and we had to
 6 like share looking through it.
 7 Q Did anybody get to keep those books or did the
 8 speaker take those back?
 9 A The speaker took those back.
 10 Q How about other speakers, did everybody get
 11 materials that they brought?
 12 A No. The only -- the speakers that we got to
 13 keep the stuff was the CCAP girls.
 14 Q And they brought enough materials for everybody
 15 in the class?
 16 A Yes.
 17 MS. PERRIN: Objection, asked and answered.
 18 BY MR. ROSENTHAL:
 19 Q Do you recall how many times you were absent to
 20 health class?
 21 Let the record reflect that the witness is
 22 looking at what has been previously marked as Exhibit
 23 Number 3.
 24 A Well, if I'm adding right, it's 22.
 25 Q Do you remember being absent from health 22

1 times, or is that based just on the report card that
2 you're looking at?

3 A That's based on the report card I'm looking at.
4 I don't remember being absent 22 times, really. Shit, I
5 don't remember that. Let's see. That's like almost a
6 month. No, I wasn't absent 22 times. That's almost a
7 month.

8 Q Do you remember any -- how many times you were
9 tardy from health class?

10 A On the record it says five. And five could be
11 correct.

12 Q And, again, do you remember that, or is that
13 based on looking at the report card?

14 A That's based on looking at the report card.
15 That sounds like a reasonable amount of time that I might
16 have been tardy. Not 22 absences, though. Do you see
17 that, 22 absences? I have never in my life.

18 Q We talked earlier today and in, during your
19 first day of deposition about what you called unfair
20 conditions. Can you tell me what unfair conditions
21 existed in [REDACTED]'s health class?

22 A It was cold, and I don't know whose fault, but
23 we watched movies in class instead of actually learning
24 something about health. That's the biggest one. I come
25 to health ed to learn about health education, not to

1 Q You didn't learn anything from the book work
2 that you did in the class?

3 A No.

4 Q Can you tell me what your grade was in health
5 education?

6 A My final grade was a [REDACTED]

7 Q Did you deserve a [REDACTED]

8 A I think I deserved an [REDACTED]

9 Q Why do you think you deserved an [REDACTED]

10 A Because I did -- I had the best scores on the
11 test in that class and then I did all my free writes, I
12 turned in all my book work, and when the people doing the
13 presentations were there, I participated, and we got
14 points for participation. I participated the most I'm
15 allowed to. So I should have gotten an [REDACTED]

16 Q Did you ever talk to [REDACTED] about your
17 grade?

18 A Yes.

19 Q And can you tell me about that conversation?

20 A Well, I told him that I think I should be
21 getting an [REDACTED] in the class. And he said why. And I said,
22 [REDACTED] you know I do the best work in this class
23 as far as the tests go." And I say, "You know I turn in
24 all my free writes," and I say, "You know I do all the
25 book work, so why not get an [REDACTED] And I participate, so

1 watch movies I can watch at home.

2 Q Any other unfair conditions aside from those
3 two?

4 A Yeah. I kind of like doing homework sometimes.
5 We didn't get no homework in this class because there
6 weren't enough books. And although I did fairly well on
7 most of the tests, I would have enjoyed using a book to
8 study at home just to get A pluses, you know.

9 Q Any other unfair conditions in [REDACTED]
10 health class?

11 A Yes. But this unfair condition, like I noticed
12 when we read aloud, some of the kids couldn't read.
13 Well, I shouldn't say couldn't read, but -- I don't know
14 how to put it. For real seriously, though, honestly, it
15 was a shame. Some of them kids, like simple words they
16 couldn't even read. That's unfair to them.

17 Q Any other unfair conditions in his class?

18 A Not that I can recall, no.

19 Q At the end of the course did you feel that you
20 had learned health education?

21 A I learned some stuff. I could have learned
22 more, though. But I learned some things. But like I
23 said before, the only time I actually learned something
24 is when the speakers came. I learned from the speakers
25 and the people who did presentations.

1 why not get an [REDACTED]'

2 And then he told me that because his TA, like
3 teacher's assistant --

4 Q Right.

5 A -- did the grade book. Then maybe she like
6 messed up on some of my points or something, and that's
7 what resulted to me getting a [REDACTED]

8 But I said, "If you know I do [REDACTED] work, then why
9 not give me an [REDACTED]"

10 And he's like, "Well, I go by the grade book,
11 like the points on the scale."

12 And I go, "You should start doing your own grade
13 book and not having students do it because students can
14 mess up obviously, from getting a [REDACTED] and I know I should
15 be getting an [REDACTED]" And then I walked out because I was
16 mad.

17 Q Is that the only conversation you had with him
18 about the grade?

19 A Besides saying little things in class, like "I
20 know I need an [REDACTED] in this class," that would be about it.

21 Q So even though there were -- strike that.

22 You have given me a list of what you consider to
23 be unfair conditions that were in [REDACTED] class.
24 You still believe that you were doing [REDACTED] work in his
25 class, notwithstanding those conditions?

1 A I don't understand what you mean by
2 notwithstanding those conditions.

3 Q Let me rephrase the question.

4 You have identified a number of conditions that
5 you have called unfair that existed in [REDACTED]
6 classroom, but you still believe that you were able to do
7 [REDACTED] work in his class?

8 A Yes.

9 Q Do you think the number of absences from
10 [REDACTED] class had any effect on your grade?

11 A Well, the number of absences on the record that
12 show I have for [REDACTED] class is not correct.
13 However, the absences that I know that I probably was
14 absent from his class, no, I don't think they affected my
15 grade. I still passed with a [REDACTED]. They couldn't have
16 affected my grade if I still passed with a [REDACTED].

17 Q I had asked you last time we were together to
18 look at your report card and tell me if there were any
19 mistakes on it. You have now identified something that
20 you did not identify the first time. Are there any other
21 mistakes that are contained on this report card?

22 MS. PERRIN: That were not previously testified
23 to?

24 MR. ROSENTHAL: Right.

25 THE WITNESS: Since you got me on the spot, no.

1 BY MR. ROSENTHAL:

2 Q During the fall semester of 2000 your second
3 period class was Drawing I?

4 A Yes, I guess that's what it was called.

5 Q Did it have another name?

6 A I mean I just considered it art, but it could
7 have been labeled drawing, I don't know.

8 Q And can you tell me who your teacher was?

9 A Ms. Khodabandeloo.

10 Q And, again, I'm going to refer to her as Ms. K
11 if that's okay with you?

12 A Yes.

13 Q Do you know how long Ms. K has been with the
14 school?

15 A I think that was her first year.

16 Q Do you think she started in the fall of 2000?

17 A That's what I think so, yes.

18 Q Can you describe for me a typical day in
19 Ms. K's art class?

20 A Get in class and we will work on the art
21 projects, considering whatever project we was doing. It
22 depends on like what project we was doing. Like when we
23 first got in her class, she was like Manila folders that
24 she found in some art building somewhere, we -- the
25 assignment was to like graffiti our names and design the

1 But if as we go along, if I notice a mistake, I'll be
2 sure to let you know about it.

3 BY MR. ROSENTHAL:

4 Q Okay. Fair enough.

5 How do you know that the 22 absences in health
6 class is a mistake?

7 A Because it's impossible that I was absent 22
8 times, because I know I wasn't. It's impossible for me
9 to be absent 22 times and still get a [REDACTED] in the class.
10 No, it's not happening.

11 Q When you say it's impossible, what do you mean?

12 A First of all, I'm not going to be absent from
13 class 22 times, first and foremost.

14 Second of all, if I'm absent from the class 22
15 times, how can I get a [REDACTED] in the class? That's almost a
16 month. If I wasn't there, then I couldn't do the work.
17 And if you missed work for a month, I don't think you get
18 a [REDACTED].

19 MR. ROSENTHAL: I'm about to move on to the
20 next class. Do you want to take our lunch break or start
21 the next class?

22 MS. PERRIN: No, we may as well -- it's 12:25.

23 MR. ROSENTHAL: Yes, 12:25.

24 MS. PERRIN: We can go on for five minutes.
25 (Discussion off the record.)

1 background. So we worked on that for a week.

2 And after that -- and this is in no particular
3 order -- we did a project on like details, like we would
4 have to do like draw our hand, and we would have to draw
5 every line and every crack and crevice of our hand. And
6 we worked on that.

7 And we got to draw like the rooms, like the
8 corners and the ceiling and the floor. We had to draw
9 stuff. Like we just drew in her class.

10 Oh, and we did these old magazines, art
11 magazines that she brought from home because she's like
12 into art so she subscribed to some art magazines. So the
13 magazines she brought from home, we would have to look
14 for an article and do these questions.

15 I'm trying to think if we did them every day or
16 not. I know we did them at least twice a week.

17 Q Other than reading articles in the art
18 magazines and answering questions about them, was most of
19 the time in the art class spent on working on whatever
20 art project you were working on?

21 A Yes.

22 Q Did Ms. K give you homework in your art class?

23 A Yes.

24 Q Can you tell me what kind of homework she gave
25 you?

1 A Whatever we didn't finish in class, if the
2 resources were available to us at home, like if we was
3 working with color pencils and markers, if we had them at
4 home, we could finish our work at home. And we had maybe
5 one or two writing assignments.

6 Q How often did you personally have homework in
7 art on a weekly basis?

8 A Maybe twice.

9 Q About twice a week?

10 A Yes.

11 Q Do you recall if Ms. K was absent at any time
12 during the fall semester of 2000?

13 A Less than five.

14 Q Did you have a substitute teacher each time she
15 was absent?

16 A No, not each time. Twice. I remember security
17 guard had to sit in the class with us.

18 Q When the security guard sits in the class with
19 you, what does the class do?

20 A There's nothing in that classroom but like paper
21 and little colored pencils, so we just draw. Whether or
22 not it was an assignment we just draw.

23 Q Do you work on your art projects like you do on
24 other days?

25 A If we weren't done with our art project, yes.

1 were talking about your art class and your teacher,
2 Ms. K. Can you tell me if you think Ms. K is a good
3 teacher?

4 A Yes.

5 Q Do you think she's a good teacher?

6 A Yes.

7 Q Why is that?

8 A Because she went out of her way to make sure
9 that we had what we needed in the class.

10 Q What do you mean she went out of her way to make
11 sure you had what you needed in the class?

12 A She said that she only received, I think, about
13 \$500 to buy art supplies for all her entire classes, and
14 I was just thinking that wasn't enough. So she bought
15 our supplies out of her own money and she brought art
16 supplies from home. And like the Manila folders that we
17 kept our work in, like she went out and found those in an
18 abandoned art building.

19 So things like that made me realize that she
20 really did like want to teach and wanted us to learn
21 about art.

22 Q How do you know she spent her own money on art
23 supplies for the class?

24 A She told us.

25 Q What did she tell you?

1 But if we were done, like me, I remember one time Mary
2 was in there. Mary is the name of a security guard.
3 Mary was in there, and I was done with my art project so
4 I just drew something.

5 Q Other than the two times where there was a
6 security guard supervising the class, was there a
7 substitute teacher each of the other times that Ms. K was
8 absent?

9 A Yes.

10 Q And when there was a substitute teacher in the
11 class, were you instructed in art?

12 A We were told to just work upon what we've been
13 working on. But a lot of times I would be finished, so I
14 asked the substitute if he or she could write me a pass
15 to the library so I could get a book to read at the
16 library.

17 Q If students in the class were working on an art
18 project that you had finished on a day when Ms. K was
19 there, what would you do then?

20 A Ask if I can go to the library.

21 MS. PERRIN: Okay.

22 (Lunch break taken from 12:30 to 1:36 p.m.)

23 BY MR. ROSENTHAL:

24 Back on the record.

25 Q Ms. Jones, before we took our lunch break, we

1 A That she spent her own money on art supplies.
2 And I think that's part of the reason why she did the fee
3 thing, I guess, because she wants to get reimbursed for
4 her money, or she was going to use those for, to buy more
5 art supplies, I don't know.

6 Q Do you recall what supplies she brought?

7 A Markers and stuff.

8 Q How do you know that?

9 A Because I saw the markers. I used the markers.

10 Q How do you know those were bought with Ms. K's
11 money?

12 A Because that's what she said. I don't think she
13 would lie about something like that. And she also showed
14 us receipts.

15 Q Do you know why she showed you receipts?

16 A Because she was just making a point that -- this
17 is way before the lawsuit even came out -- that they
18 didn't give her enough money for supplies.

19 And she was like, "Look, I had to use my own
20 money to buy art supplies. Do you see these receipts?"
21 She talk like a little mouse.

22 Q When -- you took this class during the fall
23 semester of 2000, right?

24 A Yes.

25 Q Is the testimony you just gave in reference to

1 that class?
 2 A Yes.
 3 Q Is -- the class you took in the fall of 2000 was
 4 after the filing of this lawsuit; isn't that right?
 5 A I guess, but she didn't know about it. At least
 6 I don't think she did.
 7 Q But you said before that -- well, strike that.
 8 Can you describe for me the -- actually, strike
 9 that, as well.
 10 Do you think Ms. K is a qualified teacher to
 11 teach art?
 12 A Yes.
 13 Q Why do you say that?
 14 A Because I learned some things in her class.
 15 Q What did you learn in the class?
 16 A Some principles of art. And I learned how to
 17 draw a little better, too. Still can't draw but I drew
 18 better than I did before.
 19 Q Can you describe for me the classroom where
 20 Ms. K's art class took place?
 21 A It's like an old, I think economics -- not
 22 economics, old -- yeah, like home economics classroom or
 23 something, some type of classroom, she said, because
 24 there's sinks. Like rusty sinks that are sitting on a
 25 part of like the little table thingies. There was some

1 Q Did everyone have their own seat in the art
 2 class?
 3 A No. There was chairs, because it would be a
 4 table and then it would be -- supposed to be two chairs.
 5 But everybody didn't have their own chair, so we went to
 6 other classrooms and borrowed chairs. But we have to
 7 return them five minutes before the period was over
 8 because the teacher wanted to make sure that they got
 9 their chairs back.
 10 Q During class time did everybody have their own
 11 chair in the art class?
 12 A No.
 13 Q Who did not have their own chair?
 14 A I didn't have my own chair several times. The
 15 boy that was sitting next to me, Ronald, didn't have his
 16 own chair several times. Tartanian never had his own --
 17 well, I shouldn't say never -- didn't have his own chair
 18 sometimes.
 19 Who else. I don't know exactly who else, but I
 20 know just those two because they sat near me, and we
 21 always used to go together to get chairs.
 22 Q And you would go to the classroom next-door to
 23 get the chairs?
 24 A No, because that was Ms. Yunis and she had
 25 desks. We would go down the hall and knock on the door.

1 tables. She didn't have that. She had tables.
 2 And then there's the door to Ms. Yunis'
 3 classroom. It's a back room.
 4 Q A what?
 5 A Back room. I don't know what she use that for.
 6 And then there was the little hallway that's leading to
 7 Ms. Yunis' classroom. It's not a hallway but a little
 8 thingie.
 9 Q Can you tell me what building Ms. K's art
 10 classroom is located in?
 11 A Third floor, main building.
 12 Q Third floor of the main building?
 13 A Yes.
 14 Q Can you tell me how many students were in the
 15 art class with you?
 16 A I can't tell you. I really don't know.
 17 Q Can you estimate?
 18 A I don't know. I would be guessing. I don't
 19 know.
 20 Q Was it more than ten?
 21 A Yeah.
 22 Q Was it less than 30?
 23 A I don't know.
 24 Q Could it have been more than 30?
 25 A I don't know.

1 Ms. Moorhouse gave us some chairs once. And I don't know
 2 his name, but the cross-eyed man gave us some chairs
 3 once, too.
 4 Q So when there was no chairs in Ms. K's classroom
 5 for you, you would go get a chair from another classroom?
 6 A Yeah. And we would have to return the chair
 7 like five or ten minutes before the classroom ended
 8 because she wanted -- their students had no chairs when
 9 their class came.
 10 Q Did you do that on every occasion when there was
 11 no chair for you at your table?
 12 A I would do it. Ronnie sometimes sat on the --
 13 like there was this cabinet and then below the cabinet
 14 was like this little (indicating), just like this little
 15 shelf coming out. Ronnie sometimes sat on the shelf.
 16 And other kids -- like I forgot that Samoan
 17 boy's name, but he sometimes sat at the back like where
 18 the sink was, he sat up there.
 19 Q About how often would you go to Ms. K's class
 20 and find that there was no chair for you at your table?
 21 A Maybe twice a week.
 22 Q You have told me that this happened to you, and
 23 you mentioned two other students in the class who did not
 24 have chairs on certain occasions in Ms. K's class. Were
 25 there any other students who had the same problem in that

1 class?

2 A Yeah, the Samoan boy, because he sat on the
3 thing. And I sat in the front, so I didn't turn around
4 and look in the back of me. I only noticed the Samoan
5 boy, and he sat in the back. But I know he sat on the
6 thing because like he talks a lot, and I turned around
7 and told him to shut up and I seen him sitting up there.

8 Q Do you know if he was sitting up there because
9 he didn't have a chair?

10 A Yes.

11 Q How do you know that?

12 A Because I asked him, "What you up there for,
13 you ain't got no home training?"

14 And he said, "No, I ain't got no chair."

15 Q Can you estimate how many students did not have
16 chairs on how many occasions in Ms. K's class?

17 MS. PERRIN: Are you asking per class or an
18 aggregate number?

19 MR. ROSENTHAL: On a typical day.

20 THE WITNESS: Well, in my class, four or more.

21 BY MR. ROSENTHAL:

22 Q Was that four or more --

23 A People who didn't have chairs.

24 Q Is that on -- that's on a typical day? Let me
25 rephrase that.

1 to class, which was the majority of the time, myself and
2 other students had to go get chairs.

3 That's a shame. Everybody got to come to class.
4 Everybody can't come to class because there's no chairs.
5 That's cold.

6 Q When you didn't have a chair in art class, were
7 you still able to do your art projects?

8 A No.

9 Q Why not?

10 A Because in order to do my art project I had to
11 sit at the table on a chair and do my art. And then
12 sometimes we would have to like pose, you know, and have
13 somebody else draw us. And if we have to pose sitting
14 down, we couldn't sit down if there were no chairs, so.

15 And also I don't think I should have to stand up
16 in class all day. I need a chair to sit down and do my
17 work.

18 Q You mentioned that other students sat other
19 places that were not chairs, right? Did you ever do
20 that?

21 A No, that's health hazardous. And if somebody
22 would have walked in such as Mr. Barone or Ms. Gray,
23 Ms. Khodabandeloo and the student could have got in
24 trouble for that, students sitting on cabinets.

25 Hear that noise? That's how it was in class but

1 So you're saying approximately four people every
2 day did not have a chair when you arrived in the class?

3 A The majority of the class time.

4 Q Did you ever complain to Ms. K that you didn't
5 have chairs?

6 A Yes.

7 Q What did she say?

8 A Nothing she can do about it, and she told me to
9 tell Mr. Chung.

10 Q Did you tell Mr. Chung?

11 A Yes.

12 Q What did he say?

13 A He said, "Oh, okay, I will get chairs for your
14 classroom."

15 Q And did you ever get chairs for your classroom?

16 A No, because finally one day I had to go to
17 Ms. Moorhouse and get chairs.

18 Q And at no time during the semester were
19 additional chairs brought into the classroom by
20 Mr. Chung?

21 A No.

22 Q The problem lasted throughout the entire
23 semester?

24 A Yes. The only time everybody had a chair was if
25 everybody didn't come to class. But when everybody came

1 worse.

2 Q Was it ever uncomfortably hot in Ms. K's
3 classroom?

4 A No.

5 Q Was it uncomfortably cold in Ms. K's classroom?

6 A No.

7 Q Was there a lot of external noise when you were
8 in Ms. K's classroom?

9 A Yes.

10 Q Can you tell me about that?

11 A The bathroom was located near her classroom, so
12 like the bathroom door being open and the kids yelling in
13 the bathroom, it's like it echoes so you can hear
14 that. And then like occasional students and the security
15 guard walking by saying something. You hear that, but
16 mostly it was just that bathroom door.

17 Q And did the noise from the bathroom affect your
18 ability to learn in Ms. K's classroom?

19 A Gave me occasional headaches where I had to sit
20 down because I felt dizzy, if there was a seat available.

21 Q Did it affect your ability to learn in her
22 classroom, though?

23 A Yes.

24 Q How did it affect your ability to learn?

25 A Because I would get a headache and I can't

1 concentrate. And then when I have a headache, noise
 2 contributes to the headache and makes it worse, so.
 3 Q When you talk about the noise, you're referring
 4 to the bathroom doors or are you referring to the voices
 5 in the bathroom, as well?
 6 A All the noises outside the classroom, like the
 7 voices in the bathroom, the bathroom, people walking down
 8 the hall shouting, the security guards.
 9 Q When there was noise coming from the bathroom,
 10 did your teacher do anything about it?
 11 A No.
 12 Q Did anybody ever complain to the teacher about
 13 the noise?
 14 A Yes.
 15 Q Did you complain about it?
 16 A No.
 17 Q Who complained about it?
 18 A I heard Ronnie say something a couple of times.
 19 Q What did he say?
 20 A "Man, Ms. Khodabandelo, tell them loud ass
 21 people to shut up."
 22 Q Would she do anything?
 23 A She would yell out the door, "Shut up."
 24 Q Would they shut up?
 25 A No.

1 Q How frequently would you say this noise went on
 2 during Ms. K's class?
 3 A I don't know. Whenever somebody went to the
 4 bathroom. I don't know the approximate number.
 5 Q Was it every day that you would hear noises from
 6 there?
 7 A Yes, I would say every day.
 8 Q Did it give you a headache every day?
 9 A No, not every day. Half the time.
 10 Q Would you say Ms. K's classroom was clean?
 11 A No.
 12 Q What do you mean no?
 13 A I wouldn't say it was clean. It was dirty.
 14 Q Can you tell me what you mean by dirty?
 15 A Stuff from like the walls, like peeling stuff,
 16 it would be places. Like chalk, I guess from like some
 17 upperclassmen was working with like colored chalk. There
 18 would be chalk dust and stuff places.
 19 It's -- like some of the stuff she said that it
 20 wasn't from her class, that it was there when she got
 21 there. But like handles from the sinks, like knobs and
 22 some type of attachment that used to be on the sink would
 23 be like plywood and boards.
 24 Q Anything else that made it dirty?
 25 A Yeah. I mean there was other stuff in there.

1 Not -- nothing that we -- like paper on the floor or
 2 nothing like that. It was just, like the biggest thing
 3 was just like the wood that was back there and then those
 4 knobs on the sinks and stuff that would just be lying
 5 around everywhere.
 6 Q And you said there was some peeling stuff on the
 7 walls?
 8 A Yeah, like -- yeah, peeling. Like you know how
 9 the wall is painted and then the wall can be peeling like
 10 the paint can be coming off the wall or something like
 11 that? Like the peeling stuff would be in that little
 12 area where I guess it was coming off at.
 13 Q So it was paint peeling?
 14 A Yes.
 15 Q Was that on one particular wall?
 16 A I don't know. I don't know one particular wall.
 17 It was just -- I remember seeing it on one particular
 18 wall because every time I looked at it for a long time.
 19 Q Was there paint peeling on every wall?
 20 A I don't remember looking at every wall. I
 21 looked at that one wall with the paint peeling.
 22 Her tiles is messed up, though, her tiles in the
 23 ceiling is missing some. Because I remember when we drew
 24 the room, I drew a whole bunch of empty space in the
 25 ceiling.

1 Q You also mentioned that there was chalk dust in
 2 the room. Is that from students who were using chalk in
 3 other classes?
 4 A I have no idea. I know there's chalk dust in
 5 there.
 6 Q Where do you notice chalk dust?
 7 A Like it would be on the floor, on the table. I
 8 would feel it more than I would see it, because like I
 9 start sneezing heck of much, and my eyes would water and
 10 stuff from all that chalky dust.
 11 Q Is there anything else that made Ms. K's room
 12 dirty in your mind?
 13 MS. PERRIN: Objection, asked and answered.
 14 THE WITNESS: Yeah, but I don't remember it
 15 all. I remember mostly what I told you.
 16 BY MR. ROSENTHAL:
 17 Q Did any of the items you've described for me
 18 affect your ability to learn in her class?
 19 A Yes.
 20 Q Can you tell me how?
 21 A Well, I had to get out of class and go to the
 22 teen health clinic that we have at our school when the
 23 chalk irritated my nose and made we have sneezing
 24 attacks, and my eyes were watering and getting all red
 25 and puffy. I had to go to the clinic.

1 And then if I wasn't in class because I was sick
 2 from something that was in the class, of course, I
 3 couldn't learn.
 4 Q About how often would you have to go to the
 5 health center because of chalk dust?
 6 A I went like let's say twice a month.
 7 Q Did anybody else have to go to the health
 8 center because of chalk dust?
 9 MS. PERRIN: Objection, calls for speculation.
 10 THE WITNESS: I don't know. I just know I did.
 11 BY MR. ROSENTHAL:
 12 Q Did you ever hear of anybody else going to the
 13 health center because of difficulty breathing because of
 14 chalk dust?
 15 A I heard of people going to the bathroom to rinse
 16 their face off because the chalk dust made their eyes
 17 watery. And they never took it and went to the health
 18 clinic, but I did. They would just go rinse their face
 19 off.
 20 Q But as far as you know, you're the only person
 21 who went to the health center because of chalk dust?
 22 A In my class, as far as I know, yes.
 23 Q Have you ever seen any mice in Ms. K's
 24 classroom?
 25 A No.

1 Q Have you ever seen any mice droppings in Ms. K's
 2 classroom?
 3 A No.
 4 Q Are there windows in Ms. K's classroom?
 5 A Yes.
 6 Q Do you know how many windows there are?
 7 A No.
 8 Q Can you tell me what the condition of the
 9 windows is?
 10 A I never paid attention to them.
 11 Q Do you know if they're broken?
 12 A I don't think they're broken. I never paid
 13 attention to them.
 14 Q Did you ever hear that they were broken?
 15 A I don't think the other students paid attention
 16 to them either.
 17 Q Do you think you would have noticed if there was
 18 a broken window in her class?
 19 A I probably would have felt the breeze if it was
 20 cold, if the broken window was there.
 21 Q Did you feel a breeze?
 22 A I don't know.
 23 Q You mentioned that there was some ceiling tiles
 24 missing in Ms. K's classroom. Can you tell me about
 25 that?

1 A There was some ceiling tiles missing in Ms. K's
 2 classroom.
 3 Q Can you tell me how many?
 4 A No, I can't.
 5 Q Can you tell me where they were located or --
 6 A In the ceiling.
 7 Q -- let me rephrase that -- where they were
 8 missing?
 9 A In the ceiling, like you see some of these tiles
 10 (indicating)? Tiles would be missing.
 11 Q Were they in a particular area of the ceiling?
 12 A Well, I sat in the front of the class, so they
 13 were in front. I don't know about the back of the class.
 14 Q Did you ever see any of the ceiling tiles fall?
 15 A No.
 16 Q Did you ever hear of ceiling tiles falling in
 17 her classroom?
 18 A No.
 19 Q Did the missing ceiling tiles in Ms. K's
 20 classroom affect your ability to learn in her class?
 21 A Yes.
 22 Q Can you tell me how?
 23 A It was a traumatic experience because at Mission
 24 when the ceiling tiles were missing. There was also a
 25 hole in the roof and, like I told you before, all the

1 water was held up in the ceiling and all the water
 2 splashed down.
 3 So I looked up and think about whether or not
 4 it's going to rain pretty soon, because if it did, I
 5 asked if I didn't have to go to class because I was
 6 scared that it would fall through.
 7 So sitting there worrying about getting water
 8 splashed on my head, that hindered my ability to focus on
 9 all my work. Plus who knows what's crawling up there and
 10 it would have fell on my head and I would have had a
 11 heart attack.
 12 Q Did anything ever fall on your head in Ms. K's
 13 classroom?
 14 A No, but I worried about it all the time.
 15 Q Did any water ever come through the ceiling in
 16 Ms. K's classroom?
 17 A No. I guess it was just holes in the ceiling
 18 and not in the roof, too.
 19 Q Did you ever complain about the lack of the
 20 missing ceiling tiles in Ms. K's classroom?
 21 A Yes.
 22 Q Who did you complain to?
 23 A Mr. Khodabandeloo.
 24 Q What did you say to her?
 25 A "There's ceiling tiles missing." And I told her

1 the story that happened at Mission. And she said, "That
2 happened? Oh, my God, hee, hee, hee," and laughed.

3 Q Did you tell anybody else?

4 A No.

5 Q Do you know if Ms. K did anything as a result of
6 you telling her?

7 A I do not know if she did anything.

8 Q You didn't tell your principal about the missing
9 tiles in the classroom?

10 A No.

11 Q You didn't tell the assistant principal about
12 missing tiles in the classroom?

13 A No.

14 Q Do you think that your principal or assistant
15 principals could have done something about the missing
16 tiles in the classroom?

17 A Sure. They could have got them fixed, probably.

18 Q Did you have a textbook in your art class?

19 A No.

20 Q What materials did you use in art class?

21 A We used pencils, pens, markers, paper, colored
22 pencils that were this big (indicating), and then we had
23 to squeeze them like this. And it would fall and you
24 would have to pick it up like this. And you'd have to
25 color all the way down to the nub.

1 A Because she said the school didn't give her no
2 money -- enough money, I should say, to buy her no
3 pencils. So she brought in pencils that she bought,
4 pencils from home. And to ensure that she got those
5 pencils back, because she had to use the pencils for all
6 of her art classes, we had to give her collateral.

7 Q Did she say that students had taken the pencils?

8 A No, because if students had taken the pencils,
9 they wouldn't have got their items back.

10 Q Do you know why she instituted this policy?

11 A She probably thought maybe students would keep
12 the pencils. I really don't know. I know she just
13 wanted her pencils back, so we had to give up something.
14 And it wouldn't be nothing like a pen. It had to be
15 something valuable that she know that like we would want
16 back or something.

17 Q So you said you used pens in your art class, as
18 well. Were those provided to you in class?

19 A We had to have our own pens.

20 Q You brought your own pens? No pens were
21 provided to you at school?

22 A No.

23 Q How about markers?

24 A There was some markers there. She had dried out
25 markers. If we wanted to use some good markers, we had

1 And what else did we use. We used the magazines
2 she brought from home, her own. Colored pencils, if we
3 had some. I know this girl had some glitter colored
4 pencils that were cute. And what else did we use? Just
5 pencils.

6 We used some wire stuff because we did a wire
7 sculpture or something. And we used -- we made use of
8 the plywood that was in the back that nobody came and
9 got. We just started using it to write on. If there
10 wasn't enough tables, the kids would just take their
11 chair and take a piece of the plywood and just write on
12 it.

13 Q Any other materials that you used in the class?

14 A The overhead projector.

15 Q Anything else?

16 A Not that I can think of, no.

17 Q You said you used pencils in art class. Were
18 the pencils provided to you in art class?

19 A With collateral.

20 Q What do you mean?

21 A Meaning we had to give her our Fast Pass, like a
22 dollar bill or like a camera or something of ours that we
23 had. We had to give it to her in order to use one of her
24 pencils.

25 Q Do you know why you had to do that?

1 to bring markers from home. But then she bought some
2 markers. After we, like the ones -- we was complaining
3 all the time about the dried out markers, she had brought
4 some.

5 Q How about paper?

6 A Paper. We used paper.

7 Q That was provided to you in class?

8 A Yeah. She used -- like she would send me or
9 some other student down to the book room in the basement.
10 And like it would be a paper that like had a memo to a
11 teacher, paper that had like a memo to a teacher or like
12 some announcement on it, we used the back of that. Like
13 the old recyclable paper or whatever they was going to do
14 with it, we used the back of that paper for our work.

15 Q Is that the only paper you used in class?

16 A Besides the paper that was like the -- which
17 line is it, 8 x 11 -- well, the longer paper that we use
18 for like our final draft of like a project, that's the
19 paper she bought.

20 Q That's the paper she bought?

21 A Yes.

22 Q And you know she bought this paper how?

23 A Because she told us.

24 Q Do you know what she spent the \$500 on that she
25 was given by the school?

1 A No, I don't, but she couldn't have bought much,
 2 considering that she had to use it for all of her classes
 3 and only \$500 for more than two art classes. That's
 4 nothing.
 5 Q You also mentioned you used colored pencils.
 6 Were those provided to you in class?
 7 A Yes.
 8 Q Do you know why there was plywood in the back of
 9 the classroom?
 10 A No, I don't.
 11 Q You mentioned you used wire in connection with a
 12 project, as well. Was that something that was provided
 13 to you in class, as well?
 14 A She gave it to us, yes.
 15 Q Do you know if she bought that with her own
 16 money?
 17 A I don't know if she bought the wires, no.
 18 Q Did you ever watch any movies in art class?
 19 A Yes.
 20 Q Were they movies relating to art?
 21 A Yes.
 22 Q Did you ever watch any movies that did not
 23 relate to art?
 24 MS. PERRIN: In art class?
 25 MR. ROSENTHAL: In art class.

1 THE WITNESS: No, not in art class.
 2 BY MR. ROSENTHAL:
 3 Q Did you ever pay any fees in connection with
 4 your art class?
 5 A Yes.
 6 Q In connection with your art class taken in the
 7 fall semester of 2000?
 8 A Yes.
 9 Q Can you tell me about those?
 10 A We had to pay her.
 11 Q Can you tell me what you had to pay?
 12 A It was either five or ten dollars. I forget
 13 which one.
 14 Q How did you find out you had to pay five or ten
 15 dollars?
 16 A Ms. Khodabandeloo told us.
 17 Q Do you remember when she told you?
 18 A Close to the beginning of the class. Close to
 19 the beginning of when we started the class.
 20 Q Near the beginning of the semester?
 21 A Kind of.
 22 Q Did she tell you that each student was required
 23 to pay the fee?
 24 A Yes.
 25 Q Do you know if you were paying the fee in

1 connection with a particular art project?
 2 A No. She just said that to -- so she can get
 3 some more art supplies since they didn't give her enough
 4 money to buy art supplies.
 5 Q You mentioned earlier that she had bought some
 6 art supplies for the class. Was this with her own money
 7 or was this with the money that she collected from the
 8 students?
 9 A This was with her own money. And I personally
 10 believe that she collected the money to reimburse herself
 11 back, but she said that it was for, to buy some more art
 12 supplies. But then we did get some more art supplies
 13 after like two weeks after the money was collected.
 14 Q So is it your testimony that she bought art
 15 supplies with her own money and with the money she
 16 collected?
 17 A And with the \$500 that the school got her, gave
 18 her, yes.
 19 Q Did you pay the five or ten dollars?
 20 A Yes.
 21 MS. PERRIN: Can you concentrate right now with
 22 all this noise, or do you want to take a break?
 23 THE WITNESS: I think we can take a break.
 24 MS. PERRIN: Let's take a break.
 25 (Brief break.)

1 MS. PERRIN: Back on the record.
 2 For the record, we've now been talking about
 3 Alondra's drawing class for five minutes before the break
 4 and then 40 minutes before this last break. At 45
 5 minutes per class we will never finish this deposition in
 6 a reasonable time. By my calculations it would take
 7 three more hours of questioning just to go through one
 8 semester.
 9 So I don't think this is a particularly
 10 effective use of her time and I'm going to ask that you
 11 try and ask her questions in a little bit more of an
 12 efficient manner so we can try to finish today.
 13 MR. ROSENTHAL: As long as we're making
 14 statements for the record, I was going to finish with her
 15 art class and then proceed in a different way.
 16 Unfortunately, if Ms. Jones has so many conditions to
 17 report, this may take a while, and that's not my fault.
 18 I mean if she has a lot of conditions to report in all of
 19 her classes, that's clearly relevant information. And
 20 I'll try to go through as quickly as I can.
 21 MS. PERRIN: I appreciate that.
 22 MR. ROSENTHAL: But I had thought the most
 23 efficient way to go about this was to go class by class,
 24 and that remains to be seen if in fact -- we'll see if
 25 there's another way to go about doing this, but in the

1 meantime I would like to finish dealing with her art
2 class.

3 MS. PERRIN: Certainly. I just wanted to note
4 it for the record. And as I told you before, we're not
5 inclined to produce her for a third day absent compelling
6 reasons, so.

7 MR. ROSENTHAL: We did start late on her first
8 day, and we started at eleven o'clock at your
9 request. And we'll see how far we get today.

10 MS. PERRIN: Great.

11 MR. ROSENTHAL: We'll cross that bridge when we
12 come to it.

13 MS. PERRIN: If we have to.

14 BY MR. ROSENTHAL:

15 Q Before the break, Ms. Jones, you said that you
16 paid the fee that was required in Ms. K's art class; is
17 that correct?

18 A Yes.

19 Q Do you know if all the other students paid the
20 fees, as well?

21 A I don't know.

22 Q Did you tell anybody about having to pay a fee?

23 A Yeah, the person who paid it.

24 Q Did you think it was strange to have to pay a
25 fee?

1 A I heard the other student got his money
2 reimbursed.

3 Q Who did you hear that from?

4 A I forgot. I know it the student was
5 Lawrence Poon.

6 Q You heard that Mr. Poon had been reimbursed?

7 A Yes.

8 Q He was in your art class?

9 A He wasn't in my period but he was in an art
10 class.

11 Q He had Ms. K for a different period?

12 A Yes.

13 Q And you know that he had to pay a fee in
14 connection with that class?

15 A Obviously, if he got reimbursed for it.

16 Q Is that a yes?

17 A Yes.

18 Q Do you know how many times you were absent from
19 your art class?

20 Note for the record the witness is looking at
21 her report card, which has been marked as Exhibit 3.

22 (Witness referring to document.)

23 MS. PERRIN: Exhibit 3.

24 THE WITNESS: The record, it shows -- I mean the
25 record shows nine. Yes, nine.

1 A Yes.

2 Q Why do you think it was strange?

3 A This is not private school. I ain't got to pay
4 to learn something.

5 Q Do you think it was wrong that you had to pay?

6 A Yeah, I thought it was wrong.

7 Q Did you tell anybody about it?

8 A Yeah, my guardian.

9 Q Did you tell the principal?

10 A No.

11 Q Did you tell the assistant principal?

12 A No.

13 Q Have you ever had to pay any fees in connection
14 with any of your other classes at Balboa?

15 A No, just this one class.

16 Q That was only this one time?

17 A Yes.

18 Q Was the money ever reimbursed to you?

19 A No. But I heard another student at another
20 class got his money reimbursed so that I could, too. So
21 I'm going to get my ten bucks back.

22 Q So you could get reimbursed for the money you
23 paid?

24 A Yes.

25 Q But you haven't been reimbursed?

1 BY MR. ROSENTHAL:

2 Q Is that accurate?

3 A I don't think I was absent as many as nine
4 times.

5 Q Do you think you were absent less than that?

6 A Yes.

7 Q How many times do you think you were absent?

8 A Maybe around five or six.

9 Q How many times were you tardy to your art
10 class.

11 (Witness referring to the document.)

12 THE WITNESS: The record, it shows 27 times.

13 MR. ROSENTHAL: For the record, I think it's 26.

14 THE WITNESS: Oh, 26.

15 BY MR. ROSENTHAL:

16 Q Seven three times and five?

17 A Oh, yes, yes.

18 Q Is that accurate?

19 A No.

20 Q How do you know it's not accurate?

21 A Because I know I wasn't late that many times.

22 Q How many times were you late to art class?

23 MS. PERRIN: I believe we covered this in her
24 first day of deposition.

25 THE WITNESS: That's all right. I don't know

1 approximately, but I know it wasn't like 20 what six it
 2 is. And, like I said before, the way she took her roll
 3 is she would go by memory. And I'm not the only
 4 African-American girl in the class so other
 5 African-American girls could have come in late and she
 6 thought it was me. And I know I didn't come in late to
 7 her class 26 times. Impossible.

8 Q It's impossible?

9 A Impossible.

10 Q Do you remember how many times you were late to
 11 her class?

12 MS. PERRIN: Objection, asked and answered. We
 13 went over this at length during her first day of
 14 deposition. Can we move on to another topic?

15 THE WITNESS: Do I answer it?

16 MS. PERRIN: No.

17 MR. ROSENTHAL: Are you instructing her not to
 18 answer?

19 MS. PERRIN: I think that we can do this more
 20 effective. She testified --

21 MR. ROSENTHAL: The answer could have been given
 22 by now. She didn't testify at length as to how many
 23 times she thought she was absent -- tardy, excuse me.

24 MS. PERRIN: I'm not inclined to allow her to
 25 testify as to something we've already been over,

1 different classroom just to get a chair to sit down in
 2 class. No, that's totally unfair.

3 It's unfair that I had to use a little nub of a
 4 pencil to do my art work and then since it was so small
 5 you couldn't sharpen it with a regular pencil sharpener.
 6 She had to get an Exacto knife and sharpen it.

7 It's unfair that I have to pay. This is not
 8 private school. I shouldn't have to pay for education.
 9 What is this? It's absurd. It's totally unfair.

10 What else is unfair. That I have to watch where
 11 I walk because it got -- it might be wood and get a
 12 splinter.

13 And it's also unfair that she can't use the art
 14 wing that was used for art -- she has to use the old
 15 economics classroom with sinks, and broken sinks at that.

16 What else. So that's unfair that I had to sit
 17 there and stress and worry about whether or not something
 18 is going to fall on my head from off the ceiling.

19 It's unfair that I had to go to health center to
 20 seek medical attention because there's dust in that
 21 classroom and I get sick.

22 It's unfair that I have to listen to people
 23 talking outside the hallways loud so that I have to
 24 listen to that door go bang back and forth and that I
 25 have to take pills in school just to do my work. And

1 especially after we just made statements that we are
 2 trying to do this effectively.

3 MR. ROSENTHAL: I'll ask you again, are you
 4 instructing not to answer?

5 MS. PERRIN: You can answer this question, but
 6 I'm not going to allow a lot of questions on a topic that
 7 has already been thoroughly covered.

8 Do you remember the question?

9 THE WITNESS: No.

10 BY MR. ROSENTHAL:

11 Q How many times do you think you were tardy to
 12 art class?

13 THE WITNESS: And I can answer that question?

14 MS. PERRIN: Yes.

15 THE WITNESS: I don't know. Less than, maybe
 16 less than five.

17 BY MR. ROSENTHAL:

18 Q Do you believe that there were what you called
 19 unfair conditions in Ms. K's art class?

20 A Yes.

21 Q What do you contend those unfair conditions to
 22 be?

23 A I had to stand up. I had to go in a different
 24 classroom to borrow a chair from a different teacher.
 25 That's totally unfair. I shouldn't have to go to a

1 getting headaches.

2 Q Anything else that's unfair in Ms. K's
 3 classroom?

4 A Not that I can think of right now.

5 Q What was your grade in Ms. K's art class?

6 A Final grade was an A.

7 Q So all those things you mentioned really didn't
 8 affect your ability to do well in the class, did it?

9 A Yes, it did. It was extremely hard for me to
 10 sit there and do work when I have a headache and I have
 11 to stand. But I'm such an extraordinary person I still
 12 got an A. Isn't that wonderful?

13 Q I'm going to direct your attention to what we
 14 previously marked as Exhibit Number 3. And we've covered
 15 your first period and your second period classes in some
 16 detail.

17 A Yes.

18 Q I would like you to focus your attention on the
 19 remaining four classes you had during the fall semester
 20 of 2000.

21 A Yes.

22 Q Do you see those?

23 A Yes.

24 Q Can you tell me all the unfair conditions you
 25 experienced in connection with those classes?

1 MS. PERRIN: For the record, the classes are
 2 Student Aid, Media Arts I, English/European Lit I and
 3 American Democracy.
 4 Address each one of them in turn.
 5 THE WITNESS: Okay. Student aid, I didn't even
 6 know I was receiving credit for that class. I thought I
 7 was just -- maybe they saw me in there all the time and
 8 they just decided to start giving me credit. That's
 9 pretty cool.
 10 Mr. Lee's class. Mr. Lee's class, Mr. Lee's
 11 class. Well, again, like Ms. Khodabandeloo class, we
 12 used old paper like paper that had been typed on, we used
 13 the back of that paper.
 14 We didn't have any textbooks at all. We used
 15 magazines that he brought from home.
 16 MS. PERRIN: Who?
 17 THE WITNESS: Mr. Lee, the teacher. I'm sorry.
 18 But overall Mr. Lee's class was okay. Probably
 19 the only one.
 20 On to European lit.
 21 MS. PERRIN: We discussed Mr. Brady's class
 22 during the last deposition.
 23 MR. ROSENTHAL: We focused on the -- that was
 24 this semester. Is your testimony the same for the fall
 25 semester?

1 didn't get to take those books home, however. There were
 2 not enough books for everybody in the class so we
 3 couldn't take them home. We had homework, but the
 4 homework we received were from handouts or we had to
 5 watch the news a lot and read the newspaper a lot.
 6 A lot of handouts, because like I said before,
 7 we couldn't take the books home. And photocopying books,
 8 as I have said before, again, is illegal, but she still
 9 did it because she wanted us to learn about it.
 10 We watched movies in Ms. Yunis' class but they
 11 related to American democracy. We went -- like two or
 12 three. The School House Rock videos had to do with like
 13 judicial branch and stuff like that.
 14 The heater still didn't work in her class.
 15 That's about it. That's all I can think of
 16 right now for these classes.
 17 Q Your student aid class, was that -- did that
 18 class take place in a classroom?
 19 A No, I was in a -- the dean's office.
 20 Q Is that the clerical work that you've previously
 21 testified about?
 22 A Yeah, but this is in a different office.
 23 Q Can you tell me who the S. Manalang is?
 24 A I have no idea. I've never seen that name
 25 before.

1 THE WITNESS: Yes.
 2 MS. PERRIN: Is that okay with you?
 3 MR. ROSENTHAL: I may need to go back and ask a
 4 few questions about that later on because I think a lot
 5 of the questions were tailored to his absences during
 6 that semester and things like that.
 7 MS. PERRIN: That's fine.
 8 BY MR. ROSENTHAL:
 9 Q Is there anything additional in Mr. Brady's
 10 class that was specific to the fall semester?
 11 A There are a lot more kids in that class.
 12 Q There were more kids in the class?
 13 A Yes.
 14 Q In the fall?
 15 A Yes.
 16 Q Okay.
 17 A And me, personally, smaller classrooms, I learn
 18 more in smaller classrooms. And all those kids, although
 19 they were fairly well -- they were well-behaved and
 20 fairly quiet, still it feels like -- you know, 15 people
 21 in the class, I would have learned a whole lot better.
 22 And as far as Ms. Yunis, the same problems that
 23 existed in economics as far as like the noise in the
 24 hallway.
 25 And oh, American democracy we had books. We

1 Q That's not somebody you worked with in
 2 connection with the student aid?
 3 A No, I never seen Mr. or Mrs. -- I don't know if
 4 it's a man or a woman.
 5 Q Can you briefly tell me what you did during
 6 third period during the fall semester in connection with
 7 what's listed here as student aid?
 8 A Sure. I'd go in the dean's office, and I would
 9 make copies if somebody needed copies. I would file some
 10 things. I answered the telephone when parents or people
 11 came in the dean's office and needed assistance, like "I
 12 need to find my child's class" or something like that, I
 13 assisted them with that.
 14 What else did I do. I faxed some things. I ran
 15 errands for Mr. Cortney, Mr. Eaglesun, the dean, Martha,
 16 who was like the actual secretary of that office, and
 17 Ms. Ronnie Howard. And I don't know what her title is,
 18 but I ran errands for them.
 19 Q All the people you ran errands for were people
 20 who worked in the dean's office?
 21 A Yeah. There were like -- like Ms. Howard, like
 22 I don't know if she's an assistant principal, but she's
 23 somebody high like that. Mr. Eaglesun, like eagle as in
 24 bird, and sun like sun, s-u-n. Mr. Eaglesun, he's the
 25 dean. Jerry Cortney, I don't know what Jerry Cortney is,

1 maybe a counselor. And then Martha, and she's the
2 secretary for that office.

3 Q And media arts, you testified that the unfair
4 conditions were the fact that you had to use the same
5 recycled paper that you used in Ms. K's art class and the
6 fact that you had no textbook in that class?

7 A Not the same paper, but like it was paper that
8 was typed on, like paper from the book room, paper that
9 was supposed to go into recycling, like paper, not like
10 the same paper. And the fact that we didn't have any
11 textbooks. Mr. Lee's class was pretty cool.

12 Q Did anybody have a textbook in Mr. Lee's class?

13 A No.

14 Q He didn't use a textbook?

15 A He didn't have no textbooks.

16 Q Do you know if he was supposed to use a
17 textbook?

18 A I don't know if he was supposed to use a
19 textbook or not.

20 Q Did he ever mention to the class anything about
21 a textbook?

22 A No, he never mentioned it. We used like the TV
23 and we had some video cameras and the computer lab, but
24 that wasn't from school funding. He said he tried to get
25 some money from the school for that and they wouldn't

1 the State don't care about public schools. If I have to
2 sit there and stand in the class, they can't care about
3 me. It's impossible. So in all honesty, it really makes
4 me feel bad about myself.

5 Obviously, you probably can't understand where
6 I'm coming from, but it really do. And I'm not the only
7 person who feels that. It really make you feel like you
8 really less than. And I already feel that way because I
9 stay in a group home because of poverty. Why do I have
10 to feel that when I go to school? No, there's some real
11 weak stuff going on.

12 Q What do you think the State can do about that?

13 A Increase schooling funding. That would help a
14 lot. They can buy some chairs for us to sit down. They
15 can afford to fix the tiles so I ain't got to sit there
16 and worry about if something's going to fall on my head.

17 They can get an extra janitor to clean the
18 nastiness in that bathroom, and they can do something
19 about that smell. I mean you still smell -- the smell is
20 horrendous.

21 And also the money that they do increase,
22 monitor it, like, okay, say they give whatever amount to
23 the school district, I don't know if they're supposed to
24 monitor or tell the schools what they supposed to spend
25 it on, but at least act like you care.

1 give him anything, that over the summer he wrote like a
2 lot of proposals for grants and stuff.

3 Q Any other unfair conditions in Mr. Lee's media
4 arts class?

5 A None that I think of now, no.

6 Q Can you tell me how those unfair conditions
7 affected your ability to learn in his class?

8 A Well, although Mr. Lee's class was very fun
9 using the computers and video cameras, I didn't really
10 learn too much about media arts. Maybe I would have
11 learned had we had textbooks.

12 And as far as the recycled paper goes, that
13 didn't impede my ability to learn, but other students at
14 other schools got regular paper. Why we got to have
15 paper already typed on? That doesn't seem fair.

16 It makes me -- you know what, in all honesty,
17 I'm going to break something down to you. It make you
18 feel less about yourself, you know, like you sitting here
19 in a class where you have to stand up because there's not
20 enough chairs, and you see rats in the buildings, the
21 bathrooms is nasty, you got to pay.

22 And then you -- like I said, I visited Marin
23 Academy, and these students, if they want to sit on the
24 floor, that's because they choose to. And that just
25 makes me feel real less about myself because it's like

1 Like I said before, never once has somebody
2 came -- from the State came to my school, asked us what
3 did we need, what's going good, what's going bad, what do
4 you think we should change. And if there's a
5 superintendent of all the schools, what the hell is your
6 job if you not ensuring that I'm receiving equal
7 education, you -- it's no place for you to even be there.
8 What's your place? Nothing.

9 I feel that the State can also, like the
10 standards, they set real low standards for us. They have
11 to. If we don't -- if our test scores are the lowest,
12 the standards are not set as high. So set high standards
13 like private schools have. Set high standards that
14 Lowell has. Set high standards that Marin Academy has.
15 You know, set high standards for me.

16 Don't sit there and expect me to fail and then
17 pass me old, used-up ass textbooks and expect me to
18 achieve from that. I have achieved that because I can
19 persevere, obviously. I've been through a lot so I can
20 persevere.

21 I'm just saying it's a lot they can do. I don't
22 understand why won't they do it. You get paid enough.
23 Do your job. But then again, it's probably just free
24 money, they sitting there doing nothing and why not get
25 paid for it, huh.

1 (Discussion off the record.)
 2 MR. ROSENTHAL: Let's go off the record.
 3 (Brief break.)
 4 BY MR. ROSENTHAL:
 5 Let's go back on the record.
 6 Q Ms. Jones, before we took our break, we were
 7 talking about some of the unfair conditions in your media
 8 arts class, and you identified a couple of those. Are
 9 there any other unfair conditions you can think of in
 10 connection with that class?
 11 A Not that I can think of, no.
 12 Q Now, you mentioned that your English/European
 13 literature class had more kids during the fall than it
 14 did during the spring?
 15 A Yes.
 16 Q Are there any other unfair conditions that you
 17 can think of in connection with that class other than the
 18 ones you have testified to today and at your prior day of
 19 deposition?
 20 A We didn't have books, textbooks to take home.
 21 We didn't have textbooks at all in the fall.
 22 Q And I know we had discussed this during your
 23 first day of deposition that you did in fact have books
 24 during the spring semester; is that correct?
 25 A Yes.

1 from the big, green book were from the Bible.
 2 Q He gave you handouts from the Bible to read?
 3 A Yes.
 4 Q And that was in addition to the other books that
 5 you were using in the class?
 6 A Yes.
 7 Q Was the class with Mr. Brady during the fall
 8 semester in the same classroom that you had class with
 9 Mr. Brady in during the spring?
 10 A Yes.
 11 Q And were the conditions the same in the
 12 classroom in the fall and the spring?
 13 A Yes.
 14 Q You said there were more kids in the class
 15 during the fall semester and that was one of the unfair
 16 conditions that existed in his class.
 17 A Yes.
 18 Q Do you remember how many children were in the --
 19 well, I shouldn't call them children, they're high school
 20 students -- there were in Mr. Brady's class during the
 21 fall?
 22 A I don't know the approximate number, but it was
 23 more than 30.
 24 Q Was it more than 40?
 25 A I don't know that.

1 Q So there was a period of time in the fall
 2 semester where you had no books?
 3 A No textbooks. We had books that we read like
 4 the Aeneid, A-e-n-e-i-d, and stuff like that.
 5 Q When you say you had new textbooks, what
 6 textbook did you not have?
 7 A The textbook we have now.
 8 Q What textbook is that?
 9 A Glen Cole or Glen Core.
 10 MS. PERRIN: Is it the big, green book that you
 11 were talking about before?
 12 THE WITNESS: Yes, Glen Co, something like that,
 13 the Glen Co book.
 14 BY MR. ROSENTHAL:
 15 Q It's one of the textbooks -- it's the big, green
 16 textbook that you testified about during the first day of
 17 your deposition?
 18 A Yes.
 19 Q During the fall semester, did Mr. Brady use
 20 photocopies from the big, green book to teach the class?
 21 A I don't know -- know if the photocopies he used
 22 were from the big, green book. I know that he made -- I forgot
 23 had some photocopies of some stories like -- I forgot
 24 what stories, but I don't know if they came from the big,
 25 green book. The handouts that we did have that weren't

1 Q Do you know why -- strike that.
 2 Were there fewer students in the class during
 3 the spring?
 4 A Yes, because since I switched periods, it was
 5 less students in my first period class than were in my
 6 fifth period class, because last semester I took
 7 Mr. Brady's fifth period, and now I have him first.
 8 Q But the physical classroom was the same?
 9 A Yes.
 10 Q But you switched from his fifth period
 11 literature class to his first period class in the spring?
 12 A Yes.
 13 Q You had testified during your first day of
 14 deposition that Mr. Brady's class was uncomfortably hot
 15 on occasions.
 16 A Yes.
 17 Q Is that the case during the fall semester, as
 18 well?
 19 A It could have been. I really don't remember.
 20 Q Do you recall the heat in Mr. Brady's classroom
 21 during the fall semester having any effect on you during
 22 class?
 23 A I really don't remember.
 24 Q I would like to direct your attention to what
 25 was previously marked as Exhibit 2.

1 Do you have copies of that?
 2 MS. PERRIN: Yes. It is the scholarship?
 3 MR. ROSENTHAL: Yes, it's the two-page
 4 transcript.
 5 BY MR. ROSENTHAL:
 6 Q I would like to direct your attention to your
 7 courses during your junior year, which is the 1999 to
 8 2000 school year.
 9 Can you just quickly --
 10 MS. PERRIN: Fall and summer -- I'm sorry, fall
 11 and spring?
 12 MR. ROSENTHAL: Fall and spring, yes.
 13 BY MR. ROSENTHAL:
 14 Q Can you quickly just tell me the names of the
 15 courses you took during your junior year at Balboa High
 16 School.
 17 A American Literature, U.S. History, Pre-law,
 18 Chemistry, Spanish, Advanced Algebra, American
 19 Literature II, U.S. History II, Pre-law, Chemistry II,
 20 Art II, Advanced Algebra II.
 21 Q There are -- a number of these courses are ones
 22 and twos. There's American Literature I and American
 23 Literature II and U.S. History I and U.S. History II.
 24 Were those -- were the courses numbered number two
 25 continuations of the first courses?

1 A I have no idea.
 2 Q Let's try this a different way. When you took
 3 American Literature I, who was the teacher of that
 4 course?
 5 A Mr. DeGuia.
 6 Q When you took American Literature II, who was
 7 the teacher of that course?
 8 A Mr. DeGuia.
 9 Q Did you take that -- strike that.
 10 Did you take the American Literature I course
 11 and the American Literature II course in the same
 12 classroom?
 13 A Yes.
 14 Q Is that true for U.S. history, as well?
 15 A Yes.
 16 Q Is that true for pre-law?
 17 A Yes.
 18 Q Is that true for chemistry?
 19 A Yes.
 20 Q Is that true of advanced algebra?
 21 A Yes.
 22 Q And I see that in the fall of 1999 you took
 23 Spanish for one semester; is that correct?
 24 A Yes.
 25 Q And then during the spring you took Art II for

1 one semester?
 2 A Yes.
 3 Q Were those in different classrooms?
 4 A Yes.
 5 Q And with different teachers?
 6 A Yes.
 7 Q For simplicity sake, can we deal with -- strike
 8 that.
 9 The students who were in your American
 10 Literature I class, were they the same students who were
 11 in your American Literature II class?
 12 A Yes, I think so, yes. Might have been a few
 13 added.
 14 Q Is that true for U.S. history, as well?
 15 A Yes.
 16 Q Is that true for pre-law?
 17 A Yes.
 18 Q Is that true for chemistry?
 19 A Yes.
 20 Q Is that true for advanced algebra?
 21 A No. The kids were the exact same kids that were
 22 in Algebra I. He didn't add or drop any.
 23 Q Okay. For simplicity sake I'm going to try to
 24 deal with these courses as if they were full-year
 25 courses, and if there's any information that you give me

1 that's specific to one of the semesters, I would
 2 appreciate it if you could tell me at that point. I'm
 3 trying to do this so we can get through the information a
 4 little quicker.
 5 Do we have that agreement?
 6 A Yes.
 7 Q Let's start with the American literature
 8 course. Can you tell me what unfair conditions were
 9 present in your -- in connection with your American
 10 literature course?
 11 A No textbooks. At times it became unbearably
 12 cold in the classroom.
 13 Q Anything else?
 14 A Not that I can think of now, no.
 15 Q When you say there were no textbooks, can you
 16 explain what you mean?
 17 A We didn't have textbooks. We -- the ones we
 18 used for that class were like we read books -- I think we
 19 read Native Son in that class by Richard Wright, and I
 20 don't know what else we read.
 21 Q Did you read it from a book?
 22 A Excuse me?
 23 Q Did you read it from a book?
 24 A Oh, yes, we read it from a book. Oh, we read --
 25 I think it's called A Raisin in the Sun and we used

- 1 photocopies for that, A Raisin in the Sun.
 2 Q A Raisin in the Sun?
 3 A Yes.
 4 Q And you used photocopies for that book?
 5 A Yes.
 6 Q Did you read any other books in the class?
 7 A We read another book using photocopies, but I
 8 cannot remember the name of it.
 9 Q Did you read any books out of actual, physical
 10 books?
 11 A Just the Native Son.
 12 Q Did you only read three books in that class for
 13 the entire year?
 14 A That I can remember.
 15 Q So when you say that there were no textbooks in
 16 that class, you couldn't mean that you never received any
 17 books in that class?
 18 A I mean that there were no textbooks.
 19 Q What's your definition of a textbook?
 20 A Books that come from the book room.
 21 Q Where did Native Son come from?
 22 A I have no idea.
 23 Q Not from the book room?
 24 A I have no idea.
 25 Q Did you have to return that book to the book

- 1 Q Did Mr. DeGuia ever tell you that there was
 2 supposed to be a textbook for his class?
 3 A No, he never told.
 4 Q You also said that Mr. DeGuia's classroom was
 5 unbearably cold at some times. Can you tell me about
 6 that?
 7 A It was cold just like Ms. Yunis' classroom. I
 8 asked some of the boys for their coats. Some more times
 9 they said no than yes. And I would sit there and be cold
 10 while I'm doing my work.
 11 Q Did you ever tell Mr. DeGuia that the room was
 12 unbearably cold?
 13 A Yes.
 14 Q What did he say?
 15 A "Turn on the heater."
 16 Q And did he turn on the heater, or did somebody
 17 turn on the heater?
 18 A We would try, and then only a hissing, like a
 19 hissing noise come out. And then like we would sit there
 20 and then it would still be cold. And then he was like,
 21 "Well, I don't know if the heaters are working right now
 22 or not."
 23 And then we were like, "Well, should we turn it
 24 off?"
 25 And he was like, "No, leave it on in case it

- 1 room at the end of that year?
 2 A I had to return that book to Mr. DeGuia when we
 3 finished reading it.
 4 Q Do you know what he did with the books?
 5 A No, I don't know.
 6 Q Do you know if he kept them in his classroom?
 7 A I don't know.
 8 Q Did everybody in the class receive a copy of the
 9 Native Son?
 10 A Yes.
 11 Q Did anybody have to share their copy of
 12 Native Son?
 13 A No, no one had to.
 14 Q Was everybody entitled to take Native Son home
 15 with them to do homework?
 16 A Yes.
 17 Q How about when Mr. DeGuia gave out handouts, did
 18 he have copies for everybody in the class?
 19 A I just remember I had my own copy. I don't
 20 recall whether or not everybody else had their own copy.
 21 Q Did you have to share your copy with anybody?
 22 A I don't remember having to share, no.
 23 Q Did you take your copy home with you to do
 24 reading at home?
 25 A Yes.

- 1 come on."
 2 Q How frequently would you say his classroom was
 3 unbearably cold?
 4 A I don't know, I don't remember.
 5 Q Was it every day?
 6 A I don't remember.
 7 Q Was it once a week?
 8 A I really don't remember. That was last year. I
 9 don't remember.
 10 Q You told me two unfair conditions that existed
 11 in Mr. DeGuia's American literature class, the fact that
 12 you had no textbook and that it was unbearably cold at
 13 times.
 14 A Yes.
 15 Q Can you tell me how those two things affected
 16 your ability to learn in his class?
 17 A Well, the coldness affected my ability, like the
 18 coldness in every classroom that it was cold affected my
 19 ability to learn, that I'm sitting there freezing when
 20 I'm trying to do my work. And also at times it can be
 21 colder in the classroom than it would be colder outside,
 22 and it could be colder in one class and warm in the
 23 other. And different temperatures like that led me to be
 24 sick a lot.
 25 And as far as the textbook goes, I don't know

1 whether or not the class was supposed to have a textbook,
2 but I know that Lowell students had textbooks for
3 American literature. And they say that Lowell students
4 are smarter than us. So, hey, maybe we can be as smart
5 as them if we had a textbook in American literature, too.

6 Q Do you learn American literature in connection
7 with this class?

8 A I read books in American literature. I don't
9 know what American literature is to learn, so.

10 Q Would you say Mr. DeGuia is a good teacher?

11 A Yes.

12 Q Is he qualified to teach American literature?

13 A Whatever American literature is, pretty sure
14 he's qualified to teach. He's a good teacher.

15 Q You don't know what American literature is?

16 A No.

17 Q After taking a year's worth of American
18 literature, a course entitled "American Literature," you
19 don't have an understanding as to what American
20 literature is?

21 A No. Maybe if your State give me some money with
22 some textbooks to tell me what American literature is, I
23 could sit here and tell you today what it meant. But
24 because they don't, I don't.

25 Q What were your grades in American literature?

1 on Native Son at all?

2 A I believe I was.

3 Q Did you have any discussions in class about
4 Native Son?

5 A I really don't remember.

6 Q Did you read all the books you were assigned in
7 American literature?

8 A Yes.

9 Q And were you tested on all the books you read in
10 American literature?

11 A I don't remember.

12 Q Did you ever have discussions in class about the
13 texts you read?

14 A I don't remember.

15 Q What did you do in class?

16 A Read and did work such as character heads.

17 Q Such as what?

18 A Character heads.

19 Q Can you tell me what that means?

20 A Draw heads and then -- on a piece of paper, and
21 you're supposed to be a character you pick from the
22 story, supposed to draw or write what that character was
23 thinking in that particular scene.

24 Q And then what did you do with that?

25 A Turn it in.

1 A I got -- American lit, well, my final grade was
2 [redacted] in American lit I and my final grade for American lit
3 II was an [redacted]

4 Q Did you deserve a [redacted] in American Literature I?

5 A I don't remember.

6 Q Did you deserve a [redacted] in American Literature II?

7 A Yes.

8 Q You deserved [redacted], even though you said you
9 didn't learn anything about American literature?

10 A Yeah, because I still did the work like I was
11 supposed to and still passed the tests like I was
12 supposed to and still read the book like I was supposed
13 to and still read the handouts like I was supposed to,
14 despite it being unbearably cold. Just because the State
15 messed up and didn't give us what I needed, doesn't mean
16 I have to fail just because they failed.

17 Q Did you learn anything as a result of doing the
18 work?

19 A A little bit of comprehension skills. I don't
20 know if that was what I was supposed to learn in American
21 literature, since I don't know what American literature
22 is.

23 Q Did you read Native Son?

24 A Yes, I read Native Son.

25 Q Were you tested on what you -- were you tested

1 Q When you read the texts in American literature,
2 you didn't consider that learning about American
3 literature?

4 A No, because a lot of the books that I read in
5 American Literature I previously read on my own since I
6 like to read so much.

7 Q And when you were tested on American literature,
8 you didn't consider that testing whether you learned
9 American literature?

10 A I'm pretty sure that the tests were what I was
11 supposed to have learned from the books. I can't say
12 whether or not it was what I was supposed to have learned
13 in American literature since, before I told you, I don't
14 know what American literature is.

15 Q When you worked on the character heads that you
16 described, you didn't view that as learning about
17 American literature?

18 A I view doing the character heads as seeing if I
19 can comprehend what's going on in the story.

20 Q And isn't that part of learning American
21 literature?

22 A I don't know what American literature is, so I
23 couldn't tell you. That's a shame. I took a full year
24 of the class and still don't know what the hell it is.
25 It's a crying shame.

1 Q Any other unfair conditions that existed in
2 Mr. DeGuia's American literature class?

3 A Not that I can think of right now, no.

4 Q Let's turn to the U.S. history class. Can you
5 tell me what unfair conditions existed in that class?

6 A There weren't enough textbooks for us to take
7 home. And my teacher, Ms. Safir, said that the textbooks
8 were so outdated that whatever we learned in the textbook
9 probably would have changed anyway by now.

10 Q Anything else?

11 A I saw mouse droppings in her class near the
12 heater. Well, I don't recall ever seeing a mouse, but
13 there had to have been if there was mouse droppings.
14 And, like I said before, I don't know if they were mouse
15 droppings, but I sure hope they were.

16 MS. PERRIN: She's starting to anticipate your
17 questions, Michael.

18 BY MR. ROSENTHAL:

19 Q Anything else?

20 A I learnt a lot in that class. And it was like
21 one of the best classes I ever took. And I remember
22 Ms. Safir got off the phone one day and almost cried
23 because that was part of the law academy program, and
24 they were going to cut the law academy program because
25 they didn't have enough money to continue supporting it.

1 increase teachers' salaries. Because Ms. Safir is
2 leaving that school because she is not getting paid
3 enough, and that school is going to be -- man, excuse me,
4 but bullshit when she leaves. That school -- man, she
5 can't stay. She can't afford to stay.

6 It has nothing to do -- I shouldn't say nothing
7 but -- it's a lot of things that is affecting her
8 decision to leave. But she has shared with me and other
9 people that the main reason that the school can't afford
10 to keep her might be that it costs too much for to live
11 in San Francisco and that she is not making enough money
12 to live.

13 And like I said before, that's cruel, man. The
14 school cannot afford to lose a teacher like
15 Ms. Safir. So you can put that on your paper, too,
16 increase teachers' salaries.

17 Q You said one of the unfair conditions in the
18 U.S. history class was that there weren't enough
19 textbooks so students could take them home.

20 A Yes.

21 Q Do you have your own textbook in the
22 U.S. history class?

23 A I didn't. We weren't allowed to take the books
24 home. So I guess I didn't have to use -- I mean, I
25 didn't have my own textbook, and when we used them we had

1 And that hurt my feelings dearly and it hurt my teacher's
2 feelings, and we all sat there and mourned for our
3 wonderful class that day.

4 Q You said you learned a lot in that class?

5 A Yes.

6 Q Is Ms. Safir a good teacher?

7 A She's an excellent teacher.

8 Q What makes her an excellent teacher?

9 A She cared about our education. Like
10 Ms. Khodabandeloo, she went out of her way to make sure
11 that we were educated. Like sometimes -- I don't know if
12 it costs money to go on field trips, but I remember her
13 saying something like one time that they didn't have
14 enough money for us to go visit -- somewhere we supposed
15 to go they didn't have enough money.

16 So her and the law academy teachers put together
17 money so that we can go on the field trip. And I heard
18 teachers don't get paid that much, so.

19 Q Is Ms. Safir qualified to teach U.S. history, in
20 your opinion?

21 A Yes, she's qualified to teach anything in my
22 opinion. That's how wonderful a teacher and wonderful a
23 person.

24 And also, I think the State can do -- because I
25 know you asked this question previously -- and it's

1 to share.

2 Q Did you have your own textbook during class?

3 A We had to share.

4 Q In class?

5 A In class. Since we weren't allowed to take them
6 home, there was nowhere else. We would have to share the
7 book.

8 Q Did all students in the class share textbooks,
9 or did some students have their own?

10 A There were at least -- there were four to six
11 people at a table, and she put two to three books at a
12 table at a time, so.

13 Q So there were four to six --

14 A Four to six.

15 Q -- students at each table and two to three
16 textbooks per table?

17 A Yes.

18 Q Okay.

19 A We didn't use those books -- like we used them,
20 but we didn't use them every day. And the reason for
21 that is because she said she didn't want us using such
22 outdated textbooks.

23 Q Did you have any other books that you used in
24 U.S. history?

25 A The books that we read and handouts.

1 Q Were these physical books or were these
2 photocopies of books?

3 A Both. We had the physical book,
4 Jonathan Kozol's "Savage Inequalities." Missouri is just
5 like California. They underfund their schools, too.
6 Those poor kids in East St. Louis have it terrible, worse
7 than us. I didn't think it could get worse, but I read
8 that book, and I could tell you about a savage
9 inequality.

10 But, anyway, we also read "Snow Falling on
11 Cedars," and we had that physical book.

12 As far as handouts go, she mentioned some
13 textbook. It wasn't ours, though. But she mentioned
14 some -- maybe it was ours -- I don't think it was. She
15 mentioned some textbook where she got the photocopies
16 from about like slavery and when slavery first started
17 and stuff like that. So she got those photocopies from a
18 textbook. I don't know which one. And we, each person
19 had their own textbook -- I mean their own photocopy.

20 And then we had something called a reader, which
21 was a whole bunch of like a big, thick thing, this big
22 (indicating). And it had different, like had different
23 works in there, like it had some stuff from Karl Marx in
24 there, from Sigmund Freud in there. It has some works
25 from some Marylou woman, and it's like I guess excerpts

1 library or use a computer to get the information.

2 Luckily, at the house I stayed at when I was
3 taking the class there was a computer there so I could go
4 on the Internet and get what I needed. But others who
5 weren't as fortunate as me to have a computer had to go
6 to the library.

7 Q Do you have a computer at the transitional home?

8 A It's a computer but it didn't have Internet on
9 it, but I can like type stuff.

10 (Whereupon, Mr. Simmons entered the
11 deposition room.)

12 MR. ROSENTHAL: For the record, Shaun Simmons
13 has just joined me.

14 MS. PERRIN: If we can clarify that last
15 question and answer statement. I think she was referring
16 to where she lived before the transitional home with the
17 computer access.

18 BY MR. ROSENTHAL:

19 Q Is that correct?

20 A Yes, at Denise's house.

21 Q That's your cousin, who is your guardian?

22 A Yes, at her house.

23 Q You also said that one of the unfair conditions
24 in your U.S. history classes was that the textbook was
25 outdated?

1 from books they've written. That was -- she like put
2 them all in one thing which we called a reader.

3 Q Do you remember the name of the book that you
4 had to share in class?

5 A No, I don't -- American Odyssey. That's what
6 it's called.

7 Q Is that the only book in the class that you had
8 to share?

9 A The dictionaries, when we used the dictionary.

10 Q Other than American Odyssey and the
11 dictionaries, were there any other books that you had to
12 share?

13 A No.

14 Q You had your own copies of all the other books
15 you used in the class?

16 A The "Snow Falling" and the "Savage Inequalities"
17 and handouts, yes.

18 Q How often did you use the American Odyssey
19 textbook in that class?

20 A Maybe once a week, maybe.

21 Q Did you ever get homework in your history class
22 that required you to use the American Odyssey textbook?

23 A Well, since we didn't use the book that often, I
24 don't know what all was in there. But we did do -- get
25 assigned homework that we would have to go to either a

1 A That's what Ms. Safir said. I never looked,
2 myself.

3 Q When you say the textbook was outdated, are you
4 referring to the American Odyssey textbook?

5 A Yes.

6 Q Were there any other textbooks in that class
7 that you believed were outdated?

8 A Well, we only used the American Odyssey. And
9 "Snow Falling on Cedars," it doesn't matter because it's
10 like a freedom book. "Savage Inequalities," that's a
11 freedom book. And the reader, I don't know when those
12 things were written. I don't know.

13 Q So the only book that you were aware of being
14 outdated was American Odyssey; is that correct?

15 A The textbook, yes.

16 Q And you say that Ms. Safir told you that it was
17 outdated?

18 A Yes.

19 Q Can you tell me what she told you?

20 A She said that -- I can't specifically -- I don't
21 specifically remember. I just know that she said those
22 textbooks were old and outdated.

23 Q Can you describe the condition of the
24 American Odyssey textbook to me?

25 A There was pages missing.

- 1 Q How many pages were missing?
 2 A I don't know approximately. You think I'm going
 3 to sit there and go through every page and see how many
 4 pages was missing?
 5 Q I don't know. Was a lot missing?
 6 A How much was a lot?
 7 Q How much do you think a lot is?
 8 A You tell me.
 9 Q Do you have an understanding of the word "a
 10 lot"?
 11 A Yes. Do you have an understanding of the word
 12 "a lot"? If you do, you should be able to tell me how
 13 many a lot is, right?
 14 Q Unfortunately, I get to ask the questions.
 15 A Okay. Well, I don't know.
 16 Q Did you ever recall using the American Odyssey
 17 textbook in class and not having the page that Ms. Safir
 18 was referring to?
 19 A Yes.
 20 Q Approximately how often would that happen?
 21 A I remember that happening about twice.
 22 Q What did you do as a result of that?
 23 A Went to a different table and used some
 24 different books with some other students.
 25 Q Were you able to follow the lesson on those

- 1 MS. PERRIN: Objection, vague.
 2 THE WITNESS: I told Ms. Safir.
 3 BY MR. ROSENTHAL:
 4 Q What did Ms. Safir say to you?
 5 A "Whew, seriously? I'm going to tell somebody to
 6 clean that up."
 7 Q Do you know if it got cleaned up?
 8 A I don't know. Like I said, I didn't look after
 9 that. After the second time I didn't look.
 10 Q But you never noticed mouse droppings again
 11 afterwards?
 12 A I didn't look afterwards. So I couldn't have
 13 noticed.
 14 Q How did you notice them the first time you saw
 15 them?
 16 A Because I was by the heater.
 17 Q Were you ever by the heater again after that?
 18 A No. I looked over there to see if they were
 19 still there.
 20 Q Were they still there?
 21 A Yes.
 22 Q Did you ever go by the heater again?
 23 A Yes, but I didn't look on the floor.
 24 Q So you don't know if they were ever removed or
 25 not?

- 1 days?
 2 A Yes, as well as I could, because it was now
 3 about eight or nine of us at a table.
 4 Q You also said that you saw some mouse droppings
 5 near the heater in Ms. Safir's classroom.
 6 A Yes.
 7 Q Can you tell me how often you saw mouse
 8 droppings or what you believed to be mouse droppings?
 9 A I saw them about twice. I have no idea if these
 10 were the same mouse droppings and they weren't cleaned
 11 up, or I don't know if they were two different sets of
 12 mouse droppings.
 13 Q Can you tell me when each of the occurrences
 14 was?
 15 A I can't tell you approximate date, no.
 16 Q Do you know if it was the fall semester or the
 17 spring semester?
 18 A No.
 19 Q But during the entire year you only saw mouse
 20 droppings twice?
 21 A Yes. After the first time I saw them, I only
 22 looked once again. So if they were there, I wouldn't
 23 have seen them because I didn't look.
 24 Q Did you do anything as a result of seeing mouse
 25 droppings in the classroom?

- 1 A I don't know.
 2 Q You also said there was one day when the
 3 class -- I'll use your language -- "mourned" because you
 4 heard that the law academy was having some funding
 5 cut; is that right?
 6 A Yes.
 7 Q And that you considered to be an unfair
 8 condition, as well?
 9 A Yes.
 10 Q And that's because why?
 11 A Because, like I said, U.S. history was a very
 12 good class, and that's the class that I probably ever
 13 learnt the most in besides Japanese, which they cut. And
 14 I feel anytime I finally begin to learn something in
 15 these roughed-up classrooms, they start cutting things.
 16 So I don't know if it's a personal attack
 17 against me, hey, but I know that it did 'cause, man, if
 18 -- man, if they cut -- man. Man, man, man.
 19 U.S. history, like I said, I learnt a lot, and
 20 we mourned because we know that the -- when I was in 11th
 21 grade, the 10th graders who probably wanted to be in law
 22 academy when we left, if it was going to get cut, they
 23 weren't going to learn as much as we learned.
 24 And then that hurt because, like I said, in
 25 health ed, when I heard them kids and they can't read,

1 that's a shame. And you go to school all your life and
2 you can't read.

3 Q Was that an unfair condition in your U.S.
4 history class during your junior year at Balboa High, or
5 was it something you were concerned about for later
6 students?

7 A Those concerns were unfair conditions because
8 while I'm doing my work, I'm thinking this might not be
9 available to the future people who like to learn. And
10 then I also thought, well, since this is the only
11 class -- the law academy classes are the only classes I
12 was learning in, and I was scared I wasn't going to learn
13 no more.

14 Q You have given me a number of what you consider
15 unfair conditions that existed in this U.S. history
16 class, right?

17 A Yes.

18 Q But despite those conditions you still learned a
19 lot in this class, didn't you?

20 A Yes, due to Ms. Safir. Not due to anything
21 else. Due to Ms. Safir.

22 Q Did the mouse droppings you saw on the floor
23 affect your ability to learn in U.S. history at all?

24 A No.

25 Q Did Ms. Safir ever tell you why you had to share

1 A Yes. Just because the State failed doesn't mean
2 I have to. The State failed my Spanish class, and I
3 almost failed my Spanish class, too. That's why I got
4 out of my Spanish class. I wasn't about to allow that to
5 happen in any other classes. I simply refused. That's
6 why I'm in the lawsuit.

7 Q Let's move on to your pre-law class.

8 A Sure.

9 Q Can you tell me what unfair conditions you
10 contend exist in that class?

11 A Same as Ms. Safir's U.S. history class. Simply
12 the fact that that was the same classroom, actual room,
13 same teacher. We didn't have pre-law books at all. In
14 fact, I think we used the reader for pre-law. Maybe we
15 used them for both.

16 Q When you say the reader, is that the reader you
17 referred to in connection with the U.S. history class?

18 A Yes. We used that for pre-law also.

19 Q Did you have pre-law immediately after
20 U.S. history class?

21 A This is not in order.

22 Q Okay. Do you recall whether U.S. history and
23 pre-law were consecutive classes?

24 A Yeah, fifth -- no, wait a minute. U.S. history
25 class was third period. Pre-law was sixth period.

1 the American Odyssey textbook in class?

2 A She didn't have to. We saw that there weren't
3 that many.

4 Q Do you know whether Ms. Safir wanted you to
5 share textbooks?

6 A I don't know if she wanted us to share
7 textbooks. I know that there weren't that many
8 textbooks, and that's why we shared.

9 Q Did she tell you that there was a shortage of
10 books?

11 A I saw that there was not as many textbooks as
12 students in the classroom. That's why we shared.

13 Q Can you tell me what your grades were in
14 U.S. history?

15 A My final grade for U.S. History I was an A, and
16 my final grade for U.S. History II was an A.

17 MR. ROSENTHAL: Let the record reflect that the
18 witness is looking at what is marked as Exhibit 3 when
19 testifying regarding her grades.

20 BY MR. ROSENTHAL:

21 Q So you did very well in U.S. history, didn't
22 you?

23 A I got an A in both semesters.

24 Q You got an A, even though there were a number of
25 unfair conditions in this class, right?

1 Q So they were not consecutive?

2 A No.

3 Q But the class took place in the same classroom;
4 both classes took place in the same classroom?

5 A Yes, same teacher.

6 Q Are there any other unfair conditions other than
7 what you have already identified?

8 A No pre-law book in pre-law. I know a couple of
9 our field trips got cancelled because they didn't have
10 enough money. We was supposed to go to the court, some
11 court thing that we didn't get to go to because we didn't
12 have enough money to go.

13 Q Any other unfair conditions in your pre-law
14 classroom?

15 A Excuse me. Not that I can think of, no.

16 Q Did you notice the mouse droppings in your
17 pre-law classroom?

18 A I assume they were still there. I don't think
19 somebody came between third and sixth period and picked
20 them up.

21 Q So the mouse droppings are also an unfair
22 condition that existed in your pre-law class?

23 A Yes, it didn't impede my ability to learn, but
24 I'm pretty sure you didn't have mouse droppings in your
25 classrooms. I know for a fact Marin Academy doesn't have

1 mouse droppings in their school. So why do I have to
 2 have them?
 3 Q You mentioned Marin Academy a few times. Do you
 4 know where that's located?
 5 A Marin.
 6 Q Do you know what county that's in?
 7 A Marin County.
 8 Q Do you have friends that attend that school?
 9 A No.
 10 Q How do you know so much about it?
 11 A Because we went on a field trip just to see the
 12 inequalities between Balboa and Marin Academy. That's
 13 why I love Ms. Safir.
 14 Q Ms. Safir took you on that field trip?
 15 A Yes.
 16 Q What did she tell you was the purpose of this
 17 field trip?
 18 A The inequalities. And we were also doing --
 19 they have a pre-law program at their school and our
 20 pre-law program were doing some things together.
 21 Q Can you tell me when you went on this field
 22 trip?
 23 A I don't know the approximate date.
 24 Q Do you know if it was during your junior year or
 25 your senior year?

1 A It was two separate occasions, actually. I
 2 don't know if it was the fall or spring. But I know one
 3 time we just visited the school and another time it was
 4 an overnight stay. Wait, was it an overnight stay?
 5 Yeah, it was an overnight stay.
 6 Q So there were two trips?
 7 A Yeah, two separate trips.
 8 Q Were both the trips -- can you tell me the
 9 purpose of each of the trips?
 10 MS. PERRIN: Objection, calls for speculation.
 11 MR. ROSENTHAL: Strike that.
 12 THE WITNESS: Okay.
 13 BY MR. ROSENTHAL:
 14 Q Are you aware of the purpose of the trips?
 15 A Well, besides seeing inequalities, I don't know.
 16 Q But Ms. Safir told you it was because of the
 17 inequalities?
 18 A To see the inequalities between Marin Academy
 19 and Balboa High School and then the differences in their
 20 pre-law program and in our pre-law program.
 21 Q Who went on this field trip?
 22 A Our class. Law academy. Mr. DeGuia, Ms. Safir.
 23 I'm trying to remember if Mr. Medina, who was my advanced
 24 algebra teacher, went. He probably did. I'm not sure.
 25 Q You mentioned you had no pre-law textbook; is

1 that correct?
 2 A Yes.
 3 Q Did you have any books in your pre-law class?
 4 A The reader.
 5 Q Any other materials you used?
 6 A The dictionary on occasions.
 7 Q Did Ms. Safir ever tell you that there was a
 8 textbook she wanted to use in connection with the pre-law
 9 class?
 10 A I don't remember.
 11 Q Did she ever tell you that she had no textbooks
 12 in connection with that class?
 13 A I don't remember if she ever said that. I know
 14 we didn't because I never used one. I never saw one.
 15 Q Do you know if there was a textbook that was
 16 supposed to be used in connection with the pre-law class?
 17 A I never used one and I never saw one. That's
 18 all I know.
 19 Q Did everybody get copies of the reader in
 20 connection with the pre-law class?
 21 A Everybody got copies of the reader, and if we
 22 lost the reader we had to pay for another one.
 23 Q And if you lost a book in any other class, did
 24 you have to pay for the book?
 25 A Well, I have to pay for it before graduation or

1 they wouldn't let you graduate.
 2 Q So you had to pay for the book if you lost it at
 3 some point?
 4 A At some point.
 5 Q Did you have to share your reader with anybody?
 6 A No.
 7 Q Were you able to take your reader home with you
 8 every night?
 9 A Yes.
 10 Q Did you receive homework in pre-law class?
 11 A From our reader, yes.
 12 Q And you had your -- you were able to take your
 13 reader home with you to do your homework?
 14 A Yes.
 15 Q You have identified a couple of what you have
 16 called unfair conditions in connection with your pre-law
 17 class, the fact that you had no textbook, the fact that a
 18 field trip was canceled because you believed there was a
 19 lack of money for the field trip, and that you thought
 20 there were also mice droppings in that class.
 21 Are there any other unfair conditions that
 22 existed in connection with your pre-law class?
 23 A Not that I can remember now, no.
 24 Q Can you tell me how those unfair conditions
 25 affected your ability to learn in the pre-law class?

1 A Well, the book -- well, not having a textbook, I
2 probably could have learned more because Ms. Safir is
3 such an excellent teacher. I learned a lot, but I'm
4 pretty sure I could have learned more had I had the
5 textbook.

6 And the mouse droppings didn't affect my ability
7 to learn, but why have mouse droppings in my class? I'm
8 not a mouse. I shouldn't have to sit there with rat
9 pooh-pooh. Come on now.

10 Q And you said previously that Ms. Safir was a
11 very good teacher?

12 A Yes.

13 Q Was she a very good pre-law teacher?

14 A Yes.

15 Q Is she qualified to teach pre-law, in your
16 opinion?

17 A Yeah, I told you before she's very qualified to
18 teach anything.

19 Q Did you learn a lot about pre-law in connection
20 with the pre-law class?

21 A Yes. I learned so much I don't want to be a
22 lawyer anymore.

23 Q So you learned a lot in pre-law despite all
24 these unfair conditions that you've told me about?

25 A Yes.

1 have done better than a [REDACTED] I could have studied from the
2 book at home and did better on the tests, in other words.

3 Q Any other unfair conditions in connection with
4 your chemistry class?

5 A Too many students in there. I believe had less
6 students been in the classroom, I would have been able to
7 learn more because that's the subject that I think I
8 would have needed a little more assistance on. My
9 teacher couldn't assist just me since there was so many
10 kids in that class.

11 Q Any other unfair conditions in your chemistry
12 class that you can think of?

13 A We didn't get to do -- like when I took biology,
14 we had a lot of, like we dissected a lot of things and
15 had a lot of materials to work with. We didn't get to do
16 too many labs in chemistry because the materials and
17 resources weren't available. Like we probably did two
18 labs.

19 And I remember my teacher saying she wanted to
20 do way more than two labs so we could get into chemistry.
21 But resources weren't there, so what could she do?

22 Q Any other unfair conditions in connection with
23 your chemistry class that you can think of, as you sit
24 here today?

25 A Not that I can remember, no.

1 Q Can you tell me what your grades were in
2 pre-law?

3 A First semester I got a [REDACTED] Second semester I got
4 an A.

5 Q Did you deserve [REDACTED] in pre-law?

6 A No, I think I deserved [REDACTED].

7 Q Why do you think you deserved [REDACTED]?

8 A Because I always did my work and I did very good
9 on tests and handed in all my homework. That's why.

10 Q How about second semester, did you deserve the
11 [REDACTED]?

12 A Yes, I did.

13 Q Let's move on to your chemistry class. Can you
14 tell me all the unfair conditions you believe that
15 existed in your chemistry class?

16 A I don't know if this is why -- her shades were
17 always down. I don't know if they were broken. It was
18 always dark in her classroom, always dark.

19 And we didn't have books to take home. The
20 chemistry book, we had chemistry textbooks, but we
21 weren't allowed to take them home to do homework, which
22 made it extremely hard.

23 Chemistry, as you can probably see by the
24 grade -- I had a [REDACTED] in both semesters -- isn't my best
25 class. Had I had the book to take home, I think I could

1 Q Let's take each one of those at a time.

2 You said that the first unfair condition was
3 that the shades were always down and you thought they
4 might be broken.

5 A Yes.

6 Q Do you know if they were broken?

7 A I thought they might be broken. Which means I
8 don't know.

9 Q Did you ever talk to the teacher about it?

10 A No. I talked to my teacher about more important
11 things than a shade, like that there wasn't enough
12 textbooks and if she can do anything, can she please get
13 more textbooks because I needed a book to take home to
14 study.

15 Q Did the fact that the shades were down affect
16 your ability to learn in chemistry at all?

17 A It was always dark.

18 Q Were there lights in the classroom?

19 A There was lights in the classroom, but not
20 enough. It was more dark than light.

21 I'm required to wear glasses now. I wasn't
22 required to wear glasses when I was in elementary school
23 nor in middle school, but when I got to high school, I
24 learnt that I had to wear glasses because whatever. So
25 maybe the darkness affected my eyes. Maybe that's why I

- 1 now have to wear glasses.
 2 Q So you think because the shades were down in
 3 chemistry class, that that may be the reason you need to
 4 wear glasses now?
 5 MS. PERRIN: Objection, misstates her testimony.
 6 She said it may have had some impact. She certainly
 7 didn't say it was the reason.
 8 MR. ROSENTHAL: I don't think that was the
 9 question. I don't think I said that that was the reason,
 10 but that she believed it may have been one of the
 11 reasons.
 12 BY MR. ROSENTHAL:
 13 Q What was your answer to that?
 14 A It may have. Anything is possible. Obviously
 15 anything is possible if I can get into Berkeley despite
 16 going to Balboa.
 17 Q So you thought the chemistry classroom was dark?
 18 A Yes.
 19 Q Did you ever tell the teacher that?
 20 A Yes.
 21 Q What did the teacher do?
 22 A Said, "What am I supposed to do, bring a
 23 flashlight?"
 24 Q Did you ask her to raise the shades?
 25 A Yes.

- 1 Q And what did she say?
 2 A She said (indicating) and shooed me away. I did
 3 a lot of complaining in that class. I complained about
 4 the books a lot because I really needed that book, like I
 5 said before.
 6 You see them [redacted]s? Them [redacted]s don't look good.
 7 Q Who was your chemistry teacher?
 8 A [redacted]
 9 Q And you also said one of the other unfair
 10 conditions was that you were not able to take your
 11 textbook home; is that correct?
 12 A Yes.
 13 Q Did you have your own textbook in class?
 14 A I didn't have to share a textbook.
 15 Q So during class time you had your own individual
 16 book to use?
 17 A Yes.
 18 Q Did anybody have to share books during class?
 19 A I don't know. I didn't.
 20 Q Did you ever hear of anybody having to share
 21 books in chemistry class?
 22 A I don't know.
 23 Q But you say you were not able to take the books
 24 home?
 25 A Yes.

- 1 Q Do you know why?
 2 A Because there weren't enough for -- because our
 3 chemistry class and the other period's chemistry class
 4 shared the same book, like in my health ed class. And so
 5 when I got the book to use -- and chemistry, it was kind
 6 of like a capitalist society; it was dog cat dog. I had
 7 my book. That was all I was worried about.
 8 Q Did you get homework in chemistry class?
 9 A Yes.
 10 Q How often did you get homework?
 11 A Like almost every night.
 12 Q Can you describe for me the kind of homework you
 13 got in chemistry class?
 14 A We would have to -- I don't know what -- we
 15 would have to like do the periodic table stuff and stuff
 16 about chemistry and chemicals.
 17 Q Was it homework that came from the textbook?
 18 A No, we had -- on the overhead projector she
 19 would write questions down that we would have to copy.
 20 And she would write like multiple choice answers that we
 21 had to copy. And then the next day we would turn that
 22 paper in.
 23 Valuable class time was used copying stuff off
 24 the board that could have been avoided had we had enough
 25 money to get textbooks for everybody.

- 1 Q Did she give you handouts for homework?
 2 A No. The only one she gave us, we had a periodic
 3 chart of elements, and that's about it for handouts in
 4 her class.
 5 Q When you did your homework for chemistry, did
 6 you need your textbook to do the homework?
 7 A Yes.
 8 Q Tell me why you needed the textbook.
 9 A It was like the homework would say -- let's
 10 say -- and this is not correct anyway. That's why I got
 11 [redacted] in chemistry. It would say like 2 BC plus 2 AG
 12 equals. I don't know what that stuff means.
 13 Had I had the book I can look up AG and BC and
 14 how to do that type of question. But because I didn't, I
 15 didn't do so well on my homeworks, and then I didn't do
 16 so well on the tests, and then on the grades. As you can
 17 see, I got [redacted]
 18 Q Before giving you homework, did [redacted] teach
 19 the materials that you would then be given homework on?
 20 A No, not at all. A typical day in her class is
 21 we would come in and we would copy literally like 45
 22 minutes to an hour worth of work. Like when I work
 23 notes, we copied so many notes. And then like every
 24 Friday or every other Friday there would be test on the
 25 notes that we took.

1 And then I don't know if the old woman was going
2 senile or what, but there would be stuff on the tests
3 that she didn't have in notes that she gave to us.

4 And then the homework she gave to us, we would
5 have to write it down. I wish I had a book for it
6 anyway, too, because I like to study so I make sure I do
7 well.

8 Q So you took a lot of notes in chemistry class?

9 A A lot.

10 Q Were those notes useful when you did your
11 chemistry homework?

12 A No.

13 Q Did you look at your notes when you did your
14 chemistry homework?

15 A Yes.

16 Q And those didn't help you out at all?

17 A At all.

18 Q But the textbook would have been helpful?

19 A I'm pretty sure it would have.

20 Some of the words in the notes I didn't know
21 what they were. Had I had the textbook, I could have
22 used the glossary.

23 Q And those words were never discussed in class?

24 A No. And I don't have a dictionary at home,
25 unfortunately.

1 because they didn't have a chair?

2 A No. But I didn't hear that they were doing that
3 because they had a chair and didn't want to sit there
4 either. I just saw them sitting on top of sinks.

5 Q Did [REDACTED] say anything?

6 A You couldn't understand half of what [REDACTED]
7 was saying.

8 Q Why is that?

9 A She had a heavy, heavy, heavy accent. And then
10 sometimes when you asked her to repeat what she said, I
11 don't know if she thought you was making fun of her or
12 something, but like you just really couldn't understand
13 her.

14 It's nobody's fault. It's not her fault she's
15 got a heavy accent. Like nobody was blaming her, but she
16 was -- like "Can you repeat that," she didn't want to say
17 it because she probably felt like we was trying to be
18 bothersome.

19 So if she was yelling something across the room,
20 I'm pretty sure -- if she was yelling something to the
21 students to get down, I'm pretty sure I would have known
22 anyway.

23 Q One of the other unfair conditions was that
24 there was not enough materials in class to perform labs?

25 A Yes.

1 Q So [REDACTED] would give you homework that
2 required you to know words that were never discussed in
3 class?

4 A Never.

5 Q You also said there were too many students in
6 chemistry class and you thought that was an unfair
7 condition.

8 A Yes.

9 Q How many were in the class?

10 A Thirty plus.

11 Q Did everybody have their own seat in chemistry
12 class?

13 A I had my own seat. I remember students sitting
14 on the tables by the sinks.

15 Q Do you know why they were sitting on tables by
16 the sink?

17 A No.

18 Q Do you know if they had chairs to sit in?

19 A No, I do not know. I had my chair. That's all
20 I cared about.

21 Q Did you ever hear that students didn't have
22 their own chairs in that class?

23 A I saw that students were sitting on top of the
24 sinks.

25 Q But you didn't hear that they were doing that

1 Q And you said you did approximately how many labs
2 during the school year?

3 A I don't know. Approximately -- I can remember
4 about -- doing about two.

5 Q Did [REDACTED] ever tell you how many labs she
6 planned for the class to do during the school year?

7 A Not a set amount, but she did say that she
8 wanted to do more labs but she couldn't because she
9 didn't have the right stuff to do the labs with.

10 Q Do you remember when she said that?

11 A During class.

12 Q Would you say [REDACTED] is a good teacher?

13 A No.

14 Q Why not?

15 A 'Cuz she get too aggravated too quickly. Like I
16 said, she have a heavy accent and when you asked her to
17 repeat something, she would tell us no because we were
18 trying to make fun of her or something. And we was like
19 okay.

20 Also her style of teaching was problem posed --
21 it's not problem posed. She like, just three or four
22 transparent papers of notes to go on the overhead,
23 that's all we did is copy those notes, and then we'd copy
24 the homework that she wanted us to copy.

25 And then she expected us to pass the test on the

1 Fridays when we took tests. A lot of banking system
2 education going on there, banking system education being
3 where she deposits information, not teaches us
4 information and then withdraws it on test day. But in
5 this bank there was not too much to withdraw.

6 Q Would you say [REDACTED] was qualified to teach
7 chemistry?

8 A No.

9 Q Why isn't she qualified?

10 A For the reasons I just stated. And sometimes we
11 asked her questions and she would say, "I don't know."
12 How you don't know and you the chemistry teacher? What
13 that look like? It's not pretty impressive, not pretty
14 impressive at all.

15 Q You have given me a few examples of how the
16 unfair conditions you identified in connection with the
17 chemistry class affected your ability to learn in
18 chemistry. Can you tell me any other ways that they
19 affected your ability to learn in that class?

20 A I didn't learn in that class, and those are the
21 reasons why. The main reason being that we didn't have
22 textbooks to take home. And, again, I really needed that
23 book so I can study at home.

24 And then also the way she teach with the notes.
25 And we were supposed to pass the test because she just

1 I'm not learning too much in.

2 Q What did she say to you?

3 A She told me that, to study on my own and to tell
4 Ms. Gray and somebody above her, because the only thing
5 she could do is tell them. She couldn't go in there and
6 make [REDACTED] teach us.

7 And then she said that she would also talk to --
8 I remember she said she was going to talk to Mr. Miller,
9 who is my Spanish teacher, when I talked to her about
10 Spanish and chemistry. And I remember she went down
11 there with me to talk to Mr. Miller. And I'm not sure
12 she talked to [REDACTED] or not.

13 Q We'll get to Spanish in a little while.

14 One of the things Ms. Safir told you to do is to
15 talk to Ms. Gray. Did you talk to Ms. Gray?

16 A Yes.

17 Q Can you tell me about that conversation?

18 A When I told her about the chemistry thing, she
19 said that that's the -- [REDACTED] is the teacher and that
20 the way she teach -- like Ms. Gray can't tell her how to
21 teach the class, basically. And that the way she
22 teaching, if I'm not learning anything, I need to discuss
23 it with [REDACTED]

24 And then about Spanish she said that she had
25 gotten a lot of complaints about that class and she was

1 gave us three pages of notes copied. No, I don't
2 understand that at all. Also the fact that the homework
3 she gave us was because we copied the work from the
4 board. Like I said, I needed the book at home to use the
5 glossary to get good marks on my homework.

6 Q Did you tell anybody that you weren't learning
7 chemistry?

8 A Yes.

9 Q Who?

10 A I told Ms. Safir. I told Mr. Chung.

11 Q What did Ms. Safir say to you?

12 A Ms. Safir, she had me do a -- I forgot what it's
13 called, but a thing, thing on the board. And everybody
14 who had the class, we had to mark where we thought we
15 were learning. And this is when we was studying banking
16 education and problem posing education and doing the
17 bipolar relationships between the two.

18 And everybody who took her class put -- signed
19 their name. Like with me, I'm trying to be funny. I put
20 it off the spectrum. But basically everybody put it at
21 the end where it says "banking system education."

22 Q Is that the only time you talked to Ms. Safir
23 about your chemistry class?

24 A No. I talked to her a number of times after
25 class about chemistry and Spanish, about the class that

1 going to try to do something about it.

2 Q After Ms. Gray told you to talk to [REDACTED]
3 about the chemistry class, did you do that?

4 A Yes.

5 Q Can you tell me about that conversation?

6 A [REDACTED] told me that I don't try hard in her
7 class, I don't try. Yeah, she said I don't try hard in
8 her class.

9 And I told her, "I do try hard. I probably try
10 the hardest in your class because it's a class that I
11 don't do as well as the other classes."

12 And she was like, well, like she seen that my
13 effort was improving, but she still don't think I try
14 hard in this class.

15 And I say, "How can I not try hard when all we
16 do is copy notes? Why do you just have us write notes?
17 How come you don't teach us anything?" And I asked her
18 did she know chemistry herself because she wasn't
19 teaching nothing. All she did was write notes. I could
20 have copied notes out of a book and assigned them to
21 people to copy down.

22 And she said yes, she knows chemistry. And she
23 told me to come back later and talk to her. And I took
24 that as a hint that she really didn't want to talk to me.

25 Q So did you talk to her later again?

1 A No.
 2 Q You explained earlier that you talked to
 3 Mr. Chung about the chemistry class; do you remember that
 4 conversation?
 5 A I just told Mr. Chung that [REDACTED] didn't know
 6 what she was doing teaching.
 7 Q What did he tell to you?
 8 A He laughed and said I should teach the class.
 9 And I said the kids really wouldn't learn nothing if I
 10 teach the class.
 11 Q And when you say "I," you mean --
 12 A If I teach the class.
 13 Q -- you, Ms. Jones?
 14 A Ms. Alondra S. Jones. Had I taught the class,
 15 the kids really wouldn't know chemistry. They don't know
 16 it now, but they really wouldn't have learned nothing if
 17 I taught the class.
 18 MR. ROSENTHAL: Let's take a break.
 19 (Brief break.)
 20 BY MR. ROSENTHAL:
 21 Back on the record.
 22 Q Ms. Jones, before we took our break, we were
 23 talking about your chemistry class.
 24 A Yes.
 25 Q Can you tell me what your grades were in

1 chemistry in the second semester?
 2 A Yes.
 3 Q Did you ever talk to [REDACTED] about your
 4 grades?
 5 A Yes.
 6 Q And can you tell me about your conversation with
 7 [REDACTED]?
 8 A All she said was that I was putting in more
 9 effort now, but I had to do better on the tests if I
 10 wanted a higher grade.
 11 Q Is that what she said?
 12 A That's what she said.
 13 Q Did you do better on the tests in the second
 14 semester?
 15 A No.
 16 Q Let's go to your advanced algebra class.
 17 A Yes.
 18 Q Who was your teacher in that class?
 19 A Mr. Medina.
 20 Q Can you tell me what unfair conditions you think
 21 existed in connection with your advanced algebra class?
 22 A The first semester it was very hard to learn
 23 because we had like 40 plus students in the class. And
 24 we had to come to class early if we wanted to get a seat.
 25 And there weren't textbooks. We had to share

1 chemistry?
 2 A First semester I had a [REDACTED] and the second
 3 semester I got a [REDACTED].
 4 Q Do you think you deserved a [REDACTED] in the first
 5 semester?
 6 A Yeah.
 7 Q Do you think you deserved a [REDACTED] in the second
 8 semester?
 9 A No.
 10 Q What do you think you deserved?
 11 A [REDACTED].
 12 Q Why do you think you deserved a [REDACTED]?
 13 A Well, because in -- when I did the first
 14 chemistry I, when I saw that [REDACTED] I was kind of
 15 disappointed because I don't like [REDACTED]s. And so when the
 16 semester started again, I did -- I think I worked just as
 17 hard, maybe even harder, and I did a lot of extra work,
 18 like extra credit work, and I still got a [REDACTED] somehow. I
 19 don't know, but I think I deserved higher than a [REDACTED]. Not
 20 an [REDACTED], though, not an [REDACTED], but at least a [REDACTED].
 21 Q You testified earlier, though, that you didn't
 22 think you learned chemistry in the chemistry class; is
 23 that correct?
 24 A Yes.
 25 Q But you still believe you deserved a [REDACTED] in

1 textbooks like -- well, when there was more than 40, we
 2 had to -- like four or five to a textbook. And we did
 3 homework the same way with the -- in [REDACTED]s class.
 4 He would put like ten problems on the board and we would
 5 copy down the problems, and then when we got home, do the
 6 problems for homework and turn them in the next day.
 7 Besides not enough textbooks and so many
 8 students, I don't remember any other unfairness. It was
 9 never unbearably hot. It was never unbearably cold. I
 10 didn't remember seeing any mouse droppings.
 11 Let's see.
 12 Q Is that all you remember?
 13 A That's all I remember.
 14 Q Let's take each one of those separately that you
 15 said. During the first semester there were 40 plus
 16 students in the class?
 17 A Yes. But he dropped some of the kids. He said
 18 he had to. There was no way he could teach with 40 plus
 19 students in the classroom, no way we can learn with 40
 20 plus students in the classroom, and no way he can sit 40
 21 plus students in the classroom, which he couldn't, cause
 22 students were sitting everywhere, on the floor, on top of
 23 the file cabinets, on his desk, at his desk. Some kids
 24 even got chairs from out other classrooms to sit. I mean
 25 that class was packed.

- 1 Q Did some students drop the class?
 2 A No. He dropped the students.
 3 Q What do you mean by that?
 4 A He told, I guess, Ms. Gray or whoever deals with
 5 that that he couldn't take all those kids and that the
 6 average -- and this is funny. He told us that the
 7 average classroom had about 34.5 students. I don't know
 8 where .5 come from. You got half a kid in there? I
 9 never got that. I never got that, but like the average
 10 classroom had like 34 students and -- something like
 11 that.
 12 And then -- but he said he just, he couldn't --
 13 like it was like 47 kids maybe. He said he absolutely
 14 could not have done that. There was no way. And he
 15 didn't have a teacher's assistant either. It was like he
 16 was a one-man show there, and he couldn't do it.
 17 Q So at some point were some students transferred
 18 out of the class?
 19 A Yes. Well, I don't know if they went into some
 20 other math class at that point. I just know that they
 21 were dropped from his class.
 22 Q Do you know how a determination was made as to
 23 which students would no longer be in the class?
 24 A Well, I believe me and some other students got
 25 to stay because we were in law academy and some other

- 1 than 40 students?
 2 A No. There was like maybe like 30, 25 to 35.
 3 But then by the end of the week there was 40 something
 4 students because they kept adding them in the class.
 5 Q But after a couple of weeks or within a month a
 6 certain number of students were transferred out of the
 7 class?
 8 A A certain number were transferred out of the
 9 class, yes. I'm thinking it was less than a month. It
 10 might not have been. I'm thinking it was less than a
 11 month. I don't want to say that's the exact number.
 12 Q Is that your best estimate?
 13 A As best I can remember now, yes.
 14 Q After that period of time that you estimate to
 15 be about less than a month, how many students were left
 16 in the class?
 17 A Maybe 25 to 35.
 18 Q When the class size was reduced to between 25
 19 and 35 students, did everybody have their own seat?
 20 A Yes.
 21 Q Did everybody have their own seat when there
 22 were more than 25 to 35 students in the class?
 23 A No. I remember this girl sat on her boyfriend's
 24 lap.
 25 Q And the period of time that there were not

- 1 kids who stayed that weren't in law academy, and I don't
 2 know how they got to stay.
 3 Q Do you know if students in law academy were
 4 given priority?
 5 A I guess so, since we got to automatically stay.
 6 Q Okay.
 7 A He worked with the law academy a lot, so
 8 probably that's why.
 9 Q Do you recall for how long there were more than
 10 40 students in Mr. Medina's advanced algebra class?
 11 A I don't know approximately, but I would say less
 12 than a month.
 13 Q And was the time period when there were more
 14 than 40 students in the class from the beginning of the
 15 semester?
 16 A Yes.
 17 Q Do you know approximately how many students were
 18 transferred out of the class?
 19 A No. I think it was about 25 students, like the
 20 last amount. But when we first -- like the first day of
 21 class, it was like maybe 25 to 30 students in there. And
 22 then like by the end of the week more students kept
 23 getting added, kept getting added, kept getting added
 24 like that.
 25 Q So in the first day of class there were not more

- 1 enough seats in the class was limited to what you
 2 estimated as a period of time less than a month?
 3 A About a month or so, I think.
 4 Q After the number of students were transferred
 5 out of the class for the remainder of the school, were
 6 there enough seats for all the students that were in the
 7 class?
 8 A When everybody came to class, there was just
 9 enough. There wasn't an extra seat left.
 10 Q But everybody had their own seat?
 11 A Yes.
 12 Q And you also mentioned that you had to share
 13 textbooks in your advanced algebra class.
 14 A Yes.
 15 Q Can you tell me how many textbooks there were
 16 for the class?
 17 A I don't know.
 18 Q You said earlier that there were approximately
 19 four to five students per book?
 20 A Yes.
 21 Q Is that when there were more than 40 students in
 22 the class or when there was between 25 and 35 students in
 23 the class?
 24 A When there was more than 40.
 25 Q I think you also said before there was about 47

- 1 students. Is that your best estimate?
 2 A My best estimate, it could be more than 47, it
 3 could be less than 47, but I know it was more than 40.
 4 Q Could it have been more than 50?
 5 A It could have been. I didn't think it was that
 6 many people in there, but it could have been. I really
 7 don't know.
 8 Q Did you have to share textbooks in your advanced
 9 algebra class for the entire school year?
 10 A Yes.
 11 Q After the class was reduced to between 25 and 35
 12 students, with how many people did you have to share your
 13 textbook?
 14 A Like myself and a partner.
 15 Q So you shared with one other person?
 16 A Yes.
 17 Q Did everybody in the class share with one other
 18 person?
 19 A Some shared with like maybe three people.
 20 Q They shared with three other people or a total
 21 of three people shared one book?
 22 A A total of three people shared one book.
 23 Q Were you able to take your advanced algebra
 24 book home with you?
 25 A No.

- 1 Q Did you receive homework in advanced algebra?
 2 A Yes.
 3 Q Can you tell me what kind of homework you got in
 4 advanced algebra?
 5 A Math problems we copied off the overhead or we
 6 copied out the book too, sometimes.
 7 Q Were they problems about algebra that you had
 8 been learning about in class?
 9 A They were algebra problems. Same type of stuff
 10 we was doing.
 11 Q Same type of stuff you were doing in class?
 12 A Yes.
 13 Q Did you take notes in class?
 14 A No.
 15 Q Why not?
 16 A Never gave us notes.
 17 Q So when Mr. Medina was teaching you about
 18 algebra, you didn't take any notes?
 19 A No, we just did the work.
 20 Q Do you think that if you took notes, it would
 21 have helped you to do homework?
 22 A I mean I got it kind of. So it would have
 23 helped me do better on the tests. I did well enough on
 24 the homework, but I think it would have helped me do
 25 better on the tests.

- 1 Q Taking notes would have helped you do better on
 2 the tests?
 3 A Taking notes and having the book to take home so
 4 I could study for the test.
 5 Q You didn't need the notes to do your homework?
 6 A No.
 7 Q You didn't need the textbook to do your
 8 homework?
 9 A For the most part, no.
 10 Q What do you mean "for the most part"?
 11 A Like I did -- I'll write on the homework, for
 12 myself, like say we have 15 problems, I did 12 right and
 13 then I say three wrong, so I consider that doing well
 14 enough.
 15 Q Did you get the three wrong because you didn't
 16 have the textbook?
 17 A I don't know why I got the three wrong. Because
 18 I just get them wrong. Maybe if I had the textbook I
 19 would have got them all right, I don't know.
 20 Q Might you have gotten the problems right if you
 21 had taken notes in class and used the notes?
 22 A Maybe that, too. I know I would have did 100
 23 percent better on those tests, though, had I had notes
 24 and the book.
 25 Q You said that one of the unfair conditions in

- 1 your algebra class was that there were too many students
 2 for a period of time?
 3 A Yes.
 4 Q Can you tell me how that affected your ability
 5 to learn in advanced algebra?
 6 A Like I couldn't hear what Mr. Medina was saying
 7 all the time because the kids who was sitting on the file
 8 cabinets, their feet were banging against the cabinet and
 9 making that noise and just irritated me. And also I
 10 couldn't hear what the teacher was saying.
 11 And also, like I said before, I can't -- I
 12 can't -- I just can't do it. I can't learn with that
 13 many students there. Maybe some of the other kids could,
 14 but I couldn't learn with all them kids there.
 15 Q Do you learn better in small groups?
 16 A Me, personally, I do, yes.
 17 Q What would you consider to be an ideal class
 18 size for you, personally?
 19 MS. PERRIN: We're talking numbers of students,
 20 right?
 21 MR. ROSENTHAL: Right.
 22 THE WITNESS: Twenty or less.
 23 BY MR. ROSENTHAL:
 24 Q You said that what bothered you about having so
 25 many students in the class was the noise that was created

1 by the students sitting on the cabinets; is that right?

2 A That didn't bother me the most. That bothered
3 me. Mr. Medina said he couldn't -- well, I don't know
4 what he meant by couldn't teach, but he said he couldn't
5 teach with all those students there.

6 I know that the one-on-one attention that I
7 needed and some of the other students needed, we couldn't
8 get that attention, because it's like 40 plus students in
9 the classroom, and there just wasn't enough Mr. Medina to
10 go around.

11 Q But did the noise created by the extra students
12 affect your ability to learn in advanced algebra?

13 A Yes, and the fact that there were so many
14 students there and the fact that I couldn't get the
15 one-on-one attention I needed. All that contributed.

16 Q Did you tell anybody about the noise and how it
17 affected your ability to learn in the class?

18 A I told Mr. Medina.

19 Q What did he do about it?

20 A Started making kids sit on the floor.

21 Q Did the noise stop?

22 A Yes.

23 Q When the class size was reduced to between 25
24 and 35 students, did the noise also stop?

25 A Yes, because we got to sit in the chairs.

1 Q But you personally thought he was qualified to
2 teach algebra?

3 A Mr. Medina was real smart. He was like 22, and
4 he got offers from like heck of computer companies to
5 come work for them. I guess it would have been better
6 for him to stay at Balboa since the computer people are
7 firing everybody. But he's real smart. Like he was 22.
8 He was real smart. 22 or 23. He was real smart.

9 We called him Master Splinter. I don't know if
10 you're familiar with that, but Master Splinter was
11 extremely smart, like Mr. Medina.

12 Q Before you said that he had what you called an
13 emergency credential. Do you know what an emergency
14 credential is?

15 A No. But I remember him saying that that's what
16 he had. And then I remember him saying that he didn't, I
17 guess, have all -- I don't know how that goes, but he
18 didn't have all his teaching credential, so that's why he
19 got fired.

20 Q Is Mr. Medina currently teaching at Balboa High
21 School?

22 A No.

23 Q As a result of taking the advanced algebra
24 course during your junior year, did you learn advanced
25 algebra?

1 Q Were there any kids sitting on the floor at that
2 time?

3 A No.

4 Q Do you think Mr. Medina is a good teacher?

5 A Yes.

6 Q Why?

7 A Because he was nice and he tried to help you as
8 best as he could without giving you the answer. Like,
9 you know, like [REDACTED] he talked like -- if I said "I
10 didn't understand the question" or "I didn't understand
11 what you just said" or "I didn't understand the
12 homework," he would go over the problem that you got
13 wrong with you, like on my homeworks or something, he
14 would go over the problems that we got wrong as much as
15 he could.

16 Q Do you think Mr. Medina is qualified to teach
17 advanced algebra?

18 A I thought he was qualified, but the school
19 didn't think he was qualified. He was, I think, an
20 emergency credentialed teacher, and they had to let him
21 go because he didn't have all his teaching credentials.
22 But when he got his teaching credentials, that they would
23 be glad to take him back because he was like -- it was --
24 once he like left, people started requesting him, and it
25 was in math.

1 A Yeah, I guess. Yeah.

2 Q Did you learn a lot about advanced algebra?

3 A I learned how to do some math stuff, so I guess
4 so, yeah.

5 Q So even though you have identified a number of
6 unfair conditions, it's still your testimony that you
7 learned a lot about advanced algebra?

8 A Yeah, because Mr. Medina taught it. I don't
9 think that -- like they said that Ms. Gray, they said she
10 was real smart, too. And I remember one time she came
11 and was like, you know, just sitting in the class with us
12 one time and that Mr. Medina was like, you know,
13 "Ms. Gray, you come up here and teach."

14 And then she went up there and she was teaching
15 us like a little bit. She did good, not as well as
16 Mr. Medina, but she did good.

17 Q You thought he was a better teacher than
18 Ms. Gray?

19 A She is smart, too, but she's not as smart as
20 Mr. Medina, not in math at least.

21 Q Can you tell me what your grades were in
22 advanced algebra?

23 A [REDACTED]

24 Q Did you deserve those grades?

25 A First semester I think I deserved [REDACTED] and the

1 second semester I didn't do as well on those tests. So I
2 probably did [REDACTED].

3 Q Can you tell me why you think you deserved [REDACTED]
4 in the first semester?

5 A Because that's when we first started and like I
6 really -- every time he assigned something or like we
7 started learning new math concepts, I really got it.
8 I really, really got it.

9 And I did better on the tests than I did in the
10 second semester. And I did all the works and all the
11 homeworks. That's why I deserved [REDACTED]

12 Q So would you say you learned advanced algebra
13 better during your first semester than your second
14 semester?

15 A No. I wouldn't say that. It was about the
16 same, but the second semester I guess it got harder, you
17 could say. So I then didn't start doing so well on the
18 tests. That's when I really started needed the book
19 because I stopped -- I didn't stop getting it, but I
20 didn't get it as much as the first semester. So the
21 second semester is when I could have really used the book
22 to study.

23 Q Could you have used notes to do better, as well?

24 A I think the book would have helped more.

25 Q Why?

1 class.

2 We had a numerous amount of substitutes in that
3 classroom for a while. And during those times we had
4 those substitutes we watched movies in class. We played
5 games in class. We basically had a free period where we
6 did whatever we wanted to. We had different substitutes
7 almost every day.

8 And then we had a final at the end of that. And
9 I don't understand how they could have gave us a final in
10 Spanish when we did not learn a lick of Spanish. I think
11 they really should have tested me on the movies I was
12 sitting there watching.

13 And the thing that I don't get is like when we
14 be in class and the teacher -- the substitute would put a
15 movie on, I would get a book and sit there and try to
16 learn some Spanish. That's what I was in Spanish for.

17 And one substitute -- and I don't remember his
18 name, I don't remember none of their names -- but one
19 substitute was a man, and you know what he told me? "Put
20 that book away, girl, and watch the movie." Can you
21 believe that? Put the book away? I ain't never heard of
22 nothing so stupid in my life, put the book away and watch
23 the movie.

24 I got extremely pissed off at that. And then I
25 asked for a pass to go downstairs and see the principal.

1 A Because the book had examples, and then you can
2 always look in the index and look up other problems like
3 that so you get the hard core explanation of it.

4 Q And you don't think notes would have done the
5 same thing?

6 A No.

7 Q Let's talk about your Spanish class that you
8 took during your first semester, junior year.

9 A Yes.

10 Q Can you tell me about the unfair conditions that
11 you contend existed in connection with that class?

12 A They didn't have enough Spanish books for
13 everybody, meaning we had to share Spanish books in
14 class. And we also couldn't take Spanish books home.
15 The Spanish homework we were assigned, I was unable to do
16 it because I didn't know a lick of Spanish.

17 The Spanish teacher, [REDACTED] I don't feel
18 was qualified to teach Spanish at all because he didn't
19 seem to know too much Spanish himself.

20 He was also absent from class. And when I say
21 absent, I mean I would see him there, but he wouldn't
22 come to my actual period. Like I would see him there in
23 the morning, and then I would see him leaving after
24 lunchtime. And I was like, okay, whatever. And I would
25 see him during fifth period but he just wouldn't be in

1 And that's when I went downstairs and saw Ms. Gray. And
2 I told Ms. Gray that it just wasn't going to work, those
3 different substitutes like that. And why was [REDACTED]
4 never here for our class period when I see him at the
5 beginning of class but he wouldn't just come to our
6 period? Did he not like our period? Was he skipping
7 class on purpose? I didn't understand.

8 And then I told her she needed to come upstairs
9 and regulate on the substitutes because about that
10 substitute teacher telling me to put my book away to
11 watch the movie, no, no, no. That's not going to work.

12 So after that [REDACTED] That's
13 unfair. I haven't had none of my teachers get arrested.

14 [REDACTED]
15 [REDACTED]
16 And then that's when the substitutes really
17 started, because when he would just skip our class, we
18 would have the security guard come and supervise us.

19 And then Ava, the girl I mentioned before, she
20 just came from Burton High School where she had learned
21 Spanish there. She was taking Spanish and she actually
22 learned something there. So she would get up and try to
23 teach us Spanish, but the kids didn't give her too much
24 respect because, A, she was new and, B, she was a
25 student, so only some of us paid attention to her. But

1 then there was only so much she could do with being a
2 student.

3 And one time a substitute -- he used to always
4 smell like alcohol, like drinking alcohol, like beer or
5 wine or whatever. And then one time I was coming from
6 shopping at Old Navy on Fourth and Market, and I saw him
7 with a sign that said, "Why lie, I just want money for
8 beer and crack." And I put a quarter in his cup, and I
9 stood there and looked at him. And he had just been a
10 substitute for my Spanish class like three or four days
11 before, a week before.

12 And I stood there and I looked at him and I'm
13 like, "Do you recognize me?" And he said no. And I
14 said, "You substituted at my school."

15 And he said, "What school?"

16 And I said, "Balboa."

17 He said, "Oh, you were one of my students?"

18 And I said, "Yeah, I was one of your students."

19 And he said, "Off of what class?"

20 And I said, "Spanish."

21 And he said, "What's the teacher's name?"

22 I said, [REDACTED]

23 He said, "Who?"

24 I said, [REDACTED]

25 And he was like, "Spanish, [REDACTED] oh, yeah,

1 I remember you, young lady. I remember you."

2 And I saw him two days later in my class again.

3 That was amazing. Like a crackhead substituting my
4 class.

5 Q You've given me a lot of information.

6 A So you don't have to ask me question by
7 question. You got it all at one time.

8 Q It's not always that easy, but I'll do my best
9 to break some of that down.

10 You said that one of the unfair conditions that
11 existed in connection with your Spanish class was that
12 there were not enough books?

13 A Yes.

14 Q Did students share books in class?

15 A Yes.

16 Q Did you share a book with another student?

17 A Yes.

18 Q Did you share it with one other student?

19 A Yes.

20 Q Did anybody in the class have their own book?

21 A Not that I can remember, no.

22 Q And you say that you were not able to take a
23 Spanish book home?

24 A Yes.

25 Q You also said that you didn't think your Spanish

1 teacher, [REDACTED], was qualified to teach.

2 A Yes.

3 Q Can you tell me why you thought that?

4 A Because he didn't seem to know Spanish. He
5 didn't speak Spanish to us. He assigned book work when
6 he was there. He always skipped our class period, which
7 was highly unprofessional, and he got arrested. I should
8 think that should speak for itself.

9 And he was also -- [REDACTED] was a little out
10 of it. Like he was a little crazy. He was always
11 complaining like about stuff, talking about nobody in
12 like the administration, nobody respected him.

13 And like we would be like, we would be in class
14 or something, and then like a student would say
15 [REDACTED] or something like that, and he would say,
16 "Don't say my first name" and get all hysterical. Like
17 he was a nut basket. Seriously. I don't think they
18 screened him at all. He was like nuts, Looney Toon.

19 Q At some point did [REDACTED] -- strike that.

20 At some point was [REDACTED] no longer your
21 Spanish teacher?

22 A Yes.

23 Q Do you recall when that was, approximately?

24 A It was -- he stopped when all the substitutes
25 started coming.

1 Q Can you tell me when that was?

2 A I don't know, maybe a month or two.

3 Q A month or two into the fall semester?

4 A Yeah. That might not be the approximate number,
5 but I'm thinking it's around that.

6 Q And when [REDACTED] -- strike that.

7 Did you ever get a permanent substitute
8 replacement for your Spanish class?

9 A No, it was different substitutes.

10 Q Can you tell me how many substitutes you had
11 after [REDACTED] left the class?

12 A Yeah, we had the dope fiend, we had --

13 MS. PERRIN: You had what?

14 THE WITNESS: The dope fiend, the crackhead.

15 MR. ROSENTHAL: The nut basket.

16 MS. PERRIN: No, [REDACTED]

17 THE WITNESS: No, [REDACTED] the nut basket.

18 MR. ROSENTHAL: Oh, excuse me, my mistake.

19 THE WITNESS: The dope fiend is the one I saw
20 downtown with the he just wants some crack sign.

21 So we had the crackhead. What's that old black
22 man's name? I don't know. This old black man that
23 couldn't see too well. He thought I was a boy and my
24 hair wasn't even cut thin. I don't know why he thought I
25 was a boy.

1 Rambo is this man who substitutes at our school
 2 a lot. Mr. Ramos but he got a Rambo haircut, so
 3 everybody call him Rambo.
 4 Mr. old man, the crackhead, that lady, Miss,
 5 Miss -- I forgot, but she was there the longest. She was
 6 there for like -- she was the one who gave us the final.
 7 She was there like the last week or so, like the
 8 straight, permanent teacher the last week or so.
 9 BY MR. ROSENTHAL:
 10 Q Did you have different substitutes from the time
 11 [REDACTED] left all the way through the end of the
 12 semester except for the last week when there was what you
 13 have just described, a female permanent substitute?
 14 A Yeah, the lady. I can't remember her name.
 15 Q And she was only there a week?
 16 A A week or so. It might have been more than --
 17 no more than two weeks.
 18 Q Did any of the substitutes instruct you in
 19 Spanish?
 20 A The lady, she tried to do her best. I don't
 21 know her name, but the lady who came there the last two
 22 weeks or whatnot, she tried instructing us in Spanish.
 23 She didn't instruct us in Spanish. She assigned some
 24 work finally.
 25 Q Did she speak Spanish?

1 A When we asked her like, "How would you say
 2 this?"
 3 Q Do you remember her name?
 4 A No, I don't remember her name. Miss something,
 5 Miss something. She was a lady.
 6 Q Did you receive any Spanish instruction between
 7 this lady teaching you and going backwards in time to
 8 when [REDACTED] was teaching you? Did any of the
 9 substitutes between those two teachers instruct you in
 10 Spanish?
 11 A Ms. Cusigh. She's a regular Spanish teacher at
 12 Bal, and she came and she tried to help out maybe once or
 13 twice. And she would just talk to us in Spanish. And we
 14 would have to figure out what she was saying.
 15 Q And other than that you received no other
 16 Spanish instruction between [REDACTED] and the female
 17 permanent substitute who was there for a period of time,
 18 for about a week or two?
 19 A Just Ms. Cusigh and Ava when she tried.
 20 Q Did you think the permanent substitute who
 21 taught your Spanish class was qualified to teach Spanish?
 22 A No.
 23 Q Why not?
 24 A Because -- I mean she did try her best, but she
 25 was too -- like she just sat there, really and will say

1 like, "Oh, you guys do page 93." And then she would just
 2 sit there. And then you ask her a question and that's
 3 when she answered, but she didn't do too much teaching.
 4 She just sat there.
 5 Q So did you think she was a good teacher?
 6 A I wouldn't say good. She was better than the
 7 other substitutes, but I wouldn't call her a good
 8 teacher.
 9 Q Did you learn any Spanish when you were being
 10 instructed by that teacher?
 11 A Hola and como esta.
 12 Q Nothing else?
 13 A I couldn't tell you nothing else in Spanish if I
 14 wanted to.
 15 Q Did you learn more at the time?
 16 A I learned more. I learned hola and como esta
 17 with her. And I didn't learn -- actually, I learned
 18 something about -- the one thing we did do in
 19 [REDACTED]'s class is a project on a Spanish-speaking
 20 country, and I learnt something then.
 21 Q That you did when [REDACTED] was teaching you?
 22 A That's only because I did my own research on it.
 23 That's why I learned, no thanks to him.
 24 Q When there were other substitutes in the class
 25 that were not instructing you in Spanish, what did they

1 instruct you in, if anything?
 2 A How to put the movies in the VCR.
 3 Q So for all the other substitutes who taught the
 4 class you watched movies?
 5 A And like we played games and seven up and tag.
 6 Q Were any of the movies related to Spanish
 7 instruction?
 8 A Not at all.
 9 Q Can you tell me what your grade was in Spanish?
 10 A I got a [REDACTED] or my final grade.
 11 Q Other than what you have already told me, did
 12 you learn Spanish during that semester?
 13 A No, I learned about Cuba, though.
 14 Q You stated that you had a final exam in Spanish?
 15 A Yes.
 16 Q What did that final exam test you in?
 17 A Spanish, stuff I suppose that we should have
 18 learned, stuff that maybe we could have learned had there
 19 been a permanent teacher or had [REDACTED] been sane, but
 20 like it was greetings. I remember greetings and some
 21 days of the weeks on there.
 22 Q How did you do on that final exam?
 23 A How didn't I do? I didn't do well on the final
 24 exam.
 25 Q Did you pass the final exam?

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 Q But you got a [REDACTED] for the course in Spanish?
 5 A Yes.
 6 Q Did you deserve a [REDACTED]
 7 A I mean I don't even think I should have got
 8 graded because we didn't do anything but watch movies.
 9 So I don't even think I should have got graded for that.
 10 I don't know what they were grading me on, whether they
 11 graded me on how well I sat there and watched the movie,
 12 or did they grade me on how well I played tag or heads
 13 up, seven up? I don't know what they graded me on. I
 14 don't know where the [REDACTED] came from.
 15 Q Did you ever tell anybody that you weren't being
 16 instructed in Spanish?
 17 A Yes.
 18 Q Who did you tell?
 19 A Ms. Gray. I told everybody I came across.
 20 Ms. Gray, Mr. Barone. I told Ms. Howard. I told
 21 Ms. Malm. I told everybody.
 22 Q Can you tell me about your conversation with
 23 Ms. Gray about your Spanish class?
 24 A I told --
 25 MS. PERRIN: Objection, asked and answered. I

1 watched, I would have passed. But I don't understand how
 2 they could have tested us, gave a final on some Spanish
 3 we never even saw or heard. And I told him that that [REDACTED]
 4 that was going to -- we would have to do something about
 5 that because if I end up with a [REDACTED] on my report card and
 6 it's not my fault, somebody was going to hear it from my
 7 mouth. And they hearing it now I guess.
 8 Q You just said that no one taught you Spanish.
 9 Didn't [REDACTED] teach you Spanish?
 10 A No.
 11 Q You didn't learn any Spanish with [REDACTED]?
 12 A No. We learned about Cuba when he assigned the
 13 project, but that's, like I said, due to my own research.
 14 Q And when there was a permanent substitute,
 15 didn't you learn Spanish with her?
 16 A Hola and como esta. That is not enough Spanish.
 17 Q And the final exam tested you on Spanish that
 18 you didn't learn at any time during the semester?
 19 A I never seen nor heard.
 20 Q Do you know who put together the final exam?
 21 A I actually don't. And I asked that question to
 22 Mr. Barone, and he told me he didn't know.
 23 Q Do you know if it was the permanent substitute?
 24 A I have no idea.
 25 Q You have one more class in the junior year, and

1 think she already testified about this, but go ahead.
 2 THE WITNESS: I told Ms. Gray that [REDACTED]
 3 was skipping classes and that when I tried to do some
 4 work when the substitute was there, he told me to put the
 5 book down and start watching the movie. And I told her,
 6 "What's the holdup? What happened with all these
 7 substitutes? How come we ain't getting no permanent
 8 teacher?"
 9 And she said she was trying but there's only so
 10 much she can do. But she said a lot of complaints were
 11 being made and that she was really trying.
 12 BY MR. ROSENTHAL:
 13 Q You also said you told Mr. Barone. Can you tell
 14 me about that conversation?
 15 A This was after we took the final, and on -- this
 16 is after we got a progress report or something like that.
 17 And on the progress report it said that I had a [REDACTED] in the
 18 class. And I was highly upset because I'm like, okay [REDACTED]
 19 [REDACTED]
 20 But I don't understand how we could have even
 21 been given a final granted that we didn't learn Spanish.
 22 Nobody taught us Spanish. And I don't understand how
 23 they could test me on Spanish when we didn't do anything
 24 Spanish-related in the class.
 25 I felt that had they tested me on the movies we

1 that's the art class during the second semester.
 2 A Yes.
 3 Q Can you tell me who your teacher was in that
 4 class?
 5 A [REDACTED]
 6 Q Were there any unfair conditions in that class?
 7 A Her.
 8 Q And what was wrong with [REDACTED]?
 9 A Everything.
 10 Q Be more specific.
 11 A She didn't know how to teach. She always yelled
 12 at us and never even told us nothing. She never told us
 13 anything. Her first -- like -- like she would say -- she
 14 wouldn't say, "Oh, take out your art projects." She
 15 would yell, "You better get out your art projects."
 16 And you sit here and look at her with a puzzled
 17 look, "Why are you yelling? I don't understand. Yelling
 18 gives me headaches. Please don't yell."
 19 Q Any other unfair conditions in that class?
 20 A There weren't a lot of art supplies, like we had
 21 to share, like it would be like a box of colored pencils
 22 per one table. And the materials we used, we didn't get
 23 to use a lot of like colors, things to color with in her
 24 class, although we were supposed to. We just used
 25 pens -- I mean, not pens but pencils and paper, and the

1 paper being the same type of paper that we used in
2 Ms. Khodabandelloo's, paper which was old, recycled paper.

3 Q Any other unfair conditions in this art class?

4 A Aside from the paper and us not having no colors
5 and her being an unqualified teacher, a lot of noise. It
6 was dirty in her class. It was the same class as Ms.
7 what's her face's, Ms. Khodabandelloo, so like the plywood
8 and the broken sink and all that good stuff.

9 Those problems were there. But it was less
10 students in [REDACTED] class than in Ms. Khodabandelloo's
11 class, so we all had our own chairs to sit in.

12 Q Any other unfair conditions?

13 A The ceiling, like before. But none than I can
14 think of, no, none other that I can think of, no.

15 Q So as far as the classroom being dirty, as you
16 call it, and the problems with the ceiling, it was the
17 same problems that you have testified to previously from
18 Ms. K's art class?

19 A Like the physical problems, yes.

20 Q You said that you thought [REDACTED] was not
21 qualified. Can you tell me why?

22 A She like, I don't know, she -- I don't know what
23 was wrong with her. Like I said, she yelled a lot. Like
24 she was always yelling for nothing.

25 And some -- like this one little Asian girl, she

1 principles of art, as I did in Ms. Khodabandelloo's class.

2 But I didn't know there was such things as
3 principles of art until I got in Ms. Khodabandelloo's
4 class, and I certainly should have learned that in her
5 class.

6 Q But did you learn how to draw a box in
7 [REDACTED] class?

8 A I already knew. So when she was teaching
9 people how to draw a box, I already did it because I
10 already knew how. I perfected my box in her class.

11 Q So you improved your drawing of a box as a
12 result of her classes?

13 A I perfected my box.

14 Q Is there anything else you learned in her class?

15 A That her -- some of her art got sold. That's
16 about it.

17 Q How many times were you absent from [REDACTED]
18 art class?

19 A We got --

20 MS. PERRIN: Let the record reflect the witness
21 is looking at her transcript.

22 THE WITNESS: Are they trying to say 13?

23 MS. PERRIN: I think so. Do you see where she's
24 pointing?

25 MR. ROSENTHAL: Yes.

1 started crying one time when we got yelled at. I guess
2 she was sensitive, you know. And she started crying
3 because [REDACTED] just yelled at us the whole day.

4 Me, personally, she could have yelled until she
5 couldn't talk no more, it wouldn't have bothered me,
6 besides the headache that she gave me. But that other
7 girl, her feelings was hurt and she started crying
8 because [REDACTED] would yell at everybody like she's
9 somebody's mom.

10 Also, like in Ms. Khodabandelloo's class I
11 learned like some things like principles of art. Like
12 [REDACTED]' class I didn't learn nothing. She just
13 assigned work and we did it, but I didn't learn anything.

14 Q You didn't learn anything by doing the work that
15 she assigned?

16 A No.

17 Q What kinds of work did she assign?

18 A I know for a long time we was learning how to
19 draw a box. It was such a complete waste of time. We
20 spent almost a month drawing boxes.

21 Q That was -- why was that a waste of time?

22 A Well, I had already learned how to draw the box
23 like when she assigned it. That first week I learned how
24 to draw a box correctly. I could have spent that
25 valuable time learning how to draw boxes learning

1 THE WITNESS: I think that says 13.

2 BY MR. ROSENTHAL:

3 Q Were you absent from [REDACTED] art class 13
4 times?

5 A No.

6 Q How many times were you absent?

7 A I was -- I don't know, but it was less than
8 five. Do you know what [REDACTED] did? I sat like in
9 my -- like everybody else sat in tables, but I sat in my
10 own desk like kind of in the hallway by where Ms. Yunis'
11 and Ms. Khodabandelloo's class, like -- well, [REDACTED]
12 class then, it connected like with those doors. I sat
13 kind of right there.

14 And then like when she yelled at us, I'd tell
15 her that she really should stop yelling at us and that it
16 wasn't appropriate to yell at us when you can just tell
17 us things once and that we are young adults so we can
18 listen, and you don't have to yell at us.

19 And then she would get mad that I would
20 basically voice my opinion or take up for some of the
21 kids like the Asian girl who would cry. Like I took up
22 for them. I told her she didn't have to do all that
23 because it was rude, she was making this little girl cry.
24 And she got mad and told me that anytime I got smart with
25 her she would count it as an absence. Like if I got

1 smart with her, she would mark that I was absent from
2 class. So that's where them 13 absences came from.

3 Q How do you know she did that?

4 A Because there are 13 absences on there and I
5 wasn't absent 13 times. And also she gave me a referral
6 once for talking back. And I went down to the counseling
7 office, and Ms. Valieve, my counselor, called [REDACTED]
8 and said, "Well, you didn't send no work with Alondra."

9 And she said, "Well, she doesn't need any work.
10 If she was in class and doing what she was supposed to be
11 doing, she would have did her work."

12 And then Ms. Valieve said, "Okay, well, what am
13 I supposed to do with her?"

14 And she was like, "Well, I just marked her
15 absent since I sent her out, so do whatever you want to
16 with her."

17 So I just ran errands for them.

18 Q Do you know that [REDACTED] marked you absent on
19 other occasions similar to that?

20 A Yeah, when she told me if I got smart with her.

21 Q She would tell you that she was going to mark
22 you absent?

23 A Yes. So I guess I must have got smart 13 times.

24 Q Did you get smart with [REDACTED]

25 A I don't call it getting smart. She called it

1 [REDACTED] work, and I was there to do the work. So had she
2 gave me a [REDACTED] she heard my mouth. She heard my mouth
3 with the [REDACTED] but I think that's the worst she could have
4 done.

5 MR. ROSENTHAL: Let's take a break now and we'll
6 come back in a few minutes.

7 (Brief break.)

8 BY MR. ROSENTHAL:

9 Back on the record.

10 Q Ms. Jones, we've been talking a lot about what
11 you consider to be unfair conditions in your classrooms
12 at Balboa High School. I would like to turn your
13 attention now to the bathrooms at Balboa High School.

14 Do you believe there are any unfair conditions
15 in the bathrooms other than the ones you have testified
16 to already?

17 A Did I say there's no soap?

18 Q I don't think you've testified to that. I
19 think -- and I don't want to mischaracterize your
20 testimony. I think we really just focused on the fact
21 that for a period of time one of the bathrooms was
22 closed.

23 A Okay. Well, there's no soap in the bathrooms
24 and it's nasty, quite unsanitary. I was taught to wash
25 my hands after I use the bathroom, so I think I just

1 that. She had more clout over me because she was the
2 teacher and I was the student, but it wasn't getting
3 smart cause I wouldn't raise my voice. She would be the
4 only one raising her voice. I wouldn't talk to her in a
5 disrespectful tone, being that she was an adult. She's
6 the only one who talked in a disrespectful tone.

7 I just simply told her that it was rude of her
8 to sit there and make that girl cry like that or rude of
9 her to yell at us. Or I raised my hand and said, "Can we
10 learn something in this class instead of just drawing
11 boxes?" That was getting smart.

12 Q You didn't get along with [REDACTED] very well,
13 did you?

14 A No. Actually, I think I got along with her
15 fine. She didn't get along with me.

16 Q Can you tell me what grade you got in
17 [REDACTED] art class?

18 A Art, I got a [REDACTED]

19 Q Did you deserve a [REDACTED]

20 A No.

21 Q What do you think you deserved?

22 A An A. My boxes were perfect.

23 Q Why do you think you got a [REDACTED]

24 A Probably because she didn't like me. But she
25 know she couldn't give me a [REDACTED] because I didn't do [REDACTED]

1 assume naturally that after I use the bathroom at school,
2 I would be able to wash my hands with soap. I was
3 wrong. And then so like all we can do is rinse our
4 hands.

5 And then there's not even like paper towels to
6 use to wipe our hands with. So we have to do this or do
7 this to dry them or wipe them on the clothes (indicating)
8 like this to dry your hands.

9 Q Any other unfair conditions?

10 MS. PERRIN: In the bathrooms?

11 BY MR. ROSENTHAL:

12 Q Concerning the bathrooms?

13 A We had to be escorted with the security guard.
14 And sometimes the security guard isn't available, so we
15 have to hold it, basically, until one becomes available
16 to take us to the bathroom.

17 The bathrooms are locked a lot, and then so you
18 have to get the security guard. The mirror is broke in
19 the bathrooms.

20 I just went to that bathroom recently, too.
21 First time in a month. I think it's the third floor
22 bathroom.

23 Q The third floor bathroom has a broken mirror?

24 A There's no mirror. There's only this much of it
25 at the bottom (indicating).

1 Not all the faucets work. Like there's maybe,
2 let's say, three faucets and one big old sink, and not
3 all those faucets work. I think only one of them works
4 in the entire third floor bathroom.

5 So when you're in the bathroom during passing
6 period and you use the bathroom and there's other girls
7 in the bathroom, too, you have to wait to wash your hands
8 or rinse your hands. And then there would also be a line
9 for, to use the actual bathroom.

10 Q Anything else regarding bathrooms that you
11 consider to be unfair?

12 A They nasty. There's been graffiti on the --
13 like I said, I went in there just recently, and I saw
14 something like some girl put her name and it said "class
15 of '93." So she had to have written that in '93 or
16 before. And if there's graffiti in that bathroom since
17 1993, something is definitely wrong.

18 Q Any other conditions you consider to be unfair
19 regarding the bathrooms?

20 A That smell, that horrible, horrible smell.
21 Besides from that that's all I can think of at this time.

22 Oh, also, like I never had this problem, but
23 I've heard girls complain there's not a -- okay,
24 nevermind, nevermind.

25 Q Is there anything else you have heard of about

1 class time because they got blood on their pants because
2 there's no little machine to buy sanitary napkins.

3 Q But that's never happened to you, right?

4 A No.

5 Q Can you tell me how all of these things you have
6 identified as unfair conditions have affected your
7 condition to learn at Balboa High School?

8 MS. PERRIN: Are we limiting it to bathrooms or
9 talking globally?

10 MR. ROSENTHAL: The list of things she gave me
11 regarding bathrooms.

12 MS. PERRIN: Okay.

13 THE WITNESS: Well, the fact that like I'm not
14 going to go in the classroom with my hands wet, so I have
15 to sit there and air dry them. That's wasting valuable
16 class time, so that's impeding my ability to learn.

17 The smell is not impeding my ability to learn,
18 but it's like the quality of learning and the quality of
19 life there. It's just nasty in those bathrooms. I
20 shouldn't have to walk in the bathroom -- my bathroom at
21 home is clean, so I don't see why I should come to school
22 to a nasty bathroom. That's just nasty.

23 So it doesn't impede my ability to learn except
24 for the fact that I'm missing class time when I'm going
25 to the bathroom.

1 the bathrooms that you consider to be an unfair
2 condition?

3 A It's something, but considering you're a male, I
4 don't feel exactly comfortable saying it. I'm sorry.

5 MS. PERRIN: Can we go off the record for one
6 second?

7 MR. ROSENTHAL: Sure.

8 (Discussion off the record between the
9 witness and her counsel.)

10 MS. PERRIN: We can go back on.

11 THE WITNESS: Okay.

12 BY MR. ROSENTHAL:

13 Q Do you want the question read back?

14 A No.

15 Q Can you answer the question?

16 A Yes. Some girls have complained that they're,
17 like there's no machine or something where they can buy
18 tampons or pads. And they complained about this because
19 like let's say they start their period at school or
20 something like that or they already on it when they come
21 to school and they leak, and they can't buy pads. Like I
22 know a lot of girls who go home like if blood get on
23 their pants or something, they go home.

24 This never happened to me, but I know some girls
25 go home. And that's not fair, like they missing out on

1 Like when I'm waiting for my hands to dry or
2 even like if it's a line when I get to the bathroom --
3 like during passing period the bathrooms are unlocked.
4 So I'll go in the bathroom during passing period, but
5 because there's a long line in both bathrooms and because
6 I'm going to be in line washing my hands, I miss some
7 class time. Like the bell will ring and I miss some
8 class time.

9 BY MR. ROSENTHAL:

10 Q Do you know if there are janitors who clean the
11 bathroom?

12 A There is one janitor, and I don't know if she
13 clean the bathroom. I don't know if -- Balboa has one
14 janitor. And my principal said that we can't afford to
15 hire another one.

16 Q There's only one janitor at Balboa High School?

17 A Yeah, a little Asian lady. She cool, though.

18 Q Does she clean the bathrooms on a daily basis?

19 A I don't know when she clean the bathrooms. But
20 I know, as in my declaration I was talking about the
21 It's It bar and the soiled pad, it was there the whole
22 time. That never got cleaned. So I don't know.

23 Q You say there was an ice cream bar and a soiled
24 pad in one of the bathrooms at Balboa High School for
25 your entire 11th grade year?

- 1 A Yes.
 2 Q And you say that never got cleaned?
 3 A Well, it's cleaned now, but it just got cleaned
 4 when I started 12th grade.
 5 Q During 11th grade it was never cleaned?
 6 A No.
 7 Q Can you tell me what bathroom this was?
 8 A It was the bathroom on the third floor.
 9 Q Of the main building?
 10 A Yes.
 11 Q Did you ever tell anybody about the ice cream
 12 bar and the soiled pad?
 13 A I told them about the ice cream bar.
 14 Q Who did you tell?
 15 A The janitor.
 16 Q And did she do anything about it?
 17 A I don't think she understood me. At least she
 18 got limited English, because she just liked looked at me
 19 and she didn't understand what I was talking about.
 20 Q Did you try to show her?
 21 A Yeah, like I said, "Come with me," and I kind of
 22 touched her arm. And I think she got scared of me so she
 23 didn't really cooperate.
 24 Q Did you tell anybody else?
 25 A Yeah, I told the lady teachers.

- 1 Q Did they do anything about it?
 2 A They said they would talk to somebody. Like I
 3 told Ms. Safir and Ms. Khodabandeloo -- not
 4 Ms. Khodabandeloo. What's her name? Ms. -- not
 5 Khodabandeloo but --
 6 MS. PERRIN: Yunis?
 7 THE WITNESS: No, not Yunis. She wasn't a
 8 teacher. I just knew her like -- Ms. Khodabandeloo?
 9 It's -- I forgot her name. Ms. Safir and another lady
 10 teacher, though, but not one I had her class.
 11 BY MR. ROSENTHAL:
 12 Q Were the soiled pad and the ice cream bar in one
 13 bathroom stall?
 14 A Yeah, like in one stall. Yes.
 15 Q Were there other stalls in that bathroom?
 16 A Yes.
 17 Q Were you able to use other stalls?
 18 A Yes.
 19 Q Were you able to use the stall that had the pad
 20 and the ice cream bar?
 21 A I never used it.
 22 Q Do you recall when you first saw the soiled pad
 23 and the ice cream bar?
 24 A In the 11th grade.
 25 Q Do you remember when in the 11th grade?

- 1 A In the beginning of the school year.
 2 Q And how do you know it was there for an entire
 3 school year?
 4 A Because at the end of the 11th grade I looked to
 5 see if it was still there, and it still be there.
 6 Q And it was the same ice cream bar and soiled
 7 pad?
 8 A Yes, because it was like turned different colors
 9 by then. It mildewed or something.
 10 Q Any other way that the unfair conditions in the
 11 bathroom you've described have affected your ability to
 12 learn at Balboa High School?
 13 A No. No, other than the ones I testified to and,
 14 like I said, the quality, the quality of things. I feel
 15 like a sewer rat going into that bathroom. And then that
 16 goes into the self-esteem thing I spoke about earlier.
 17 MR. ROSENTHAL: I would like to mark this as
 18 Exhibit Number 7.
 19 (Defendant's Exhibit 7 was
 20 marked for identification by
 21 the court reporter.)
 22 BY MR. ROSENTHAL:
 23 Q Do you recognize this document? I can give you
 24 a minute to look at it if you would like.
 25 A I would like a minute.

- 1 Q Okay. Do you recognize that document?
 2 A Yes.
 3 Q Can you tell me what it is?
 4 A It's an article that was in the San Francisco
 5 Weekly.
 6 Q Did you have any part -- did you play any role
 7 in the creation of this article?
 8 MS. PERRIN: Objection, vague.
 9 BY MR. ROSENTHAL:
 10 Q Do you understand the question?
 11 A Yes. I didn't type the article. I didn't tell
 12 her what to write in the article. I didn't tell her what
 13 not to write in the article.
 14 Q Do you know who Bernice Yeung is?
 15 A Yes.
 16 Q Is that how you say her last name?
 17 A Yeah, Yeung.
 18 Q Can you tell me who she is?
 19 A She's the lady who followed me around, the
 20 journalist lady, the lady who wrote the article.
 21 Q Is she a journalist with the San Francisco
 22 Weekly?
 23 A I guess so, since that's the paper it came out
 24 with.
 25 Q How did you meet Ms. Yeung?

1 A I forgot who introduced me to her, but somebody
2 introduced me to her. And she said that she wants to
3 talk to me. And, basically, if it was all right with me,
4 that I had to get a paper signed that she could follow me
5 around school and ask me some questions.

6 Q Was it one of your teachers who introduced you
7 to Ms. Yeung?

8 A I really, really, really don't remember. I
9 just -- I really don't remember.

10 Q Was it one of your attorneys?

11 A No. It was somebody at school.

12 Q An adult at school or a student?

13 A An adult.

14 Q But you don't remember if it was a teacher?

15 A I don't know if it was a teacher. I don't know
16 if it was an administrator.

17 Q Do you remember if it was Ms. Safir?

18 A Ms. Safir. I really don't remember. I know
19 Mr. Barone had introduced me to her, because I guess she
20 went to the office looking for me or something like that.
21 And Mr. Barone is actually the one who introduced me to
22 her, but I don't think that's who the real connection was
23 like made through. He just -- I don't know. I think she
24 just went to the office and was asking about a student,
25 and he maybe happened to be in there.

1 Q Did she go to all your classes with you?

2 A Yes.

3 Q Have you had a chance to read the article that
4 Ms. Yeung put together?

5 A Yeah, I got it.

6 Q I don't mean today. I mean have you read the
7 article at any time?

8 A Yes, I've read it.

9 Q Do you believe it's an accurate portrayal of
10 life at Balboa High School?

11 A Yeah, I guess so.

12 Q Is there anything in the article that you think
13 is not accurate?

14 Do you want a minute to look it over?

15 A I don't know some of the stuff about like my
16 personal life.

17 MS. PERRIN: We don't need to talk about your
18 personal life. I think he's just asking about the
19 school.

20 THE WITNESS: Okay. Yeah, I think you asked me
21 if it's accurate, right?

22 BY MR. ROSENTHAL:

23 Q I'm asking you if there's anything that you
24 thought is not accurate about Balboa that's contained in
25 this article?

1 Q Do you remember when you first met with
2 Ms. Yeung?

3 A I don't know. It has to be before October.

4 Q Did you have an understanding as to why Ms.
5 Yeung wanted to follow you around?

6 A I knew that she wanted to ask me some questions
7 and that she wanted to follow me around to -- about the
8 article she was doing. She didn't really specify what
9 the article was going to be about. She said that the
10 article was going to be about what's going on in the
11 lawsuit, ACLU lawsuit.

12 But like because it's a lot of like personal
13 things about my family in here that I wouldn't have
14 shared with her if I knew she was going to like put it
15 all out like that, I wouldn't have did all that.

16 But as far as I knew, I just thought she was
17 going to be asking me a lot of questions about the ACLU
18 lawsuit and stuff.

19 Q Did you know she was going to publish an article
20 based on what she learned?

21 A No, but I think I could have took initiative to
22 ask.

23 Q How long did Ms. Yeung follow you around for?

24 A She followed me around for like a couple of
25 days, maybe a week.

1 A No, it seems everything is accurate. I think
2 it's right.

3 Q Have you had a sufficient opportunity to look
4 over the article?

5 A No, I mean I've read it a billion times, so I
6 pretty much know what's in here.

7 Q And when you've read it the many times, there's
8 nothing that jumped out at you as being inaccurate
9 regarding Balboa High School?

10 A Yeah, where it says -- oh, page 8: "Having
11 missed a month of school, Alondra ended up with a D in
12 biology, which she made up through night classes."

13 I didn't take biology in night classes. I
14 didn't take it.

15 Q Is that the only inaccuracy concerning Balboa
16 High School in this article?

17 MR. ROSENTHAL: I would like the record to
18 reflect that the witness is reviewing the article.

19 (Witness reviewing the article.)

20 THE WITNESS: Yes, it seems to be correct.

21 BY MR. ROSENTHAL:

22 Q Everything else seems to be correct?

23 A Yes.

24 Q You can put that aside for now.

25 I would like you to take a look at what we've

1 previously marked as Exhibit Number 4, which was your
2 declaration dated February 7th, 2001. Are you familiar
3 with this document?

4 A Yes.

5 Q I would like you to turn to page 3 and focus
6 your attention to paragraph 12. Can you take a minute to
7 read that to yourself.

8 A Yes.

9 Q Can you tell me who your teacher was for modern
10 world?

11 A [REDACTED]

12 MR. ROSENTHAL: Can we go off the record for one
13 second?

14 MS. PERRIN: Sure.

15 (Brief break.)

16 BY MR. ROSENTHAL:

17 We can go back on the record.

18 Q Was [REDACTED] your teacher during your sophomore
19 year at Balboa High School?

20 A Not the entire year.

21 Q Well, you say here in your declaration that you
22 took modern world in the 10th grade here and that was
23 with [REDACTED]

24 A It was -- I got the classes mixed up. It wasn't
25 modern world. It was academic literacy and world lit.

1 to be any minor adjustments like that. But for the most
2 part it's still the same things wrong.

3 But would you like me to take like five minutes
4 so I can tell you?

5 MR. ROSENTHAL: Would you like five minutes to
6 see if you can find any errors?

7 THE WITNESS: Sure.

8 MS. PERRIN: Just to clarify, are you asking her
9 if it's true at the time that she signed it, or are you
10 asking her if it's true now?

11 MR. ROSENTHAL: At the time she signed it.

12 MS. PERRIN: Okay.

13 (Brief break.)

14 (Discussion off the record.)

15 BY MR. ROSENTHAL:

16 Back on the record.

17 Q Do you want the question repeated, Ms. Jones?

18 A No, thank you.

19 Q Did you find any other inaccuracies contained in
20 your declaration?

21 A Yes.

22 Q Can you tell me what those are?

23 A On page 3, paragraph -- I guess it would be ten,
24 on line one, I didn't take two years of foreign
25 language. I took one year of foreign language. Where it

1 Q So modern world was not with [REDACTED]?

2 A No. Academic literacy and world lit. I got the
3 classes mixed up.

4 Q Is paragraph 12 of your declaration inaccurate?

5 A It's true. Just take out modern world and put
6 world lit.

7 Q So you made a mistake in your declaration?

8 A Yeah, where it says modern world it's supposed
9 to be world lit.

10 Q Did you make any other mistakes in your
11 declaration?

12 A I don't know.

13 MS. PERRIN: Objection, asked and answered. I
14 think on the first day you asked her if it was accurate.
15 But you can answer.

16 MR. ROSENTHAL: Understand she's now identified
17 something that was not identified before as being
18 inaccurate, so.

19 MS. PERRIN: That's fine.

20 THE WITNESS: The conditions are the same. The
21 conditions are still horrible and that's not changed,
22 period.

23 As far as the specifics like modern world being
24 world lit, I can sit here, if you give me like five
25 minutes to read the whole thing, and see if there needs

1 says I satisfied the high school requirement, I didn't
2 satisfy the high school requirement. That's why I took
3 Spanish. I didn't take two years of Japanese.

4 Q Any other inaccuracies that you haven't
5 previously told me about?

6 A Number 11, it says we had 53 students in my
7 algebra class. I guess that contradicts my testimony
8 earlier, so I don't know if it was 53, but like I said,
9 around 47. I don't know which one. I don't know.

10 Q Just to clarify, paragraph 11 was referring to
11 your advanced algebra class --

12 A Yes.

13 Q -- with Mr. Medina that we discussed earlier?

14 A Ycs. On paragraph 12 we already discussed that
15 Modern world, that wasn't the right one. It was World
16 lit. That's it.

17 MR. ROSENTHAL: Can I just ask a couple of
18 follow-up questions?

19 MS. PERRIN: Are you okay with that?

20 THE WITNESS: A couple.

21 MR. ROSENTHAL: I promise I won't go for more
22 than two or three minutes.

23 BY MR. ROSENTHAL:

24 Q On paragraph 12, when you say that the
25 teacher got sick, you're referring to [REDACTED] and

1 you're referring to world literature class?
 2 A Yes.
 3 Q At some point did you get a permanent substitute
 4 teacher in that class?
 5 A No, we had a different substitute.
 6 Q At no point did you have a Mr. Wilcox teaching
 7 that class?
 8 A Not -- I had Wilcox for summer school.
 9 Q But he never filled in for [REDACTED] her world
 10 lit class?
 11 MS. PERRIN: On a permanent basis?
 12 THE WITNESS: On a permanent basis, no. He
 13 substituted, but not on a permanent basis.
 14 BY MR. ROSENTHAL:
 15 Q Can you tell me how long he was a substitute in
 16 the world lit class?
 17 A I really don't know, but it wasn't permanently
 18 because I remember Rambo being there. So it couldn't
 19 have been permanent. And I remember a whole bunch of
 20 other people.
 21 Q Just one or two more questions.
 22 In your previous deposition you said you had
 23 received some acceptance letters from colleges. Since
 24 that day have you received any other acceptance letters?
 25 A Yes.

1 Q Can you tell me where you received acceptance
 2 letters?
 3 A I received an acceptance letter to Howard
 4 University this morning.
 5 Q Congratulations.
 6 A Thank you.
 7 Q Did you receive any other acceptance letters?
 8 MS. PERRIN: Since the last time we spoke?
 9 MR. ROSENTHAL: Right.
 10 THE WITNESS: Just Howard.
 11 BY MR. ROSENTHAL:
 12 Q Did you receive any rejection letters since the
 13 last time we spoke?
 14 A No.
 15 MR. ROSENTHAL: We've agreed to stop here for
 16 the day. Ms. Perrin has agreed to produce Ms. Jones for
 17 an additional day of deposition limiting the amount of
 18 time to three hours, and I've agreed to that.
 19 She's also agreed to undertake a diligent search
 20 for any documents that we've identified during the
 21 deposition that are responsive to the requests that were
 22 served on Ms. Jones and will let me know the results of
 23 that search prior to the continuation of Ms. Jones'
 24 deposition.
 25 Did I accurately state our agreement?

1 MS. PERRIN: Yes.
 2 MR. ROSENTHAL: Let me just put on the closing
 3 stipulations.
 4 MS. PERRIN: We don't do that up in
 5 San Francisco.
 6 MR. ROSENTHAL: Can we stipulate the original of
 7 the deposition will be signed under penalty of perjury,
 8 that the original will be delivered to the office of
 9 Morrison and Foerster, that the reporter is relieved of
 10 liability for the original deposition, that the witness
 11 will have 15 days from the date of the court reporter's
 12 transmittal letter to read and sign and correct the
 13 deposition, that Ms. Perrin shall notify all parties of
 14 any changes in the deposition, and if there are no such
 15 changes communicated or signature, that any unsigned copy
 16 may be used as signed and corrected.
 17 MS. PERRIN: We can stipulate. Two questions,
 18 though.
 19 The first is, we have not been receiving the
 20 transmittal letters from Esquire. So if the court
 21 reporter could be so kind to ensure that those are
 22 delivered with the final transcript, and if you could
 23 also provide us with a correction page.
 24 //
 25 //

1
 2
 3
 4
 5
 6
 7
 8
 9 I, ALONDRA JONES, do hereby declare under penalty
 10 of perjury that I have read the foregoing transcript;
 11 that I have made any corrections as appear noted, in ink,
 12 initialed by me; that my testimony as contained herein,
 13 as corrected, is true and correct.
 14 EXECUTED this ___ day of _____,
 15 2001, at _____,
 (City) (State)
 16
 17
 18
 19 ALONDRA JONES
 20 Volume 2
 21
 22
 23
 24
 25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: _____

PATRICIA C. STEPHENS
CSR No. 10058