

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

ELIEZER WILLIAMS, et al.,) Case No. 312 236
Plaintiffs,) Pages 1 - 232
VS.) VOL. I

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

_____)
AND RELATED CROSS-ACTION.)
_____)

DEPOSITION OF TRAVIS KIEL
TAKEN ON
WEDNESDAY, MAY 30, 2001

REPORTED BY: ASHALA TYLOR, CRR, RPR, CSR No. 2436
CERTIFIED REALTIME REPORTER

1 Deposition of TRAVIS KIEL, taken on behalf of
2 the Defendants at 400 South Hope Street,
3 Los Angeles, California, on WEDNESDAY, MAY 30,
4 2001, at 9:45 A.M., before ASHALA TYLOR,
5 CSR No. 2436, RPR, pursuant to Notice.

6
7 APPEARANCES:

8
9 FOR PLAINTIFFS:

10 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
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16
17 FOR STATE OF CALIFORNIA:

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23
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1 I N D E X

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3 WITNESS EXAMINATION PAGE
4 TRAVIS KIEL (By Ms. Strong) 5

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9 EXHIBITS (None offered.)
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1 A P P E A R A N C E S (continued)
2
3 FOR LOS ANGELES UNIFIED SCHOOL DISTRICT:
4 LOZANO SMITH
5 BY: JAMES B. FERNOW, ESQ.
6 2800 28th Street
7 Suite 240
8 Santa Monica, California 90405-2934
9 (310) 382-5300

10
11 ALSO PRESENT: ADAM WOLF, INTERN (ACLU)
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1 LOS ANGELES, CALIFORNIA
2 WEDNESDAY, MAY 30, 2001; 9:45 A.M.

3
4 TRAVIS KIEL,
5 having been first duly
6 sworn, was examined and testified
7 as follows:

8
9 EXAMINATION

10
11 BY MS. STRONG:

12 Q. Good morning, Mr. Kiel.
13 A. Good morning. How are you?
14 Q. Fine.

15 My name is Sabrina Strong, and I represent
16 the state of California in this litigation. Would
17 you please state and spell your full name for the
18 record, please.

19 A. My name is Travis Kiel. It's spelled
20 T-r-a-v-i-s, K-i-e-l.

21 Q. Have you ever had your deposition taken
22 before?

23 A. In my life, yes.

24 Q. Okay. And when was that?

25 A. Oh, 10, 12 years ago. Nothing pertaining

1 to this matter.

2 Q. Okay. But you're familiar with how the
3 process works then?

4 A. (Unreportable response.)

5 Q. I'm going to go ahead and go over some of
6 the ground rules for today and explain to you
7 what's going on in case you don't remember --

8 A. Okay.

9 Q. In case you don't remember how this
10 process works.

11 A. Okay.

12 Q. I'm going to be asking you a series of
13 questions today. And the purpose of this
14 deposition is to learn about what you know about
15 this case.

16 The court reporter will be taking down all
17 the questions and answers given. They will be
18 transcribed into a booklet. You'll be given this
19 booklet to review after the deposition. And at
20 that time you will have an opportunity to make any
21 changes that you feel are appropriate to that
22 deposition transcript.

23 However, if you do make any changes at
24 that time, any of the attorneys in this action will
25 be able to comment upon those changes.

1 assume that you do and your answers will be
2 interpreted as if you had understood the question
3 that was asked.

4 Okay?

5 A. Okay.

6 Q. You're required to answer my questions to
7 the best of your ability. None of us here want you
8 to guess as to any of the answers today but we are
9 entitled to have your best estimate.

10 Do you understand that?

11 A. Yes, I do.

12 Q. Okay. Because your testimony will be
13 given under oath, it will have the same force and
14 effect as if you were testifying in a court of law.

15 You are, therefore, subject to all the
16 penalties of perjury for your testimony today. I
17 know that we are in an informal setting, but it is
18 important that you are aware of this.

19 Do you understand that?

20 A. Yes, I do.

21 Q. Okay. If you need to take a break for any
22 reason, please let me know. This is not an
23 endurance test. We can go off the record and take
24 a break at any time. Okay?

25 A. Okay.

1 Do you understand that?

2 A. Yes, I do.

3 Q. Okay. Accordingly, it's important that
4 you give your full and most accurate testimony here
5 today.

6 A. Okay.

7 Q. It's also important that you verbalize
8 your answers as nods of the head or shakes of the
9 head are not recordable by the court reporter.

10 A. Okay.

11 Q. So it's important -- exactly. It's
12 important that you say yes and no.

13 Do you understand that?

14 A. Yes, I do.

15 Q. Okay. It's also important that we have a
16 clear record. So it is important that you let me
17 finish my questions before you begin your answer
18 and I will do my best to let you finish your answer
19 before I begin with the next question.

20 Do you understand that?

21 A. Yes, I do.

22 Q. If at any time you do not understand one
23 of my questions, please let me know that you do not
24 understand the question. If you do not let me know
25 that you do not understand the question, I will

1 Q. If at any point during today's deposition
2 a question that I ask or an answer that you are
3 giving triggers your memory as to some facts or
4 events that are relevant to any prior question,
5 please let me know that and we can go back and fill
6 in those -- that information to the extent that you
7 remember it at that time. Okay?

8 A. Okay.

9 Q. Is there any reason why you may be unable
10 to give your best testimony here today?

11 A. I don't think any that would be accepted.
12 No, I don't think so -- I can't think of any reason
13 why I can't.

14 Q. Given that answer, let me go on with the
15 next question.

16 MR. ROSENBAUM: You can try.

17 BY MS. STRONG:

18 Q. Have you consumed any medication, alcohol
19 or any other substance that would cloud your mind.

20 A. Just coffee.

21 Q. Does coffee have any affect on your
22 ability to answer my questions here today?

23 A. No, it doesn't.

24 Q. Okay.

25 MR. FERNOW: Make sure she finishes the

1 question.
 2 THE WITNESS: Thank you.
 3 MR. FERNOW: (Addressing the reporter) Is
 4 he speaking loud enough for you?
 5 (Off the record discussion.)
 6 BY MS. STRONG:
 7 Q. Where do you live, Mr. Kiel?
 8 A. I live in [REDACTED]
 9 Q. [REDACTED]
 10 A. [REDACTED]
 11 Q. Can you describe your educational
 12 background for me? For example, where did you go
 13 to college?
 14 A. I got my undergraduate degree at Tuskegee
 15 Institute in Alabama. And I worked on my
 16 credential and master's at Pepperdine and UCLA.
 17 Well, I graduated from Pepperdine.
 18 Q. Okay. And when was that?
 19 A. In 196 -- in 1972.
 20 Q. That was your master's degree?
 21 A. Yes, master's degree.
 22 Q. From Pepperdine?
 23 A. Right.
 24 Q. Do you have any teaching credentials then?
 25 A. Yes, I do. I have a standard teaching

1 Q. Okay. So are you the individual
 2 responsible for the educational program at Crenshaw
 3 High School?
 4 A. Yes, I am.
 5 Q. Are you responsible for the students
 6 achievement at your school as well?
 7 MR. FERNOW: Objection. Vague and
 8 ambiguous.
 9 BY MS. STRONG:
 10 Q. Are you responsible to see that the
 11 students achieve at your school?
 12 MR. FERNOW: Objection. Vague.
 13 THE WITNESS: I --
 14 MR. FERNOW: If you understand the
 15 question, go ahead and answer.
 16 THE WITNESS: I'm responsible to see that
 17 the instructional program is provided for the
 18 students.
 19 BY MS. STRONG:
 20 Q. Okay. So included in that you are
 21 responsible for ensuring that there are adequate
 22 textbooks and supplies for the students?
 23 A. I would think that that was my
 24 responsibility, yes.
 25 Q. And that the bathrooms on the campus are

1 credential and an administrative credential.
 2 Q. When did you receive your standard
 3 teaching credential?
 4 A. In '72.
 5 Q. When did you receive your administrative
 6 teaching credential?
 7 A. '75.
 8 Q. Okay. What is your current job title?
 9 A. I'm the principal of Crenshaw High School.
 10 Q. When did you start as principal of
 11 Crenshaw?
 12 A. In '98.
 13 Q. Can you please describe your duties as
 14 principal of Crenshaw High School?
 15 A. Well, the primary duties of the principal
 16 is to hire staff to evaluate, to -- to be the
 17 instructional leader and various duties and
 18 responsibility with the district. It's a long
 19 laundry list of duties and responsibilities. You
 20 can refer to the document if you want the details.
 21 I can't --
 22 Q. Do you have that document with you?
 23 A. No, I don't.
 24 Q. Is that in your office?
 25 A. It's at the school site.

1 cleaned and stocked on a regular basis?
 2 A. I'm the manager of the school. I'm the
 3 principal of the school. We have managers for all
 4 aspects of operation of the school. And my -- I am
 5 responsible for the total school operation. If
 6 someone called for any particular procedure at the
 7 school being followed, they would call the
 8 principal first.
 9 Q. With respect to bathrooms being cleaned
 10 and stocked, is it correct to say that there's
 11 someone else that oversees that on a daily basis,
 12 however, you are ultimately responsible for that at
 13 the school site, is that correct?
 14 MR. ROSENBAUM: Objection. Vague as to
 15 ultimately responsible. Do you mean is he
 16 responsible for providing the funds to build
 17 bathrooms? Is he responsible for having all the
 18 resources that require it? I think your question
 19 is way too vague. And I restate that question, for
 20 textbooks, do you mean is he responsible for
 21 picking the textbooks? Is he responsible --
 22 MS. STRONG: Okay.
 23 MR. ROSENBAUM: -- for paying the money
 24 for the textbooks?
 25 MS. STRONG: I think you made your

1 objection clear for the record.
 2 Q. You can answer the question.
 3 A. Once again, I'm responsible to make sure
 4 that there's a program in place to clean the
 5 bathrooms.
 6 Q. Okay.
 7 A. Okay.
 8 Q. And to stock the bathrooms as well?
 9 A. I'm not responsible to stock the -- I
 10 don't put paper towels in the bathroom.
 11 Q. I understand that. But when --
 12 A. I need to clarify that point, okay?
 13 Q. I understand that.
 14 So although someone else oversees the
 15 stocking of bathrooms on a regular basis, you are
 16 the one that ensures that there's a program in
 17 place or that there is someone at your school site
 18 that is doing that on a regular basis; is that
 19 correct?
 20 A. That is correct.
 21 Q. And you're also in that same regard
 22 responsible to see that there is sufficient
 23 facilities, bathroom facilities, available to your
 24 students to use on a regular basis, correct?
 25 MR. ROSENBAUM: Same objection. Same

1 objection. Vague and foundation. Your question is
 2 too unclear.
 3 Do you mean is he responsible for building
 4 the bathrooms? Is he responsible for having enough
 5 resources for the bathrooms? Is he responsible?
 6 It's way too vague.
 7 BY MS. STRONG:
 8 Q. You can answer the question.
 9 A. I'm responsible to see that rest room
 10 facilities are open so that students can use them.
 11 Q. Okay. And are you responsible for
 12 ensuring that there are no problems with rats, mice
 13 or other pets on your campus?
 14 MR. ROSENBAUM: Same objection. It's way
 15 too vague. These questions are way too vague as to
 16 what you mean by responsibility for it.
 17 MR. FERNOW: And I'll join that objection,
 18 too.
 19 BY MS. STRONG:
 20 Q. You can go ahead and answer to the extent
 21 you can.
 22 A. Once again -- and I can only answer by
 23 using an example -- I'm the principal of the
 24 school. There are plant managers. If there's a
 25 complaint that's made, we have a policy and a

1 procedure for dealing with any problems of that
 2 nature.
 3 Q. Okay. And you see that the policies and
 4 procedures are in place at your school and that
 5 they are carried out; is that correct?
 6 A. That's right.
 7 MR. ROSENBAUM: Objection. Compound and
 8 vague as to "carried out."
 9 MR. FERNOW: Misstates prior testimony as
 10 well and lack of foundation.
 11 MR. ROSENBAUM: I agree with that.
 12 THE WITNESS: I'm the principal
 13 responsible for seeing that other people do their
 14 duties.
 15 BY MS. STRONG:
 16 Q. Okay. And one of those duties, for
 17 example, is to see that if there are mice or rats
 18 seen on your campus, that that problem is
 19 addressed; is that correct?
 20 MR. FERNOW: Objection. Vague and
 21 ambiguous, compound.
 22 MR. ROSENBAUM: I agree.
 23 THE WITNESS: I'm to direct the plant
 24 manager to take care of complaints of rats, roaches
 25 or any other varmints.

1 BY MS. STRONG:
 2 Q. Okay. Have you had any problems in doing
 3 that on your schools?
 4 MR. FERNOW: Objection. Vague.
 5 MR. ROSENBAUM: Objection. Vague.
 6 MS. STRONG: We'll come back to this.
 7 Leave it.
 8 Q. Who were the principals at Crenshaw prior
 9 to you?
 10 MR. FERNOW: Objection. Vague as to time.
 11 MS. STRONG: I believe he stated he became
 12 principal in 1998.
 13 Q. Who were the principals at Crenshaw prior
 14 to you?
 15 MR. ROSENBAUM: You mean going back to
 16 when the school opened up?
 17 BY MS. STRONG:
 18 Q. Go ahead.
 19 A. The one principal, Yolanda Anderson, that
 20 I replaced.
 21 Q. And when was Yolanda Anderson at the
 22 school as principal, if you know?
 23 MR. ROSENBAUM: Objection.
 24 THE WITNESS: One year prior to me coming.
 25 BY MS. STRONG:

1 Q. So that was for the 1997 to 1998 school
2 year?
3 A. That's correct.
4 Q. Do you know who was the principal prior to
5 Yolanda Anderson?
6 A. Yes, I do.
7 Q. Who was that?
8 A. Yvonne Noble.
9 MR. FERNOW: It may assist the
10 court reporter if you spelled the names or the
11 individuals that you name, if you know.
12 THE WITNESS: Anderson. You got that?
13 Noble, N-o-b-l-e. First name, Yvonne.
14 BY MS. STRONG:
15 Q. How long was Miss Noble principal at
16 Crenshaw High School, if you know?
17 A. Approximately 5 years. I'm not absolutely
18 certain because she went with illness.
19 MR. ROSENBAUM: I didn't hear the last
20 part of the phrase. She went what?
21 THE REPORTER: "Illness."
22 BY MS. STRONG:
23 Q. Who are the vice-principals at Crenshaw?
24 MR. ROSENBAUM: Now?
25 MS. STRONG: Currently.

1 THE WITNESS: Yvonne Garrison, Ruby Canon,
2 Beth McAdoo. And Doug Pozzo, P-o-z-z-o.
3 BY MS. STRONG:
4 Q. Start with Garrison -- is it Mr. Garrison?
5 A. Mrs.
6 Q. Mrs. Garrison. What is her title?
7 A. She's assistant principal.
8 Q. Okay. What are her responsibilities
9 specifically, if you know is for plant operation,
10 student facilities.
11 A. The plant facilities and student
12 activities.
13 Q. And do you know how long she has been at
14 Crenshaw High in this capacity?
15 A. No, I don't.
16 Q. Do you know if she has been in this
17 capacity for the past 3 years while you have been
18 the principal of the school?
19 A. Yes, she has been.
20 Q. And Canon, is that --
21 A. Yeah, Ruby Canon.
22 Q. Her title?
23 A. She's assistant principal.
24 Q. What are her responsibilities?
25 A. Her responsibilities is to -- is in the

1 instructional piece, to assist with graduation
2 requirements, and she coordinates the science
3 department.
4 Q. Do you know the dates she has been served
5 in this capacity at Crenshaw High School?
6 A. No, I don't.
7 Q. Do you know if she has been serving in
8 this capacity for the past three years while you
9 have been principal?
10 A. Yes, I do.
11 Q. Okay. And Miss McAdoo or McDoo?
12 A. McAdoo.
13 Q. What is her official title?
14 A. Assistant principal counseling services.
15 Q. What are her responsibilities?
16 A. Her primary responsibilities is to ensure
17 that the schedules, the master schedule is done for
18 all students and the kids are programmed properly
19 into their classes.
20 Q. Do you know how long she has been at
21 Crenshaw High School in this capacity?
22 A. Yes.
23 Q. How long is that?
24 A. Two and a half years.
25 Q. She began in 1999; is that correct?

1 A. Yes.
2 Q. And is it the fall of 1999?
3 A. No. It was -- yeah, it was the fall of
4 1999. I hired her.
5 Q. Okay. And Doug Pozzo, what is his
6 official title?
7 A. He's assistant principal of student
8 services. Assistant principal. APSS.
9 Q. And what are his responsibilities?
10 A. His responsibilities is discipline,
11 attendance.
12 Q. Do you know how long he has been at
13 Crenshaw High School at the campus?
14 A. No, I don't.
15 Q. Do you know if he has been serving in that
16 capacity at Crenshaw High School in the past 3
17 years since you have been principal at the
18 high school?
19 A. Yes, she has been serving in the past 3
20 years that I was there, yes.
21 Q. When did you begin to work for LAUSD?
22 A. In 1969.
23 Q. Okay. What was your first position with
24 LAUSD?
25 A. Classroom teacher.

- 1 Q. Okay. What school was this at?
 2 A. Carver Junior High School.
 3 Q. And what was your title there? Teacher?
 4 A. Teacher.
 5 Q. How long were you at Carver Junior High
 6 School for?
 7 A. Seven years.
 8 Q. And what -- what grades were you teaching?
 9 A. 7th, 8th and 9th.
 10 Q. What subject matter did you teach?
 11 A. I taught industrial arts, metal shop and
 12 physical education.
 13 Q. Why did you leave Carver Junior high
 14 School?
 15 A. To widen my experiences to become an
 16 administrator.
 17 Q. What was your next position after Carver
 18 Junior High School?
 19 A. I was administrative dean.
 20 Q. What school were you at when you were
 21 administrative dean?
 22 A. Porter Middle -- well, Junior High.
 23 Q. Did you start at Porter Junior High in
 24 approximately 1975, is that correct?
 25 A. Probably '78.

- 1 Q. Okay. And how long were you at Porter
 2 Junior High as administrative dean?
 3 A. Six years.
 4 Q. What were your responsibilities as
 5 administrative dean at that school?
 6 A. Attendance, discipline. The PWT program.
 7 Q. What is that?
 8 A. That's permit with transportation.
 9 Students that was bussed from the inner city to the
 10 valley.
 11 Q. Any other responsibilities that you can
 12 identify?
 13 A. Assemblies. That's all I can recall.
 14 Q. Why did you leave Porter Junior High
 15 School?
 16 A. The enrollment fell beneath the
 17 requirements for that position.
 18 Q. What was your next position?
 19 A. Monroe High School in the same position.
 20 Q. Administrative dean?
 21 A. Right.
 22 Q. How long were you at Monroe High School in
 23 the capacity as administrative dean?
 24 A. Three years.
 25 Q. Did your responsibilities change much from

- 1 what you described at Porter Junior High School
 2 when you were an administrative dean at Monroe High
 3 School?
 4 A. Just one. I was responsible for the
 5 bilingual program at that time. But other than
 6 that, the position -- the duties pretty much
 7 remained the same.
 8 Q. Why did you leave Monroe High School as
 9 administrative dean?
 10 A. I was promoted to assistant principal.
 11 Q. Okay. And where did you first serve as
 12 assistant principal within the LAUSD?
 13 A. Crenshaw High School.
 14 Q. Do you remember what year this was?
 15 A. 1984.
 16 Q. And how long were you assistant principal
 17 at Crenshaw High School?
 18 A. Eight years.
 19 Q. What did you do after you were assistant
 20 principal at Crenshaw Junior High School?
 21 A. I was promoted to principal.
 22 Q. And where did you serve as principal?
 23 A. Audubon Middle School. Well, at that time
 24 it was a junior high. But while I was there it
 25 became a middle school.

- 1 Q. What were your responsibilities as
 2 principal at the middle school, Audubon?
 3 A. My responsibilities was to hire teachers
 4 to manage the facility, to provide instructional
 5 programs for students, and to see that teachers was
 6 teaching children.
 7 Q. Okay. How long were you at Audubon Middle
 8 School as principal?
 9 A. Six years.
 10 Q. And why did you leave Audubon Middle
 11 School?
 12 A. I was asked to leave by the
 13 superintendent.
 14 Q. Okay. At that point did you go to
 15 Crenshaw?
 16 A. Crenshaw High.
 17 Q. As principal?
 18 A. Yes.
 19 Q. In your current position?
 20 A. Correct.
 21 Q. What were your responsibilities as
 22 assistant principal at Crenshaw High School back
 23 starting in 1984?
 24 A. I was responsible for the athletic
 25 program, the plant. The ultimate decisions on

1 discipline. However, the APSS reported to me for
2 discipline, but I was responsible for the
3 discipline and activities, student body activities.
4 Those are the major functions and other duties as
5 assigned.

6 Q. When you say you were responsible for the
7 plant, what do you mean by that?

8 A. To work with the plant manager, to be the
9 liaison between the plant manager and the teachers
10 for seeing that repairs were done. For large
11 projects, such as painting the entire school, I had
12 to coordinate the painting, the moving of rooms,
13 what have you. So any major contracts, worked with
14 the contractors to ensure that the work was being
15 done in a manner for safety for students and staff.

16 Q. Are there main paint projects that you
17 recall that took place while you were
18 vice-principal at Crenshaw High School?

19 A. Yes.

20 MR. ROSENBAUM: Vague as to time. I don't
21 know if you mean when he was assistant principal or
22 since he has become principal.

23 BY MS. STRONG:

24 Q. Go ahead.

25 MR. FERNOW: I have an objection based on

1 the fourth year.

2 Q. Approximately 1988?

3 A. I would -- yes.

4 Q. That's your best estimate?

5 A. That's my best estimate.

6 Q. Okay. And when you say the entire school
7 was painted, what was encompassed in that paint
8 project?

9 A. Every classroom, all of the doors, all the
10 storage rooms. You would have to vacate the
11 classroom and a painter would come in and paint
12 that. A wing of the school, the whole hallways,
13 all the hallways. It's just a complete paint
14 operation.

15 Q. Internal and external then, the entire
16 school was painted?

17 A. Internal and just a trim on the outside.

18 Q. So of course on the inside and the trim on
19 the outside was the painted in approximately 1998,
20 as you recall?

21 MR. ROSENBAUM: Asked and answered.

22 THE WITNESS: Yes.

23 BY MS. STRONG:

24 Q. You stated that you worked with
25 contractors. Who are these contractors employed

1 vague and ambiguous as to project.

2 BY MS. STRONG:

3 Q. Go ahead.

4 A. I would like for you to clarify the
5 question, please, as to -- would you repeat the
6 question?

7 MS. STRONG: You can read it back, please.

8 (The following question was read by the
9 reporter):

10 "Q. Is there a principal paint projects
11 that you recall that took place while you
12 were vice principal at Crenshaw High
13 School?"

14 THE WITNESS: Yes. We painted the entire
15 school during the time I was assistant principal.

16 BY MS. STRONG:

17 Q. Okay. Do you remember exactly what year
18 that was?

19 A. No, I don't.

20 Q. Do you remember was it within the first
21 couple years that you were vice-principal or was it
22 towards the end of your tenure as vice-president at
23 Crenshaw?

24 A. I think it was somewhere in the middle or
25 around -- within the eight years, somewhere around

1 by?

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

4 BY MS. STRONG:

5 Q. If you know.

6 A. I don't know. I don't know.

7 Q. Okay. Do you happen to have any idea if
8 they were employed by the district, for example?

9 MR. ROSENBAUM: Objection. Speculation.
10 Asked and answered. He said he didn't know.

11 THE WITNESS: I know we have maintenance
12 and operations. Individuals from the district
13 would be with them. I don't know if they were
14 district employee contractors or contracted from
15 the outside.

16 BY MS. STRONG:

17 Q. To make sure I understand this correctly.

18 With the contractors, the individuals you
19 identified as contractors, with them at all times
20 was someone from the district, is that correct?

21 A. From the maintenance and operations. When
22 we had meetings.

23 Q. Okay. When you'd --

24 A. Meetings to discuss the moving of one
25 location. When they completed a location and we

1 were going to discuss going to another wing or
2 going to another area of the school, we would have
3 a meeting and we would have representatives from
4 the district maintenance and operation along with
5 the contractor. Where the contractor came from we
6 don't do that. I didn't have any say-so in who was
7 selected or how. That's in another operation of
8 the school district.

9 Q. Do you remember the name of the people
10 from --

11 A. No.

12 Q. -- the district that were present at those
13 meetings?

14 A. I'm sorry.

15 MR. FERNOW: You need to wait until she
16 finishes.

17 THE WITNESS: Okay.

18 MR. FERNOW: I think it's vague as to
19 meetings and when.

20 THE WITNESS: No, I do not remember the
21 name of the individuals at that time.

22 BY MS. STRONG:

23 Q. Okay. Do you know if anybody from the
24 state visited your school during that time period
25 or was involved with the project in any way?

1 MR. FERNOW: That's fine.

2 BY MS. STRONG:

3 Q. Would you please turn your attention to
4 paragraph 207 of the complaint.

5 A. Could you give the page number?

6 Q. There's two sets. One set is page 46.

7 MR. FERNOW: Did you say 207?

8 MS. STRONG: Paragraph 207.

9 MR. FERNOW: I thought you said page 207.

10 MS. STRONG: And it's page 46.

11 MR. FERNOW: Okay.

12 THE WITNESS: Page 46, paragraph -- okay.

13 BY MS. STRONG:

14 Q. Have you had an opportunity to review
15 these three paragraphs --

16 A. No.

17 Q. -- in this complaint?

18 A. Not in this order.

19 Q. Okay. Can you please take the time to do
20 so now?

21 (Pause while witness peruses document.)

22 A. Okay.

23 Q. Do you understand that these are the
24 allegations that plaintiffs make in this lawsuit
25 regarding certain conditions at Crenshaw High

1 MR. FERNOW: Objection.

2 MR. ROSENBAUM: Vague.

3 MR. FERNOW: As to state.

4 BY MS. STRONG:

5 Q. You can answer the question.

6 MR. ROSENBAUM: No, he can't answer the
7 question. Objection. Vague.

8 THE WITNESS: I don't remember.

9 BY MS. STRONG:

10 Q. Have you had an opportunity to review the
11 complaint that was filed in this lawsuit or the
12 First Amended Complaint?

13 A. Yes.

14 MS. STRONG: I'd like to mark as
15 Exhibit 1 --

16 MR. ROSENBAUM: Off the record.

17 MS. STRONG: We'll stipulate that is a
18 copy, a true and correct copy, of the First Amended
19 Complaint for Injunctive and Declaratory Relief in
20 this action, and that it need not be identified as
21 an exhibit or attached to the transcript.

22 MR. ROSENBAUM: So stipulated.

23 MR. FERNOW: Has that been the
24 stipulation?

25 MS. LHAMON: Yes.

1 School?

2 MR. FERNOW: Objection.

3 MR. ROSENBAUM: Objection. Calls for a
4 legal conclusion and dead wrong. Objection,
5 foundation, speculation. Calls for a legal
6 conclusion, misrepresents --

7 MR. FERNOW: I'll object that the document
8 speaks for itself.

9 BY MS. STRONG:

10 Q. You can set that document aside for now.

11 A. Okay.

12 Q. No, actually, let's go back to it.

13 A. Whatever you say.

14 Q. Have you reviewed these allegations at any
15 time before today?

16 A. I have read these allegations.

17 Q. Okay. And is it your understanding that
18 this is what plaintiffs are alleging with respect
19 to your school at Crenshaw?

20 MR. ROSENBAUM: Same objections.

21 MR. FERNOW: Same objection.

22 BY MS. STRONG:

23 Q. And your answer?

24 A. Yes.

25 Q. When does the school term at Crenshaw

1 begin?
 2 A. In -- for students?
 3 Q. Correct.
 4 A. In September. Usually the day after
 5 Labor Day.
 6 Q. Do you know when the term ends?
 7 A. Yes. June 22nd.
 8 Q. Do you know how many instructional days
 9 there are per year at your school?
 10 A. I would be guessing.
 11 MR. ROSENBAUM: Vague as to instructional
 12 days. I don't know if that includes minimum days,
 13 people free days.
 14 MS. STRONG: Your objection is understood.
 15 MR. ROSENBAUM: Okay. I ask you to
 16 clarify it, please.
 17 MR. FERNOW: If you understand the
 18 question, go ahead and answer it.
 19 THE WITNESS: The number of instructional
 20 days?
 21 BY MS. STRONG:
 22 Q. Correct. If you know.
 23 A. I'm not absolutely sure.
 24 Q. Do you know what I mean by instructional
 25 days? Are you familiar with that term?

1 A. Yes, I am.
 2 MR. ROSENBAUM: Calls for speculation.
 3 BY MS. STRONG:
 4 Q. Is Crenshaw on a multi-track system?
 5 A. No.
 6 Q. What is the length of the school day?
 7 MR. FERNOW: Objection. Vague and
 8 ambiguous. Do you mean for the students or do you
 9 mean for the teachers?
 10 MS. STRONG: For the students. Thank you
 11 for the clarification.
 12 MR. ROSENBAUM: Objection, foundation.
 13 Speculation. Vagueness.
 14 THE WITNESS: It --
 15 MR. FERNOW: You have to wait for
 16 everybody to finish objecting.
 17 Do you want the question again?
 18 THE WITNESS: No. I'm doing okay.
 19 BY MS. STRONG:
 20 Q. Do you know what the length of the school
 21 day is for the students at Crenshaw High School?
 22 A. Yes, I do.
 23 Q. What is the length of the school day?
 24 A. The length of the school day is from 8:00
 25 in the morning until 3:10 in the afternoon on

1 Monday through Thursdays. And from 8:00 until 2:00
 2 on Fridays.
 3 Q. Do you know how many instructional minutes
 4 there are per day at Crenshaw High School?
 5 MR. ROSENBAUM: Same objections.
 6 THE WITNESS: No, not offhand.
 7 BY MS. STRONG:
 8 Q. Okay. Do you know the schedule of the
 9 bells for each period at Crenshaw on Monday through
 10 Friday or do you not know the specifics?
 11 A. I know approximately. I don't know the
 12 exact minute or second of each bell of each period.
 13 Q. Why don't we go ahead and run down the
 14 school day. On a Monday through Thursday schedule,
 15 for example, can you please break down the school
 16 day by periods for me?
 17 MR. FERNOW: Objection. Do you mean --
 18 you mean the -- well, you changed your question so
 19 if you could -- do you mean the minutes? Do you
 20 mean the periods? Do you mean the blocks? Do you
 21 mean the classes? Do you want to know the number
 22 and minutes of each class period?
 23 BY MS. STRONG:
 24 Q. If you could give the beginning and ending
 25 times of each class period that would work well, if

1 you know them.
 2 A. I would be guessing on some of them and so
 3 I would rather not. I usually carry the bell
 4 schedule in my pockets to keep them.
 5 Q. Since you are not on campus today you
 6 didn't think you needed it. That's fine. We can
 7 move on.
 8 MR. ROSENBAUM: Probably a bell that rings
 9 in about five minutes.
 10 BY MS. STRONG:
 11 Q. Probably rings at --
 12 A. We norm at 2754.
 13 Q. What do you mean "we norm at 2754"?
 14 A. That's the count we report after a 4-week
 15 period.
 16 Q. I didn't understand that.
 17 A. That's the count we report after a 4-week
 18 period, the first four weeks of the school year.
 19 Q. What does that reflect exactly?
 20 A. The total number of students -- I'm sorry.
 21 MR. FERNOW: If you understand the
 22 question.
 23 THE WITNESS: The total number of students
 24 enrolled in the school on the fourth Friday of the
 25 school year.

1 BY MS. STRONG:
 2 Q. Do you know what the capacity of Crenshaw
 3 is --
 4 MR. ROSENBAUM: Objection.
 5 BY MS. STRONG:
 6 Q. -- with respect to students who can attend
 7 the school?
 8 MR. ROSENBAUM: Objection, vague as to
 9 capacity.
 10 MR. FERNOW: Same objection.
 11 THE WITNESS: It varies from year to year.
 12 But this particular year it's 3100.
 13 BY MS. STRONG:
 14 Q. Okay. Do you know what the capacity was
 15 last year?
 16 MR. FERNOW: Same objection.
 17 MS. STRONG: If it varied.
 18 THE WITNESS: 2800.
 19 BY MS. STRONG:
 20 Q. And do you know what the student
 21 enrollment at Crenshaw was last year?
 22 A. Not exactly.
 23 Q. Was it under 2800, as far as you are
 24 aware?
 25 A. Yes, it was.

1 Q. Do you happen to recall what the capacity
 2 was the year prior, which would have been your
 3 first year, the 1998 to 1999 school year at
 4 Crenshaw High School?
 5 A. No, I don't.
 6 Q. Okay. Do you know whether the student
 7 enrollment was under the capacity limit, to your
 8 knowledge --
 9 MR. ROSENBAUM: Objection.
 10 BY MS. STRONG:
 11 Q. -- in the 1998 to 1999 school year?
 12 MR. ROSENBAUM: Vague, foundation.
 13 THE WITNESS: Yes, I know that it was
 14 under the capacity.
 15 BY MS. STRONG:
 16 Q. Do you know the break down of students per
 17 grade level?
 18 A. I'm not sure what you are referring to.
 19 Q. For example, how many students there are
 20 at each grade level. Only if you know.
 21 A. I don't know exact numbers, no.
 22 Q. Okay. Is summer school taught at
 23 Crenshaw?
 24 A. Yes, it is.
 25 Q. And what grade levels are taught during

1 summer school?
 2 A. All four grade levels: 9th, 10th, 11th
 3 and 12th.
 4 Q. What classes are taught during summer
 5 school, if you know?
 6 A. I don't know every class. But I know we
 7 built the master to address the needs of the
 8 students as it may -- all your core subjects are
 9 offered: Math, English, science and social
 10 studies. And the rest of the classes offered would
 11 be determined by the need of what school -- what
 12 students failed or what have you. So we try to
 13 build a program to service the kids.
 14 Q. Okay. And how do you assess what the need
 15 is of the students?
 16 A. If they fail the class. If they fail the
 17 class.
 18 Q. Can you describe that process to me?
 19 MR. ROSENBAUM: Let him finish his answer,
 20 please.
 21 BY MS. STRONG:
 22 Q. Did you finish your answer?
 23 A. Yes.
 24 Q. Can you describe to me the process of
 25 establishing a summer school schedule?

1 A. Okay. Well, first of all, there are
 2 certain requirements that we have to offer by
 3 the -- prescribed by the state. Okay. And then we
 4 look at the number of students that fail a certain
 5 subject. And then we determine how many sections
 6 of that particular class subject we are going to
 7 offer. And then we look at the number of students
 8 who fill out a request for summer school. And so
 9 that is the general process for setting up the
 10 summer school program.
 11 Q. Great. Let's break this down. When you
 12 say that you first look at the prescribed state
 13 requirements, what are those generally?
 14 A. Well, the state requires that we provide
 15 remediation and what we call SB-1839 -- and please
 16 don't. I'm not sure of those numbers, okay? But I
 17 know it's a requirement by the state for
 18 enrichment. Okay. So we have to offer some
 19 remedial classes and then so many enrichment
 20 classes.
 21 Q. Who is responsible for this at your school
 22 directly? I know that you ultimately oversee this
 23 process, but who is directly responsible for
 24 establishing the summer school schedule?
 25 A. The assistant principal, counseling

1 services, Mrs. McAdoo.

2 Q. And when does this process take place?

3 MR. ROSENBAUM: Objection, vague as to
4 time. This year? A couple years ago?

5 BY MS. STRONG:

6 Q. Generally when does this process take
7 place?

8 A. Usually in the month of May.

9 Q. Did it take place in the month of May this
10 past year?

11 A. Yes, it did.

12 Q. Did it take place in the month of May
13 2000, if you know?

14 A. I'm not absolutely sure because I didn't
15 work summer school.

16 Q. Okay. When was summer school started on
17 your campus?

18 MR. ROSENBAUM: Objection, foundation.
19 Speculation.

20 BY MS. STRONG:

21 Q. If you know.

22 A. The summer school for the year, each year
23 is prescribed by --

24 Q. So --

25 A. -- the district. I'm not sure of -- would

1 BY MS. STRONG:

2 Q. You can answer the question.

3 A. The district published a list of schools
4 that will conduct summer school.

5 Q. So the district -- it is your
6 understanding that the district determines which
7 schools will hold summer schools on their campus?

8 A. Yes.

9 Q. Okay. When do students submit requests to
10 participate in summer school, if you know?

11 A. The procedure is open to students about
12 the middle of May right up until the 4th day of
13 summer school they can come in and enroll or sign
14 up.

15 Q. Do you know how many students attended
16 summer school at Crenshaw this past summer, for
17 example, the summer of 2000?

18 A. I don't know.

19 Q. Do you know generally how many students
20 participate in the summer school at Crenshaw?

21 A. It ranges from 1600 to 2100.

22 Q. And as far as you're aware, you have
23 sufficient teachers on campus to accommodate that
24 number of students for summer school?

25 MR. ROSENBAUM: Objection. Vagueness,

1 you repeat the question?

2 Q. Sure. When you came on to the campus in
3 1998 as principal, was there a summer school
4 program in place at that time?

5 A. Yes, it was.

6 Q. Okay. And each year thereafter while you
7 have been principal at Crenshaw, have you held a
8 summer school at the campus?

9 A. That's correct, yes, I have.

10 Q. Now, you stated that it's prescribed by
11 the district. What do you mean by that?

12 A. The dates for summer school comes from the
13 district and says, "These are the dates that we
14 will hold summer school from June -- July the 4th
15 to August the 22nd.

16 Q. Does the district determine whether or not
17 you're going to hold summer school at all on your
18 campus or is that a decision that is left to
19 Crenshaw?

20 MR. ROSENBAUM: Objection.

21 MR. FERNOW: Calls for speculation.

22 MR. ROSENBAUM: It's an incomplete
23 hypothetical. You should instruct the witness when
24 you say either/or, that doesn't exhaust all the
25 possibilities.

1 speculation, foundation.

2 THE WITNESS: Each summer we go out and
3 try to hire the number of teachers that we need for
4 summer school. It's not an automatic process that
5 you use the teachers at your school. There's a
6 procedure that we follow for selecting the teachers
7 for summer school.

8 BY MS. STRONG:

9 Q. In your experience, are you able to secure
10 enough teachers to accommodate the students that
11 enroll in the summer school classes?

12 MR. ROSENBAUM: Vague, foundation.
13 Speculation.

14 THE WITNESS: In the final analysis, yes,
15 we cover all the classes with a credentialed
16 teacher.

17 BY MS. STRONG:

18 Q. Okay.

19 A. A certified teacher. Let me correct that.

20 Q. Now, who is it that is able or eligible to
21 attend summer school at Crenshaw?

22 MR. FERNOW: Objection. Vague.

23 BY MS. STRONG:

24 Q. If you know.

25 A. Right now, any student can apply and

1 attend summer school.

2 Q. And do you -- how do you inform the
3 students, if at all, of summer school at your
4 campus?

5 A. There's a notice that go out to parents, a
6 letter, describing summer school and, of course,
7 offering what is -- what is going to be taught,
8 offered at summer school. And that goes out
9 sometime in the middle of May.

10 Q. Is that sent to the parents directly or is
11 that given to the students to take home with them
12 or is it some other manner that it's --

13 A. It's given to the students.

14 Q. Is there an after school program during
15 the traditional September through June school year
16 offered at Crenshaw High School?

17 MR. FERNOW: Objection. Vague as to
18 "after school program."

19 MR. ROSENBAUM: Agree.

20 THE WITNESS: I would need to know to
21 clarify after school program.

22 BY MS. STRONG:

23 Q. Well, are there any programs offered by
24 Crenshaw High School after school hours, meaning
25 after, I believe you said the school day ended at

1 THE WITNESS: Yes. We have tutoring after
2 school.

3 BY MS. STRONG:

4 Q. Can you please describe the tutoring
5 program offered after school?

6 MR. FERNOW: If you know.

7 THE WITNESS: Yes. We have tutoring
8 program. One is by UCLA Outreach. It's called
9 CBOP. That's Community Outreach Program.

10 MR. FERNOW: Can you spell that?

11 THE WITNESS: It's acronym for --

12 MR. FERNOW: Is it C or CA?

13 BY MS. STRONG:

14 Q. I think its CBOP, or something.

15 A. Right.

16 Q. CBOP?

17 A. Yes.

18 Q. So there's a UCLA CBOP program where?

19 A. Yes, where they do tutoring and work with
20 students.

21 We have SAT prep from the leading provider
22 of SAT.

23 Q. Kaplan?

24 A. Kaplan. We have Kaplan after school for
25 SAT prep. And we have individual teachers who

1 3 P.M. or thereabouts -- is there any program that
2 takes place after that time on the campus at
3 Crenshaw High School for the students?

4 MR. FERNOW: Vague as to programs.

5 MR. ROSENBAUM: Are you talking about a
6 football team or what --

7 MS. STRONG: I'm talking about everything.
8 I'd like him to describe all the programs that take
9 place after school at Crenshaw. Why don't we start
10 with a list.

11 MR. FERNOW: I'll object as vague and
12 ambiguous. But if you can start identifying
13 programs, go ahead.

14 THE WITNESS: All right. We have
15 football, basketball, all the major sports,
16 softball, soccer. Clubs and organizations meet
17 after school. Cheer leading, drill team, band.
18 Clubs, various clubs meet after school. We have
19 approximately 34 clubs and organizations and all of
20 them could possibly meet after school.

21 BY MS. STRONG:

22 Q. Do you know of any academic programs
23 offered after school?

24 MR. ROSENBAUM: Vague.

25 MR. FERNOW: Same.

1 tutor after school. And their own students can
2 come to them on certain days of the week for
3 tutoring.

4 Q. Any other academic programs that you can
5 think of?

6 A. I can't think of any more right now.

7 Q. With respect to the UCLA CBOP program, do
8 you know when that is offered?

9 A. I don't know the exact times they start
10 and are offered and what period of time. I don't
11 have all that information with me.

12 Q. Do you know if it's a regular program that
13 meets, for example, every week or -- what details
14 do you know regarding when they meet?

15 MR. ROSENBAUM: Now you got a compound
16 question. It's vague. No foundation.

17 THE WITNESS: I don't know the exact dates
18 and time they meet. I know it's a weekly basis. I
19 don't know the exact dates and times.

20 BY MS. STRONG:

21 Q. How do you know that it's a weekly basis?

22 A. Because I know the origin of the program.
23 I -- I see the college kids on campus.

24 Q. Have you ever seen any schedule, for
25 example, that details when these classes meet?

1 MR. FERNOW: Objection. Lacks foundation.

2 THE WITNESS: I don't recall the schedule,
3 of seeing the schedule.

4 BY MS. STRONG:

5 Q. Do you have any idea how many students at
6 Crenshaw participate in the UCLA CBOP program?

7 A. No, not exactly.

8 Q. Do you have a general sense as to how many
9 students?

10 A. A general sense, approximately 200.

11 Q. And how do you know that?

12 A. Because they work with the gifted magnet
13 program. A lot of the students in the gifted
14 magnet school. And it's 200 kids in that program.

15 Q. Do you know what subjects are taught in
16 the CBOP program?

17 A. They tutor students for anything that they
18 have a problem with.

19 Q. So it can cover all subjects as far as you
20 are aware?

21 A. That's correct.

22 Q. With respect to the SAT prep course that's
23 provided at your school, do you know any -- can you
24 please describe to me how that course is provided
25 at your school?

1 Q. When did you notice the increase in the
2 students that -- the number of students taking the
3 class?

4 MR. FERNOW: Can you repeat the question?

5 BY MS. STRONG:

6 Q. When did you notice an increase in
7 students attending the SAT prep course?

8 A. This school year.

9 Q. Do you know approximately what dates the
10 SAT prep course runs at Crenshaw High School?

11 A. Not exactly, no. I don't know the exact
12 dates and I don't want to guess.

13 Q. Well, do you have any idea, for example,
14 how many months the program runs?

15 MR. ROSENBAUM: Objection. Speculation.

16 BY MS. STRONG:

17 Q. If you know?

18 MR. FERNOW: No foundation.

19 THE WITNESS: I can estimate
20 approximately.

21 BY MS. STRONG:

22 Q. That's all I'm asking for.

23 A. Three months.

24 Q. Okay. And is it prior to the date of the
25 SAT exam, the three months prior to that exam,

1 MR. ROSENBAUM: It's vague. Foundation.

2 THE WITNESS: Students have an option of
3 signing up. Students who would like to have the
4 service or who would like to improve or work on
5 improving the SAT scores can sign up through the
6 college center. And then the classes are held
7 after school.

8 BY MS. STRONG:

9 Q. Now, how do you know this?

10 A. How do I know what?

11 Q. That students have the option of signing
12 up for this Kaplan SAT prep course?

13 A. I know it because the first time it was
14 offered not a lot of students signed up, and I was
15 a little disturbed about it and I looked at the
16 process myself. I worked with the college advisor,
17 and she showed me the letters that she sent out,
18 the bulletin notices in the daily bulletin
19 describing the program and how kids would come in
20 and sign up. So I got actively involved and we
21 increased the number of kids taking the class.
22 That's how I know.

23 Q. And how many students now take the class,
24 if you have a general idea?

25 A. I really don't know.

1 approximately?

2 A. That's correct.

3 Q. And do you know when the SAT exam is
4 ordinarily given, approximately?

5 A. They are given throughout the year,
6 different dates starting from September through
7 June. And so there are -- there's a calendar for
8 the SAT dates and when they are given.

9 Q. Do you know if the SAT prep courses are
10 offered more than one time a year then?

11 A. At Crenshaw High School?

12 Q. At Crenshaw High School, yes.

13 A. Yes.

14 Q. Do you know how many times per year this
15 3-month prep course is offered at Crenshaw High
16 School?

17 A. Yes.

18 Q. How many times?

19 A. Two.

20 Q. Is there a fee associated with SAT prep
21 course as Crenshaw?

22 A. No, there's not.

23 Q. There's not?

24 A. No.

25 Q. And so any students at Crenshaw can attend

1 this course free of cost?

2 MR. FERNOW: Objection. Vague, lacks
3 foundation.

4 THE WITNESS: Yes.

5 BY MS. STRONG:

6 Q. And how do you know that?

7 A. Because we just opened it up. It's a
8 notice that goes out that -- I will admit that we
9 do try to go with seniors in the first semester and
10 any students the second semester because we try to
11 recognize those seniors as graduating for the year
12 to give them an opportunity to sign up. They kind
13 of have priority.

14 Q. With respect to the individual tutoring
15 that you describe at your school, can you tell me a
16 little more about that?

17 MR. ROSENBAUM: It's vague. Calls for a
18 narrative.

19 THE WITNESS: Okay. Well, tutoring
20 teachers are asked to -- or compensated to tutor
21 the students after school. So they have the
22 students sign up and maintain a log as to how many
23 kids they tutor and the dates and times that they
24 provide the tutoring.

25 BY MS. STRONG:

1 offer tutoring as math teachers. I know that the
2 option is there. So there -- I would estimate to
3 say that Spanish in offered after school as well as
4 all of the subjects.

5 MR. ROSENBAUM: Move to strike based on
6 speculation.

7 BY MS. STRONG:

8 Q. Do you have any reason to believe that any
9 particular Spanish teacher has ever offered Spanish
10 tutoring in the past 3 years while you have been
11 principal at Crenshaw High School?

12 MR. ROSENBAUM: Vague and foundation.

13 THE WITNESS: I don't know.

14 BY MS. STRONG:

15 Q. You don't know if any Spanish teacher has
16 ever offered tutoring in the past three years?

17 MR. ROSENBAUM: Same objection.

18 THE WITNESS: No, I don't.

19 BY MS. STRONG:

20 Q. Have you ever received a complaint from
21 any student that their teacher does not offer
22 tutoring and they are interested in receiving
23 tutoring?

24 MR. FERNOW: Objection. Vague as to
25 complaint.

1 Q. Do you know how many teachers there are on
2 your campus during the school year?

3 A. Approximately 134.

4 Q. Do you have any idea how many of these 134
5 teachers offer tutoring after school?

6 A. No, I don't know how many of those
7 teachers offer tutoring.

8 Q. Do you have any idea? Do you know if it's
9 more than 50, for example?

10 A. Yes.

11 Q. Is it more than 50 then?

12 A. Yeah.

13 Q. Do you have an idea or do you know if it's
14 more than 100?

15 A. No, I don't.

16 Q. Okay. So somewhere between 50 and 100
17 teachers provide after school tutoring to their
18 students?

19 A. I would guess to say yes, my best
20 estimate.

21 Q. Thank you.

22 Do you know if there's any tutoring
23 offered with respect to Spanish classes on your
24 campus?

25 A. Spanish teachers have the same option to

1 BY MS. STRONG:

2 Q. Go ahead.

3 MR. FERNOW: It lacks foundation.

4 THE WITNESS: No, I can't recall a student
5 complaining about a lack of tutoring in Spanish --
6 availability of tutoring in Spanish. I don't
7 recall.

8 BY MS. STRONG:

9 Q. Is there a Saturday program offered at
10 Crenshaw?

11 MR. FERNOW: Objection. Vague as to
12 Saturday program.

13 BY MS. STRONG:

14 Q. Are there any activities offered at
15 Crenshaw on Saturdays of an academic nature?

16 A. Yes.

17 Q. And can you please describe those
18 activities to me?

19 A. It's a Saturday school. And we provide
20 assistance for students who -- who need assistance,
21 low performance students. It's -- it's a volunteer
22 program. We do try and encourage parents and
23 students who are not performing well to attend
24 Saturday school.

25 Q. When does Saturday school start on your

1 campus ordinarily?

2 MR. FERNOW: And I'll object. Do you mean
3 the beginning of the year or do you mean each day,
4 each Saturday?

5 MS. STRONG: Thank you for that
6 clarification.

7 Q. At what point in the year does the
8 Saturday school program start on your campus?

9 A. I really don't know the exact time, but I
10 know it's a prescribed time. And each semester
11 it's a -- each semester is a prescribed time that
12 we normally starts the Saturday program and end it,
13 but I don't know those exact dates.

14 Q. Do you know, for example, if it begins in
15 September?

16 A. No, it doesn't.

17 Q. Does it begin in October if you --

18 MR. FERNOW: Objection. Asked and
19 answered.

20 THE WITNESS: I don't know. But I -- I
21 know it doesn't start in September, the first month
22 of school.

23 BY MS. STRONG:

24 Q. Okay. Do you know if it starts in
25 November, for example?

1 semester.

2 Q. Okay. So is it your understanding that
3 the Saturday program has a duration of at least
4 three months per semester?

5 MR. ROSENBAUM: Objection. Speculation,
6 foundation.

7 THE WITNESS: I'm really not being
8 difficult. I would love to give you that answer.
9 I just don't know the exact dates.

10 BY MS. STRONG:

11 Q. I understand that. I want to know if you
12 have a general idea if it's a 1-month program or a
13 3 month. To the extent you can help me with that,
14 I would appreciate that.

15 A. Okay. It's closer to a 3-month program.
16 Okay?

17 Q. Great.

18 Do you know what time the program is
19 offered on each Saturday?

20 A. Yes. From 8:00 until 12:00.

21 Q. Approximately from 8:00 until 12:00?

22 A. Let's do it like that, from 8:00 to 12:00.

23 Q. That's fine. If you don't know the
24 specifics, I don't want to push you for specifics.
25 Approximately 8:00 to 12:00 is fine.

1 MR. FERNOW: Speculation, foundation.
2 He's --

3 MS. STRONG: I'm asking.

4 MR. FERNOW: You're badgering him. He
5 says he doesn't know.

6 BY MS. STRONG:

7 Q. You can answer the question.

8 A. My best estimate is that it starts around
9 the third or fourth week of October.

10 Q. That's all I'm asking for is your best
11 estimate. I appreciate that. Thank you.

12 A. All right.

13 Q. And do you know how long the program is
14 offered for, meaning the duration of the program?

15 A. I don't know. I do know that it's within
16 the semester of the school. It's the first
17 semester and a second semester. So it would have
18 to end before February the 5th.

19 Q. Okay.

20 A. Sometime between October and February.

21 Q. Okay.

22 A. Or January because the semester ends
23 around the first week of February.

24 Q. So do you --

25 A. I know it's contained within that

1 A. Okay.

2 Q. Do you know what subjects are offered in
3 this program?

4 A. I know that the four basic: English,
5 math, science and social studies.

6 Q. Are any other courses ever offered other
7 than those four that you are aware of?

8 MR. ROSENBAUM: Speculation and
9 foundation.

10 THE WITNESS: No. We basically work on
11 those four core subjects now. If the student has a
12 problem in geometry it still falls in the math and
13 he may get help in Saturday school. It's still
14 math, English, science and social studies. And the
15 kid may have a problem in chemistry, but it's still
16 science. It's those four subjects in Saturday
17 school that we focus on.

18 BY MS. STRONG:

19 Q. Okay. And how do you know about the
20 Saturday program at your school?

21 A. As the principal, you look at the diagram.
22 You sit down on committees and you help organize
23 and plan activities for the instructional programs.
24 So the Saturday program was running when I became
25 principal. And just a brief glance at the

1 directions and the guidelines for Saturday school,
2 it received my approval.

3 Q. Have you ever attended a Saturday program
4 at your school on campus?

5 A. Yes, I have visited the Saturday school
6 program.

7 Q. Okay. You stated that the program is
8 offered in part to assist low performing students.

9 A. Uh-huh.

10 Q. How do you identify low performing
11 students for the program? If you know.

12 MR. ROSENBAUM: Vague, misstates his
13 testimony, foundational.

14 THE WITNESS: The Title I coordinator
15 works with the Saturday school program. And those
16 funds are primarily designed to work with low
17 performing students. And you identify those
18 students by looking at their report cards, and we
19 recommend that they attend.

20 We also opened it up for any student who
21 love some help. And we find the program would be
22 somewhat successful because of the number of
23 students that come and ask for assistance or work
24 in that program.

25 BY MS. STRONG:

1 Saturday program, how is that child informed of
2 that?

3 MR. ROSENBAUM: Speculation.

4 MR. FERNOW: Lack of foundation.

5 BY MS. STRONG:

6 Q. If you know, go ahead.

7 A. It's a letter go to the student, go to the
8 home of the child.

9 Q. Is it given to the student at school or is
10 it sent directly home to the parents?

11 MR. FERNOW: Incomplete hypothetical.

12 BY MS. STRONG:

13 Q. Can you --

14 A. I'm not sure.

15 Q. Have you ever seen one of these letters
16 that goes to the students?

17 A. I've seen it. I haven't read it. It was
18 in a packet of information that I looked over, but
19 I didn't really read the letter per say.

20 MR. ROSENBAUM: We have been going for
21 close to an hour and a half. I'd appreciate if
22 you'd offer and see if he would like to take a
23 break.

24 MS. STRONG: Sure. We can take a quick
25 break.

1 Q. So who is it that is -- that directly
2 oversees this program at your school, the Saturday
3 program?

4 MR. ROSENBAUM: Asked and answered.

5 THE WITNESS: The Title I coordinator.

6 BY MS. STRONG:

7 Q. What's her name?

8 A. His name.

9 Q. I'm sorry, what is his name?

10 A. Mr. Nazzir, N-a-z-z-i-r. I think that's
11 the way he spells it. N-a-z-z.

12 MR. FERNOW: You have to speak up for the
13 court reporter.

14 THE WITNESS: I'm trying to remember how
15 to spell his name.

16 BY MS. STRONG:

17 Q. It's Nazzir?

18 A. It's Nazzir, yeah.

19 Q. So is it Mr. Nazzir that looks at the
20 report cards of the students to determine whether a
21 student should be identified for this Saturday
22 programming?

23 A. That is correct.

24 Q. And if a child is identified as someone
25 who Mr. Nazzir believes is appropriate for the

1 MR. ROSENBAUM: It's your call. Whenever
2 you want a break, you're welcome to it.

3 THE WITNESS: Past my nutrition.

4 MS. STRONG: Why don't we go ahead and
5 take a break now and we'll come back.

6 (Recess.)

7 MS. STRONG: Could you read where we left
8 off?

9 (The following text was read by the
10 reporter):

11 "Q. Have you ever seen one of these
12 letters that goes to the students?

13 "A. I've seen it. I haven't read it.

14 It was in a packet of information that I
15 looked over, but I didn't really read the
16 letter per se."

17 BY MS. STRONG:

18 Q. You also stated that the Saturday program
19 is open to students who really would like to
20 participate in the program. I believe that's what
21 you testified to. Is that correct?

22 A. That's correct.

23 Q. How do those students participate?

24 MR. FERNOW: Vague.

25 BY MS. STRONG:

1 Q. Do you understand the question?
 2 A. Yes.
 3 Q. Okay.
 4 A. Well, the students participate by coming
 5 to school on Saturday from 8:00 until 12:00.
 6 Q. Okay. How do they first learn about the
 7 program?
 8 A. Okay. We run the notice in a daily
 9 bulletin and in the newsletters to parents. We
 10 have a Title 1 newsletter go out. I think it's a
 11 monthly newsletter that talks about various
 12 programs for parents and students. So it's in the
 13 Title I newsletter.
 14 Q. And the daily bulletin, how often is that
 15 distributed? Is it on a daily basis?
 16 A. It's on a daily basis and it has the
 17 information pertaining to Saturday school and how
 18 to sign up and when it's available.
 19 Q. When is it given to the students, if you
 20 know?
 21 A. The daily bulletin is read each day during
 22 what we call the record room, which is period 2.
 23 It's extra minutes added to that period to allow
 24 for PA announcements, public address announcements.
 25 Public address announcements is 3 days a week and

1 the daily bulletin comes out each day.
 2 Q. You also stated with respect to the
 3 Saturday school program that it's a volunteer
 4 program, I believe. Is that what you stated?
 5 A. Yes.
 6 Q. And what did you mean by that?
 7 A. That students have the option if they want
 8 to. It's not mandatory. We don't call you up and
 9 say, "You have to come to Saturday school." It's a
 10 program where if parents want to take advantage of
 11 it, they can, where students can improve their
 12 class work and, you know, if they having trouble.
 13 It's two-fold, you know. You can improve the
 14 existing subject that you're taking or you can go
 15 for enrichment to help you.
 16 Q. And the teachers that teach during the
 17 Saturday program, are those teachers that
 18 ordinarily teach during the week at Crenshaw High
 19 School?
 20 A. The majority of them are teachers.
 21 Occasionally I have known a teacher from a
 22 year-round school that was off track and worked
 23 there for Saturday school. But the majority of the
 24 teachers are from the school, the existing school,
 25 out of the teaching pool that's at Crenshaw.

1 Q. Are those teachers compensated for their
 2 time on Saturdays, if you know?
 3 A. Yes, they are paid.
 4 Q. Okay. Are there any special funds that go
 5 to pay the teachers for that Saturday program, if
 6 you know?
 7 MR. FERNOW: Objection.
 8 MR. ROSENBAUM: Vague.
 9 MR. FERNOW: Vague as to "special."
 10 THE WITNESS: Yes. Title I funds.
 11 BY MS. STRONG:
 12 Q. Title I funds are used for that purpose?
 13 A. Yes.
 14 Q. Do you know if any other funds are used?
 15 A. No. No, I don't know if any other funds
 16 are used.
 17 Q. Okay. When was Crenshaw built, the
 18 high school?
 19 MR. FERNOW: Objection. Calls for
 20 speculation.
 21 BY MS. STRONG:
 22 Q. If you know.
 23 A. I know the year that it -- the first
 24 graduating class.
 25 BY MS. STRONG:

1 Q. And when was that?
 2 A. In 1968.
 3 Q. Do you know one way or the other whether
 4 the building was a new facility at that time?
 5 A. Yes, I do know it was a new facility at
 6 that time.
 7 Q. But you don't know the exact year that it
 8 was completed, the construction of the facility was
 9 completed; is that correct?
 10 A. No, I don't.
 11 Q. Okay. Can you describe the facilities
 12 that you have on the campus? For example, you
 13 know, you have classrooms, a library. What other
 14 facilities are available to students on the campus?
 15 MR. ROSENBAUM: Objection. Assumes facts.
 16 BY MS. STRONG:
 17 Q. If any. If any.
 18 A. Well, like I said, we have --
 19 MR. FERNOW: I'll object that it calls for
 20 a narrative as well.
 21 BY MS. STRONG:
 22 Q. Go ahead.
 23 A. We have classrooms. And I don't know the
 24 total number of classrooms. We have, as you said,
 25 a library. We have a cafeteria. We have a

1 gymnasium, a football stadium. We have a -- what
2 we call a multipurpose room for plays. We have a
3 full stage and lighting for plays and assemblies
4 and programs.

5 We had a quad, an outdoor stage for
6 assemblies, for activities.

7 We have a television studio, media center.
8 Just to name some of the different types of
9 programs and facilities that we have. That's about
10 all I can think of right now.

11 Q. Do you have a horticulture area on your
12 campus?

13 A. Yes, we have a horticulture area.

14 Q. With respect to the TV studio, can you
15 describe that for me, please?

16 A. Well, it's -- it's two rooms joining with
17 a large panel with controls and, you know. And we
18 have the capabilities of airing a program on -- in
19 the studio itself to a number of classrooms within
20 the school. Not all classrooms are hooked up. But
21 we hope to be able to eventually hook all the
22 classrooms up via the net.

23 And we have something called Cougar News
24 and they do live news shows occasionally and talk
25 to Cougar News. So we are in the process right now

1 Q. Is the media academy considered a magnet
2 program?

3 A. No, it's not on the same level as the
4 magnet but it's an academy. It's a small school
5 within the school. It's a program, another program
6 that kids will have an option to attend.

7 Q. Is it similar to like the music academy at
8 Hamilton, for example?

9 A. Something similar to the music academy.

10 Q. Okay. And so not counting the classes
11 that you've described that will be offered with
12 respect to the media academy, what classes have
13 been offered at your school in the past three years
14 with respect to the TV studio?

15 MR. FERNOW: Objection. Vague.

16 THE WITNESS: No more than the actual
17 classes in communication that meet with the TV
18 teacher studio, studio teacher and then they put on
19 the various programs. So that's called -- it comes
20 under the form of communication.

21 BY MS. STRONG:

22 Q. When is the communication class offered at
23 your school?

24 MR. FERNOW: Objection, vague as to time.

25 THE WITNESS: It's offered during the

1 of putting in a new state-of-the-art media academy
2 where the kids will be able to do animation. And
3 the original studio is being moved to what was once
4 the old auto shop. It has been totally remodeled
5 and redone. And so -- so that's it with the
6 television studio.

7 BY MS. STRONG:

8 Q. Are there classes that exist to teach the
9 students how to use the equipment in the TV studio?

10 A. Yeah, students can actually take -- well,
11 right now we've shifted from the TV studio, just
12 taking television or taking that communication
13 classes to a media academy where kids would be able
14 to go into the media academy and take classes
15 directly related to them producing a film or a
16 small film or video.

17 Q. Okay. But have you started the media
18 academy yet?

19 A. The media academy had the grand opening
20 this year. The classes will be enrolling in there
21 for September. So it's open but it's -- the
22 classes haven't started attending in there yet. We
23 did have the grand opening this year. I mean
24 last -- this month. This month, as a matter of
25 fact.

1 regular semester, during the regular school year.

2 BY MS. STRONG:

3 Q. So is there at least one communication
4 class offered each semester at the school since the
5 time that you have been principal at --

6 A. Yes.

7 Q. -- Crenshaw High School?

8 A. Yes, it has been.

9 Q. Are there ever more than one
10 communications classes offered during a semester
11 since the time that you have been principal at
12 Crenshaw High School?

13 A. We have one teacher teaching that class.
14 And a minimum of three, two to three classes per
15 semester is offered by this particular teacher.

16 Q. Okay. And with respect to getting this
17 studio connected to all of the classrooms, you said
18 that that is something that you anticipate
19 happening. Do you know when you would expect that
20 project to be completed?

21 A. Yes. We have anticipation that the E-rate
22 lines will all be completed by the end of this
23 school year and will be operational in September.

24 Q. Are there people in the process of putting
25 E-rate lines in your school as we speak?

1 A. As we speak.
 2 Q. When did that process begin?
 3 A. I don't know. But I know the completion
 4 date is anticipated for June of this month.
 5 Q. The important date?
 6 A. Of this year, right.
 7 MR. FERNOW: Can we take a quick break?
 8 MS. STRONG: Sure.
 9 (Witness and his counsel leave the room
 10 and return.)
 11 BY MS. STRONG:
 12 Q. You stated that the state-of-the-art media
 13 academy will be -- will take over the location of
 14 the auto shop which has been renovated. Do you
 15 know if you will continue to offer any auto shop
 16 classes at the school?
 17 A. No, we won't.
 18 Q. Have you been offering -- did you offer
 19 auto shop classes this year?
 20 A. No.
 21 Q. Do you know when the last time Crenshaw
 22 offered an auto shop class to students?
 23 A. No, I don't.
 24 Q. So in the -- since you've been principal
 25 at the school, have any been offered to your

1 knowledge?
 2 A. No.
 3 Q. You stated when you were describing the
 4 facilities, that there's a media center. Is that
 5 the media center that you have been describing with
 6 respect to the media academy?
 7 A. That's correct.
 8 Q. Or is there a separate facility?
 9 A. No, it's one in the same.
 10 Q. Okay. And the horticulture area, can you
 11 tell me a little bit about that?
 12 MR. ROSENBAUM: Objection. Calls for a
 13 narrative. It's not a question.
 14 MR. FERNOW: Vague and ambiguous.
 15 THE WITNESS: It's basically used now as a
 16 science classroom, two science classrooms. The
 17 primary objective there is to teach science and
 18 health in that facility.
 19 BY MS. STRONG:
 20 Q. Are there characteristics of the
 21 horticulture area that are conducive to teaching
 22 science?
 23 A. Yes.
 24 MR. FERNOW: Objection. Vague.
 25 MR. ROSENBAUM: Speculation, foundation.

1 MR. FERNOW: Same.
 2 BY MS. STRONG:
 3 Q. Go ahead.
 4 A. Yes.
 5 Q. And what would you describe those to be?
 6 A. Well, the classroom itself is designed
 7 with -- it's a science lab with the things as
 8 needed to teach science, such as experiment tables
 9 and water and gas.
 10 Q. Are there any animals in the horticulture
 11 area?
 12 A. Yes.
 13 Q. What animals are in the horticulture area?
 14 A. We have a -- the last time I was down
 15 there she had a couple of chickens and a pig.
 16 Q. Do you know of any other animals that are
 17 in the horticulture area?
 18 A. No, I don't know of any other animals.
 19 Q. Do you know if the teachers try to
 20 integrate into their curriculum the live animals on
 21 the premises?
 22 MR. FERNOW: Objection. Vague and
 23 ambiguous.
 24 THE WITNESS: I don't really know how
 25 she's doing it. I don't know if she just have

1 animals there as a side project or if it's
 2 incorporated in the curriculum. I really don't
 3 know that.
 4 BY MS. STRONG:
 5 Q. You stated earlier that you didn't know
 6 how many classrooms there were on the campus. But
 7 do you know how many -- well, do you know if there
 8 are any portable classrooms on the campus?
 9 A. Yes, I do.
 10 Q. And would those also be identified as
 11 bungalow classrooms?
 12 A. Yes.
 13 Q. Okay. Do you know how many bungalow
 14 classrooms there are on the campus?
 15 A. I can count them up for you.
 16 Q. You can?
 17 A. Yes.
 18 Q. Okay.
 19 A. Okay. About 17.
 20 Q. Do you know when these bungalow classrooms
 21 were placed at Crenshaw?
 22 A. Two of them has been there for a long
 23 period of time. I don't know exactly when they
 24 came. But the others has been within the last --
 25 since I've been back, within the last two years.

1 Q. Is it three years since you have been back
2 or two years?
3 A. This is completing the third year.
4 Q. When you are referring to when these
5 bungalows --
6 A. Since 1998.
7 MR. FERNOW: You really need to wait for
8 the question.
9 BY MS. STRONG:
10 Q. It's okay.
11 So has it been during the past 3 years
12 these bungalows have come on to the campus; is that
13 correct?
14 A. That's correct.
15 Q. Do you ever walk around the campus and
16 have opportunities to look at the conditions of
17 your school?
18 A. Yes.
19 Q. How often would you say you're walking
20 around your campus and have opportunities to look
21 at the conditions of your school?
22 MR. FERNOW: It's vague.
23 THE WITNESS: Once a day.
24 BY MS. STRONG:
25 Q. Approximately once a day?

1 A. Yes.
2 Q. Do you ever enter the bathrooms on your
3 campus.
4 A. Yes.
5 Q. How often would you say approximately you
6 enter the bathrooms on your campus?
7 A. An average of once a week.
8 Q. Okay. Do you go into the classrooms on
9 your campus on a regular basis?
10 A. Yes, I do.
11 Q. How often would you say you go into your
12 classrooms on the campus?
13 A. I go into a classroom at least once a day
14 that I'm on campus. Not every classroom.
15 Q. Okay. And do you do this while the class
16 is in session or during a time when the class is
17 not in session?
18 A. Both in session and sometime when classes
19 are not in session.
20 Q. How would you describe the conditions at
21 your school on a regular basis?
22 MR. ROSENBAUM: Objection. Vague,
23 speculation.
24 MR. FERNOW: Same objection.
25 THE WITNESS: Okay. I would describe the

1 facility as clean, but every day trash is dropped
2 by students. But the overall plan, I would say, is
3 clean. The bathrooms are clean and serviced. But
4 there's graffiti on the walls.
5 BY MS. STRONG:
6 Q. Do other organizations ever use your
7 campus on the weekends for various activities?
8 A. Yes.
9 Q. And have you ever received any notices or
10 letters from these organizations with respect to
11 the conditions at your school?
12 A. Yes, I have.
13 Q. Do you recall the nature of these
14 communications?
15 A. Well, I recall the most recent one I
16 received. It was very complimentary to the plant
17 manager and the facility of the school being very
18 clean, comparing -- that particular person was
19 comparing it to other schools that they had
20 attended.
21 Q. Do you remember who this was from, by any
22 chance?
23 A. No. It was one of the organizations on
24 the line of -- I don't remember the exact
25 organization. But they were there for to use the

1 facility over the weekend.
2 Q. Okay. Do you remember what schools they
3 compared you to?
4 A. No, I don't.
5 Q. Okay.
6 A. They just said other schools. They didn't
7 give a name.
8 Q. And they said that your school was cleaner
9 than the other schools that they had attended?
10 A. Right.
11 Q. Paragraph 209 of the First Amended
12 Complaint states that:
13 "Students cannot take books home for
14 homework in many classes, and in some
15 classes students do not have any books at
16 all because the school does not have
17 enough books for all the students. In
18 the classes for which students do not
19 have textbooks, they have to rely on
20 photocopied packets from their teachers."
21 Can you describe for me any policies or
22 procedures or practices in place at Crenshaw for
23 purchasing textbooks or other instructional
24 materials?
25 MR. FERNOW: Objection. Vague and

1 ambiguous, calls for speculation, compound.

2 MR. ROSENBAUM: Agree.

3 BY MS. STRONG:

4 Q. Go ahead.

5 A. Yeah, there is a procedure at Crenshaw for
6 ordering textbooks. And this procedure allows the
7 department chair to assess from the members of the
8 department of what textbooks is needed. And then
9 this information is gathered and reported to the
10 assistant principal of the budget, which is Ruby
11 Canon. And she in turn is responsible for getting
12 these orders and having the books purchased and
13 delivered to the school.

14 Q. Okay. So let's start -- break this
15 process down. You said the first thing is there's
16 an assessment as to what is needed on the campus;
17 is that correct?

18 A. Yes.

19 Q. Okay. When does this assessment occur on
20 an ordinary basis?

21 A. We try to order books at this time of year
22 in the month of May for the incoming school year.
23 However, any time that books are needed, the
24 department chair can notify the assistant
25 principal, and the process is activated.

1 Q. Okay. So if you're attempting to order
2 books in May, when is it that the assessment takes
3 place to determine what to order?

4 A. Each teacher is given the form and asked
5 to determine how many books you would need or --
6 for the upcoming year for this particular subject.
7 And then that is then submitted to the department
8 chair. The department chair in turn gives this
9 information to the assistant principal and then the
10 orders are -- the ordering is done at that time.

11 Q. Okay. And then once the order is placed
12 by Miss Canon, I believe you said --

13 A. Canon.

14 Q. When are the books received back at
15 Crenshaw?

16 MR. ROSENBAUM: Objection. Vague and
17 speculation and foundation.

18 MR. FERNOW: Same objections.

19 THE WITNESS: Okay. I can give my best
20 estimate that the books come in sometime between
21 the months of July and August.

22 BY MS. STRONG:

23 Q. Okay. And has this been the process that
24 has taken place for the three years that you have
25 been principal at Crenshaw?

1 A. That's correct.

2 Q. With the books coming in in July and
3 August, is that sufficient time to prepare the
4 books to have them distributed to students at the
5 time the school year begins in September based on
6 your experience at Crenshaw?

7 MR. ROSENBAUM: Objection. It's compound.
8 He didn't say it was his best estimate. No basis
9 that this witness knows specifically with respect
10 to this --

11 MS. STRONG: You can state your objection
12 for the record.

13 MR. ROSENBAUM: I did state it.

14 MS. STRONG: No speaking objections.
15 Thank you.

16 Q. Go ahead.

17 A. Yes, that is adequate time to process the
18 books and stamp them and have them ready for use by
19 September.

20 Q. Okay. And based on your experience in the
21 past three years at Crenshaw, you have had
22 sufficient time to actually receive the books, have
23 them prepared, and issued to the students in
24 September of each of the years that you have been a
25 principal?

1 MR. ROSENBAUM: Same objections.

2 BY MS. STRONG:

3 Q. Go ahead.

4 A. The majority of the orders has been. Of
5 course, there are some cases where books are
6 delayed by the vendor or by the book company. They
7 are waiting on the books to come into print or they
8 can't quite fill the order and some books sometimes
9 are delayed. But the majority of the books in the
10 ordering process is done within that period of
11 time.

12 Q. Do you have any specific recollections of
13 any times in the past three years when a book order
14 has been delayed?

15 A. No. I don't know any specifics on that.

16 Q. Okay. So is it accurate to say that
17 teachers are responsible for identifying what books
18 are needed for their classes and Crenshaw High
19 School?

20 A. Yes, it's true.

21 Q. Are there any standards or policies
22 requiring that students at Crenshaw be provided
23 with textbooks or instructional materials?

24 MR. FERNOW: Objection. Lacks foundation.
25 Calls for speculation. Vague and ambiguous.

1 THE WITNESS: There's a policy that every
 2 student is supposed to have a book to take home in
 3 the four core academic subjects.
 4 BY MS. STRONG:
 5 Q. How do you know about that policy?
 6 A. It comes down from the superintendent's
 7 office and it's discussed in the principal's
 8 meetings.
 9 Q. Superintendent of the district, LAUSD?
 10 A. That's correct.
 11 Q. And you said it's discussed where? I'm
 12 sorry.
 13 A. Principal's meetings. At the principal's
 14 meetings. So it's held by the local
 15 superintendents who represent local districts.
 16 Q. How often are these meetings held?
 17 A. Once a month.
 18 Q. Do you attend each of those meetings?
 19 A. Yes, unless I get in a deposition.
 20 Q. Is there one today?
 21 A. No.
 22 Q. Okay. Good.
 23 MR. ROSENBAUM: Do you want us to schedule
 24 future depositions on those days?
 25 BY MS. STRONG:

1 Q. Who was responsible for enforcing that
 2 policy at Crenshaw High School?
 3 MR. FERNOW: Objection. Calls for
 4 speculation.
 5 BY MS. STRONG:
 6 Q. If you know.
 7 A. I'm responsible for it, for enforcing that
 8 policy at Crenshaw.
 9 Q. Okay. Is there a procedure in place for
 10 replacing missing books or obtaining books during
 11 the school year? You described to us the procedure
 12 that takes -- I'm sorry. You described to us the
 13 procedure of ordering books at the end of the year
 14 for the following school year. But is there a
 15 separate procedure in place to order books during
 16 the school year?
 17 MR. FERNOW: Objection, compound.
 18 MS. LHAMON: Asked and answered.
 19 THE WITNESS: I stated that during the
 20 school year that a teacher that has a problem or
 21 runs short of books can provide an order to the
 22 department chair. And those orders will be filled
 23 at any time during the school year. That's the
 24 full intent of the guidelines is to provide that
 25 service.

1 BY MS. STRONG:
 2 Q. Do you know what the turnaround time is
 3 ordinarily with respect to that midyear ordering
 4 process?
 5 MR. ROSENBAUM: Objection. Vagueness,
 6 speculation.
 7 THE WITNESS: I really don't know. It
 8 varies from company to company. I don't know the
 9 exact time.
 10 BY MS. STRONG:
 11 Q. Based on your experience at Crenshaw with
 12 this issue, do you know how long it takes for a
 13 book order to get filled under those circumstances?
 14 MR. ROSENBAUM: Objection. Assumes facts
 15 not in evidence, foundation, speculation.
 16 MR. FERNOW: Asked and answered.
 17 THE WITNESS: Okay. Once again, it varies
 18 from different companies. There are some textbook
 19 representatives who if you call them they will
 20 almost walk the order in, hand-carry it, put the
 21 books in the van and get them for you.
 22 BY MS. STRONG:
 23 Q. How long would it take under those
 24 circumstances?
 25 MR. ROSENBAUM: Let him complete his

1 answer.
 2 BY MS. STRONG:
 3 Q. Go ahead.
 4 A. And other companies didn't have that type
 5 of convenience. And so it could vary from anywhere
 6 from seven working days to 15 working days.
 7 Q. Have you ever had experience in getting
 8 books under those circumstances in less than seven
 9 days?
 10 A. No.
 11 Q. Okay. So between seven and 15 days?
 12 A. Yes.
 13 Q. Do you believe that there are
 14 circumstances at Crenshaw that cause the school to
 15 have to order more books throughout the year than
 16 other schools that have to order?
 17 MR. FERNOW: Objection. Vague and
 18 ambiguous, calls for speculation, lacks foundation.
 19 MR. ROSENBAUM: I agree with that.
 20 THE WITNESS: Would you repeat the
 21 question?
 22 MS. STRONG: Would you read it back to me,
 23 please.
 24 (The following question was read by the
 25 reporter):

1 "Q. Do you believe that there are
2 circumstances at Crenshaw that cause the
3 school to have to order more books
4 throughout the year than other schools
5 that have to order?"
6 THE WITNESS: Yes.
7 MR. FERNOW: Same --
8 BY MS. STRONG:
9 Q. And what are those?
10 A. There are some circumstances. We have a
11 high transient rate. That is students checking in
12 and out of our schools and we are not always able
13 to collect the books from the kids when they leave.
14 Therefore, creating a shortage of textbooks.
15 Q. Are there any other characteristics of, at
16 Crenshaw, that you believe require you to order
17 books during the year more than some other schools
18 may have to order books during the year?
19 MR. ROSENBAUM: Same objections.
20 THE WITNESS: I can't think of --
21 BY MS. STRONG:
22 Q. Anything else?
23 A. -- anything else.
24 Q. Do you have students that are checking
25 into the campus periodically throughout the year?

1 A. Continuously.
2 Q. How many students would you say check in
3 per month?
4 MR. ROSENBAUM: Vague as to "check."
5 BY MS. STRONG:
6 Q. If you know.
7 MR. FERNOW: I agree. Same objection.
8 BY MS. STRONG:
9 Q. Do you understand what I mean by the
10 question?
11 A. I understand what you mean by the question
12 but I don't know that -- I don't have an exact
13 number. I can guess -- I can estimate.
14 Q. Your best estimate would be appreciated.
15 A. My best estimate is somewhere between 35
16 and 45 students check in and out of the school each
17 month.
18 Q. And that proceeds through to the last
19 month of school --
20 A. Yes.
21 Q. -- which is ordinarily June, May or June?
22 A. June.
23 Q. Do you believe that sometimes you are
24 required to order books midyear because of these
25 incoming students that check in or enroll in the

1 school midyear?
2 MR. ROSENBAUM: Objection. Same
3 objections. And he -- he's already answered the
4 question.
5 MS. STRONG: Go ahead.
6 MR. FERNOW: Same objections.
7 THE WITNESS: Yes, I think that's one of
8 the driving forces for having to order books
9 midyear.
10 BY MS. STRONG:
11 Q. What happens if a student fails to return
12 a book that is issued to that student?
13 MR. FERNOW: Objection. Calls for
14 speculation.
15 THE WITNESS: There's a -- we have what is
16 called a stop clearance. And the kid's name go on
17 that list. And we write letters, asking for
18 parents to bring the book back or to pay for the
19 book.
20 If a student remained enrolled at Crenshaw
21 High School, he doesn't get an opportunity to
22 participate in a ceremony, a graduation ceremony
23 until he pays for the book. But if he leaves the
24 school, we don't have as much success of getting
25 those books back or returned.

1 BY MS. STRONG:
2 Q. With respect to the participation in the
3 graduation ceremony, you stated he cannot
4 participate until he pays for the book?
5 A. Right.
6 Q. He can pay for the book?
7 A. He can return and pay for the book.
8 Q. At that time he would be able to
9 participate --
10 A. That's correct.
11 Q. -- in the graduation ceremony?
12 A. That's correct.
13 Q. Do you know if teachers at your school
14 ever give out some of their in-class set of books
15 to students who have either lost or misplaced their
16 book that was issued to them to take home?
17 MR. FERNOW: Objection. Vague and
18 ambiguous as to "in-set class of books." Also
19 calls for speculation.
20 MR. ROSENBAUM: Foundation, also.
21 THE WITNESS: Do I know?
22 MR. ROSENBAUM: She doesn't want you to
23 guess.
24 THE WITNESS: I don't -- I don't know
25 exactly. Maybe you better repeat the question. I

1 kind of got loss. What is your question?
 2 BY MS. STRONG:
 3 Q. Okay. I want to know, based on your
 4 experience at Crenshaw, do you know if a teacher
 5 has ever given out a book from his or her in-class
 6 set of books to a student to take home when a
 7 student has lost or misplaced his own book that was
 8 issued to him?
 9 MR. FERNOW: Objection. Lacks foundation.
 10 Calls for speculation, vague and ambiguous.
 11 MS. STRONG: I'm asking if he knows. He
 12 can answer the question.
 13 THE WITNESS: I'm not sure. I don't know
 14 that.
 15 MR. FERNOW: Still lacks foundation.
 16 THE WITNESS: I don't have the facts on
 17 that.
 18 BY MS. STRONG:
 19 Q. Okay. Are you aware of any standards or
 20 policies, procedures in place at Crenshaw relating
 21 to the vintage of textbooks provided to students at
 22 the school?
 23 MR. FERNOW: Objection. Vague and
 24 ambiguous as to vintage.
 25 THE WITNESS: You're referring --

1 BY MS. STRONG:
 2 Q. As to the age of textbooks.
 3 A. I know there's a policy that requires that
 4 textbooks are to be discarded after a certain year.
 5 I don't know the exact year. I know Mrs. Canon
 6 refers to this occasionally in staff meeting, but I
 7 don't know the years and the dates on that.
 8 Q. Is it your understanding that Mrs. Canon
 9 complies with whatever those procedures are?
 10 MR. ROSENBAUM: Objection. Foundation,
 11 speculation.
 12 THE WITNESS: Yes. I'm -- yes, she does
 13 comply to the guidelines of the state and the
 14 district.
 15 BY MS. STRONG:
 16 Q. Do you know if older editions of textbooks
 17 are ever used. Let me rephrase that.
 18 Do you know if teachers ever use older
 19 editions of textbooks, and meaning older than the
 20 edition that is currently issued to the students,
 21 are used in class along in their classes?
 22 MR. FERNOW: Objection. Vague and
 23 ambiguous. He's testified -- and lacks foundation.
 24 He testified that he does not know the years --
 25 MS. STRONG: It's a different question.

1 MR. FERNOW: -- of the requirement.
 2 BY MS. STRONG:
 3 Q. Go ahead.
 4 A. I do know that teachers do use -- do use
 5 books that they didn't -- that's not directly
 6 issued to the student for that particular class.
 7 And they may use a different edition or a different
 8 textbook.
 9 Citing an example would be if a student --
 10 if for some reason there's a shortage of that
 11 particular book, the teacher will refer the kid and
 12 give the kid a book in that subject. And it may
 13 not necessarily be the exact same book that the
 14 teacher is using, but it have information in it.
 15 And I do know of some cases of that.
 16 BY MS. STRONG:
 17 Q. Why is it that the teacher is using this
 18 older edition, if you know?
 19 MR. ROSENBAUM: Speculation. Foundation.
 20 MS. STRONG: I'm asking if he knows.
 21 Q. Go ahead.
 22 A. Only because it -- for whatever reason the
 23 turnover. The kid -- we could be waiting on an
 24 order of books to come in or a book is not being --
 25 we don't have the book for the kid at the

1 particular time or complete set, so we use
 2 information for the kid to be able to keep up and
 3 understand the subject matter that they are
 4 teaching.
 5 Q. Is it your understanding that this is a
 6 temporary situation if this were to occur at your
 7 campus?
 8 A. Only a temporary situation.
 9 Q. Okay. And why is that? Because you would
 10 go ahead and get an order in for new textbooks if
 11 that was what was necessary?
 12 MR. ROSENBAUM: Objection. Incomplete
 13 hypothetical. It's leading. No foundation.
 14 Speculation.
 15 BY MS. STRONG:
 16 Q. You can answer.
 17 MR. FERNOW: Same objections.
 18 THE WITNESS: Yes. We would -- it's a
 19 temporary process and we would order books as
 20 needed -- when needed.
 21 BY MS. STRONG:
 22 Q. Do you know if one of the reasons for
 23 doing this is -- I'm sorry. Do you know if one of
 24 the reasons for utilizing different editions of
 25 textbooks is that the school sometimes waits to

1 order new textbooks until a new adoption comes in?
 2 MR. FERNOW: Objection. Calls for
 3 speculation, lacks foundation, vague and ambiguous.
 4 MR. ROSENBAUM: Same objections.
 5 MR. FERNOW: I'm not absolutely sure when
 6 the orders are placed or the particular
 7 circumstances.
 8 BY MS. STRONG:
 9 Q. But have you -- are you aware of any --
 10 MR. ROSENBAUM: There's no foundation.
 11 When a witness says "I don't know." You can't ask
 12 the witness --
 13 MS. STRONG: This is my deposition. Make
 14 your objections for the record.
 15 MR. ROSENBAUM: I'm going to object.
 16 MS. STRONG: You're interfering with this
 17 deposition and I don't appreciate it.
 18 MR. ROSENBAUM: I have a responsibility
 19 to --
 20 MS. STRONG: To object.
 21 MR. ROSENBAUM: -- to make appropriate
 22 objections. And when a witness says "I don't
 23 know," it is badgering a witness. It is not
 24 designed to get at the truth when you then ask him
 25 a series of questions thereafter.

1 MS. STRONG: I believe the witness'
 2 attorney can protect him if he feels he's being
 3 badgered. If it's happening, it's by you. I'd
 4 appreciate it if you make your objections for the
 5 record.
 6 MR. ROSENBAUM: I'm making my objection.
 7 I have every responsibility for my client to make
 8 objections when you ask inappropriate questions.
 9 MS. STRONG: You're entitled to do so.
 10 Feel free to do so.
 11 MR. ROSENBAUM: When you continue to ask
 12 him, you are badgering a witness.
 13 MS. STRONG: I will continue with my
 14 questioning. Are you finished with your
 15 objections?
 16 MR. ROSENBAUM: You can complete your
 17 questions, but I'll continue to object when you ask
 18 a witness a set of questions about matters that he
 19 is honestly, frankly, sincerely saying, "Ma'am, I
 20 just don't have the answers to that. I don't
 21 know."
 22 MS. STRONG: And I think he understands
 23 what the questions are, and he has an ability to
 24 explain that to me if he doesn't know.
 25 MR. ROSENBAUM: He explained it to you

1 repeatedly and you continue to badger him.
 2 MS. STRONG: That is your interpretation.
 3 I don't think that accurately reflects what's going
 4 on here today.
 5 MR. ROSENBAUM: We can go off the record
 6 and read it because that's what the record says.
 7 He's doing the best he can to answer the questions
 8 for you, and you continue to ask him questions when
 9 he says "I don't know." He said, "I'm not in
 10 charge of textbooks. I don't know."
 11 You can read back his last answer. In the
 12 last answer the first three words are "I don't
 13 know."
 14 MS. STRONG: All I'm trying to find out is
 15 what he does know. Are you finished?
 16 MR. ROSENBAUM: I'm finished. Yes, I am.
 17 MS. STRONG: Okay. Can you possibly
 18 repeat the last question that I asked the witness?
 19 MR. ROSENBAUM: Can you, please, read back
 20 his last answer?
 21 (The following question was read by the
 22 reporter):
 23 "Q. Do you know if one of the reasons for
 24 doing this is -- I'm sorry. Do you know
 25 if one of the reasons for utilizing

1 different editions of textbooks is that
 2 the school sometimes waits to order new
 3 textbooks until a new adoption comes in?"
 4 BY MS. STRONG:
 5 Q. Do you have an answer to that?
 6 MR. ROSENBAUM: I want his last answer to
 7 be read back, please.
 8 (The following answer was read by the
 9 reporter):
 10 "A. Yes. We would -- it's a temporary
 11 process and we would order books as
 12 needed -- when needed."
 13 BY MS. STRONG:
 14 Q. Do you remember the last question that was
 15 asked?
 16 A. I'm not sure, no.
 17 Q. I'll try and repeat it to the best of my
 18 ability.
 19 Do you know if one of the reasons why you
 20 may need to use a different edition of a textbook
 21 is that you are waiting for a new adoption of a
 22 textbook to come in and you don't want to place an
 23 order for books until you have that new adoption
 24 in?
 25 MR. ROSENBAUM: Same objections.

1 THE WITNESS: Yes, that is correct. There
2 are a number of reasons, and that certainly is one
3 of them.

4 BY MS. STRONG:

5 Q. Okay. And how do you know that?

6 A. We have a staff meeting once a week with
7 the administrative staff and we discuss all
8 concerns and issues as it relates to instruction.
9 And if there's an order out there or if there's
10 someone short of textbooks, it's discussed at that
11 staff meeting.

12 Q. Okay.

13 MS. STRONG: This is a good opportunity
14 for a lunch break. It's 12:00.

15 MR. FERNOW: All right.

16 MS. STRONG: We'll meet back at 1:00.

17 (At the hour of 12:00 P.M., a luncheon
18 recess was taken. The deposition resumed at
19 1:11 P.M., the same persons being present.)
20
21
22
23
24
25

1 guidelines.

2 Q. Do you know how often the state comes down
3 with a new adoption for textbooks?

4 A. I really don't know. I really don't know
5 that offhand. I'd have to look that up.

6 Q. Who is it that's responsible for -- is it
7 Miss Canon that's responsible --

8 A. Yes, would be Canon.

9 Q. -- for all of the textbook issues at your
10 school?

11 A. That's correct.

12 Q. Do you know whether there are procedures
13 or policies in place to accept complaints from
14 parents, students, or teachers regarding textbooks
15 and other instructional materials?

16 MR. FERNOW: Objection. Compound.

17 THE WITNESS: Yes. There is a complaint
18 procedure that we follow, that students and parents
19 can complain.

20 BY MS. STRONG:

21 Q. Can you describe that procedure.

22 A. The assistant principal has a form that
23 they can fill out concerning their complaint. And
24 so the students know they can file the complaint
25 with the counselor. They can get the forms from

1 LOS ANGELES, CALIFORNIA; WEDNESDAY, MAY 30, 2001
2 1:11 P.M.
3

4 EXAMINATION (resumed)
5

6 BY MS. STRONG:

7 Q. Good afternoon, Mr. Kiel. Welcome back.

8 Do you remember the ground rules we went
9 over this morning?

10 A. Yes.

11 Q. Did you have any alcohol or any medication
12 at lunch that would affect your ability to testify
13 today?

14 A. No. I didn't think of that. No, I
15 didn't.

16 Q. Are you aware of any standards or policies
17 relating to when or how often textbooks are updated
18 at Crenshaw?

19 A. Actually, the textbook adoption comes down
20 from the state. The state determines the adoptions
21 and when a certain textbook is no longer state
22 adopted, funds are allotted for state textbook
23 adoptions. In other words, certain dollars you
24 can't spend for anything but the books that's
25 adopted by the state. So we follow those

1 the counseling office, and they can file a
2 complaint with the assistant principal,
3 Mrs. Garrison.

4 Q. I actually want to go back to the prior
5 question, I'm sorry.

6 Other than the state adoption that you
7 referred to, are you aware of any other policies or
8 practices in place regarding updating textbooks at
9 Crenshaw?

10 A. Usually we follow the state adoption.
11 Occasionally a teacher may ask for different
12 textbooks or lobby for a textbook. And that's done
13 usually by a committee or, you know, if there's
14 funds available. But that's -- occasionally that
15 happens. That's not a -- it doesn't happen too
16 often that a teacher may request a certain
17 textbook. And sometimes if we have auxiliary funds
18 or additional funds, we will accommodate that
19 teacher, but it's not an everyday or
20 once-a-semester occurrence.

21 MS. STRONG: Why don't we take a break.
22 (Recess.)

23 (The following testimony was read by the
24 reporter):

25 "Q. I actually want to go back to the

1 prior question, I'm sorry.

2 "Other than the state adoption that you
3 referred to, are you aware of any other policies or
4 practices in place regarding updating textbooks at
5 Crenshaw?

6 "A. Usually we follow the state adoption.
7 Occasionally a teacher may ask for different
8 textbooks or lobby for a textbook. And that's done
9 usually by a committee or, you know, if there's
10 funds available. But that's -- occasionally that
11 happens. That's not a -- it doesn't happen too
12 often that a teacher may request a certain
13 textbook. And sometimes if we have auxiliary funds
14 or additional funds, we will accommodate that
15 teacher, but it's not an everyday or
16 once-a-semester occurrence."

17 BY MS. STRONG:

18 Q. So are there any policies that -- or
19 procedures that you are aware of at the district
20 level regarding updating textbooks?

21 MR. ROSENBAUM: Other than what he's
22 already testified to?

23 THE WITNESS: No.

24 MS. STRONG: Correct, other than what he's
25 already testified to.

1 form at your school, who is it at your school that
2 receives that form?

3 A. It comes to -- most -- the mail is
4 directed to the principal. Pam and I sent it to
5 who should receive it.

6 Q. Okay. So with respect to these forms that
7 come from the local superintendent, it's directed
8 to you. And then do you direct that form to
9 someone else at your school?

10 A. Yes, where we can.

11 Q. Okay. Do you know what process Ruby Canon
12 goes through in determining whether or not there
13 are sufficient books at school for each student?

14 MR. ROSENBAUM: Objection. Foundation;
15 speculation.

16 MR. FERNOW: Same objection.

17 THE WITNESS: Through the normal
18 textbook-ordering procedure. Contact the
19 department chair. The department chair surveys
20 their department members, and so on and so on, to
21 determine the -- the need and whether or not the
22 orders are in for every student.

23 BY MS. STRONG:

24 Q. Okay. And is it one and the same process
25 then? Is the ordering process the same process

1 BY MS. STRONG:

2 Q. None that you are aware of --

3 A. Right.

4 Q. -- correct?

5 Is there a procedure in place for keeping
6 the local district informed about any issues
7 relating to textbooks and other instructional
8 materials?

9 MR. FERNOW: Objection. Vague, overbroad.

10 THE WITNESS: Yes. We have to sign off
11 that we've provided a textbook for every student.

12 BY MS. STRONG:

13 Q. Okay. And how is it that you sign off
14 stating that you've provided a textbook for every
15 student? Can you describe that process to me.

16 A. It's just a format that the superintendent
17 sends out. It comes from his office, saying that
18 you've certified that you purchased a textbook for
19 the four major subjects for every student.

20 Q. Okay. Who is that form sent to?

21 A. Sent to the local district superintendent.

22 Q. Does it get to your school, that form --
23 I'm sorry, I misunderstood.

24 Before you receive that form, who are you
25 receiving that form -- when you first receive the

1 that is used to determine if there are sufficient
2 books for each student at the school?

3 A. Yes.

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

6 BY MS. STRONG:

7 Q. Go ahead.

8 A. Yes.

9 Q. And what does Ruby Canon do with this form
10 after she completes the form?

11 MR. FERNOW: Objection. Calls for
12 speculation.

13 BY MS. STRONG:

14 Q. If you know.

15 A. She gives it to me. She -- and then I
16 sign off on it and send it in to the
17 superintendent.

18 Q. Okay. Have you sent in one of these forms
19 for each year that you have been a principal at
20 Crenshaw?

21 A. Yes.

22 Q. Okay. And have you certified on that form
23 that there are sufficient books for each student in
24 the core subjects as asked by that form, for each
25 of the years that you have been principal at

1 Crenshaw?

2 A. Yes, I have.

3 MR. ROSENBAUM: Excuse me. I want to
4 enter an objection.

5 We made discovery requests seeking
6 documents -- including documents that would be
7 covered by the testimony that took place. We
8 haven't received any forms like that whatsoever.

9 Do you know what's up?

10 MR. FERNOW: No, I do not.

11 MR. ROSENBAUM: Would you please make an
12 inquiry?

13 MR. FERNOW: Sure.

14 BY MS. STRONG:

15 Q. Are there any other ways that your school
16 contacts the district or has -- keeps the district
17 informed as to the status of textbooks at Crenshaw?

18 A. No.

19 Q. No? That's the only process that you can
20 think of right now?

21 A. That's correct.

22 Q. And again, the four core subjects you
23 mentioned are English, math, social studies, and --

24 A. Science.

25 Q. Is it your understanding that books are

1 A. I don't recall --

2 Q. Okay.

3 A. -- there being a shortage of algebra
4 books.

5 Q. Did you recently purchase some algebra
6 books for the campus in the past three years that
7 you have been there?

8 A. We had a large purchase of algebra books
9 this year because of the new math guidelines, so
10 that every student -- all students will take
11 algebra. And so we did purchase a large quantity
12 of algebra books for the school year.

13 Q. Do you know when was the last large order
14 of algebra books for your school?

15 MR. ROSENBAUM: Objection. Vague.

16 THE WITNESS: This school year was the
17 largest order since I have been there.

18 BY MS. STRONG:

19 Q. And how many books were ordered, if you
20 have any idea?

21 A. I really don't know.

22 Q. Okay. Prior to this school year, in the
23 past three years you have been at the school, do
24 you recall another large order of algebra
25 textbooks?

1 available for each student in these core courses at
2 your school?

3 A. Yes. To my understanding, books are
4 available.

5 Q. For each student --

6 A. For each student in the -- in the courses
7 at Crenshaw.

8 Q. And over the past three years that you
9 have been at the school, has that been your
10 understanding for each year that you have been
11 there?

12 A. That is correct.

13 Q. Was there ever a time when there weren't
14 enough algebra books on campus, that you are aware
15 of?

16 MR. FERNOW: Objection. Vague as to time;
17 calls for speculation.

18 MR. ROSENBAUM: And foundation.

19 MS. STRONG: I don't think foundation is
20 an appropriate objection for a deposition. But you
21 can make that objection if you are happy to make
22 it.

23 Q. Was there a time in the past three years
24 that there was -- weren't enough algebra books on
25 campus, that you were aware of?

1 MR. ROSENBAUM: Asked and answered.

2 MR. FERNOW: Same objection.

3 THE WITNESS: I don't recall the specific
4 orders of books at the school. I don't remember
5 which books we ordered over the last couple of
6 years.

7 And the reason -- and so for this year,
8 I'm aware of it because we have changed the -- we
9 changed the stipulation on the requirements for
10 algebra. But I don't remember exactly which books
11 we ordered.

12 BY MS. STRONG:

13 Q. Okay. Now, with respect to this change in
14 the algebra requirements, what is it that you are
15 referring to?

16 A. Went from integrated math to algebra.

17 Q. How long did you have integrated math at
18 Crenshaw, if you know?

19 A. I don't know.

20 Q. Did you have integrated math at Crenshaw
21 when you first became principal there?

22 A. Yes, we did.

23 Q. When did you change from integrated math
24 to algebra? Is that what the change is?

25 A. Yes.

1 Q. When was that?
 2 A. It's official, we have to change this year
 3 by September.
 4 Q. The change will be made September 2001?
 5 A. Right.
 6 Q. What is integrated math? Can you describe
 7 that to me?
 8 A. Yes. Integrated math is the integration
 9 of geometry, algebra, because -- the reasoning
 10 behind it is that students don't use algebra at one
 11 time, geometry at another time. So this whole
 12 theory of integrated math, that wasn't the process
 13 behind it. And fortunately, for whatever reason,
 14 the policy makers now are leaning the other way.
 15 Q. Did you understand that integrated math
 16 was a program that was adopted at either the state
 17 or district level?
 18 A. Would you repeat that?
 19 Q. Did you understand integrated math to be
 20 adopted by either the state or the district? Is it
 21 a program --
 22 MR. FERNOW: Objection. Assumes facts.
 23 THE WITNESS: I don't know. I inherited
 24 the integrated program when I came to the school.
 25 BY MS. STRONG:

1 Q. Do you know who established that program?
 2 Is it something that you established on Crenshaw --
 3 not you. But do you know if it was something that
 4 was established at Crenshaw, or was it something
 5 established by either the state or the local
 6 district?
 7 MR. FERNOW: Objection.
 8 MR. ROSENBAUM: Hypothetical question.
 9 Vague.
 10 MR. FERNOW: Compound.
 11 THE WITNESS: I'm not absolutely sure, but
 12 there's a lot of schools that use integrated math.
 13 And universities have accepted it.
 14 BY MS. STRONG:
 15 Q. Okay. Why is it that you were doing this
 16 switch to algebra, then?
 17 MR. ROSENBAUM: Asked and answered twice.
 18 THE WITNESS: Because it was directed by
 19 the policy members at the district.
 20 BY MS. STRONG:
 21 Q. At the district level. I'm sorry, I
 22 didn't understand that before.
 23 A. Yes.
 24 Q. How did you become aware of this change in
 25 policy at the district level?

1 A. Through the principals meetings with the
 2 superintendent.
 3 Q. What is the district mandate, then, with
 4 respect to integrated math?
 5 MR. FERNOW: Objection. Assumes facts.
 6 Calls for speculation.
 7 BY MS. STRONG:
 8 Q. Go ahead.
 9 A. That all the students will take algebra,
 10 and Integrated I is no longer accepted -- will be
 11 accepted as part of their curriculum for math in
 12 L.A. Unified schools. So we will be on algebra.
 13 We will be offering and the students will be taking
 14 algebra.
 15 Q. Okay. During the past three years, has
 16 algebra been offered as a class at your school?
 17 A. Yes.
 18 Q. So it has been offered concurrently with
 19 integrated math?
 20 A. That's correct.
 21 Q. Do you know how the school determines the
 22 number of integrated math classes that will proceed
 23 in a particular semester, as opposed to the number
 24 of algebra classes that will proceed during a
 25 particular semester?

1 A. I'm not absolutely sure how the
 2 rollover -- or the difference between the two. I'm
 3 not sure on that.
 4 Q. Are you aware of any complaints at your
 5 school that there were insufficient algebra classes
 6 offered at Crenshaw, other than the complaints in
 7 this -- related to this case?
 8 A. No, I'm not aware of any complaints that
 9 there was a shortage of algebra classes offered.
 10 Q. And with respect to the new adoption of
 11 the math program and the purchase of books for this
 12 program, did you have sufficient funds to purchase
 13 the books that you believed were necessary for your
 14 school this past year?
 15 MR. FERNOW: Objection. Assumes facts.
 16 Lacking foundation. Calls for speculation.
 17 If you know.
 18 BY MS. STRONG:
 19 Q. Go ahead.
 20 A. We had adequate funds to purchase the
 21 books.
 22 Q. Okay. Do you know if there are any core
 23 courses at Crenshaw where the teachers have chosen
 24 not to use textbooks?
 25 MR. FERNOW: Objection. Vague as to time.

1 BY MS. STRONG:

2 Q. During the three years that you have been
3 at Crenshaw as a principal.

4 A. No, I don't know of any.

5 Q. I know that you've already testified that
6 there are sufficient books in these core courses
7 for each child in the class. I'd like to ask a
8 variation of that now, which is: Do you know
9 whether there are sufficient textbooks in these
10 courses for each student to take home?

11 MR. ROSENBAUM: Objection.
12 Mischaracterized his prior testimony; and there is
13 a foundational problem.

14 BY MS. STRONG:

15 Q. Go ahead. You can answer the question.

16 A. To my knowledge, the process that we've
17 used, it should be a textbook for every kid to be
18 able to take a textbook home.

19 Q. Have you ever received a complaint from
20 any teacher, or have you ever been made aware of
21 any complaint by a teacher that he or she wanted to
22 send books home but couldn't because there were too
23 few books on the campus?

24 MR. FERNOW: Objection. Vague. I had
25 another one.

1 of -- I've been in meetings where Mrs. Canon has
2 came to me and requested my signature to order
3 textbooks, to replace textbooks. I don't recall
4 the dates, the type of textbook.

5 But I do know we have ordered textbooks in
6 the middle of the semester during the course of the
7 year.

8 Q. Okay. So if there are -- the instances
9 that you are referring to when you say that you do
10 recall that there were times when you found that
11 there were a shortage of books on campus, what did
12 you do in each of those situations?

13 MR. FERNOW: Objection. That misstates
14 his testimony. He testified that he signed a form
15 when Miss Canon requested additional books.

16 BY MS. STRONG:

17 Q. Go ahead.

18 A. What I've done--most requests come to me
19 in the form from the assistant principal, chain of
20 command, and say, "We need to order X number of
21 books in this category." I say, "Fine." It's
22 usually a purchase order she's presenting to me.
23 And we order the books. The books are ordered.

24 Q. So is your belief that there have been
25 shortages of textbooks on the campus, based on your

1 MS. STRONG: We're waiting.

2 MR. FERNOW: Compound.

3 MS. STRONG: Any more? I'm sure you can
4 come up with more.

5 MR. FERNOW: That's fine.

6 Go ahead.

7 THE WITNESS: I'm not -- I can't recall
8 any complaint over the last three years where a
9 teacher has complained about textbooks.

10 BY MS. STRONG:

11 Q. Okay.

12 A. Okay.

13 MR. FERNOW: Remember, I'm just kidding.

14 BY MS. STRONG:

15 Q. So during your three years as principal at
16 Crenshaw, have you or any other Crenshaw official
17 ever determined there was a shortage of textbooks
18 on the campus?

19 A. Yes, we've observed it at times that
20 textbooks have needed to be ordered, and we've
21 ordered them.

22 Q. Okay. Can you recall the last time when
23 you felt that there was a shortage of textbooks at
24 Crenshaw?

25 A. I can't recall specific cases, but I know

1 experience with Mrs. Canon coming to you with a
2 request for additional textbooks?

3 A. I believe at some point over the course of
4 the year, we have had to purchase additional
5 textbooks. And that's why she would bring the
6 orders to me, to purchase them.

7 Q. Okay. So when you're referring to a
8 shortage of textbooks, then, is this a temporary
9 state at your school that you are describing?

10 MR. FERNOW: Objection. Vague and
11 ambiguous.

12 MR. ROSENBAUM: Asked and answered.
13 Mischaracterizes his testimony.

14 THE WITNESS: What I'm testifying to is
15 when the need for textbooks arises, for whatever
16 reason, we order textbooks. And that's the
17 process.

18 BY MS. STRONG:

19 Q. Okay. And when the need arises and you
20 order textbooks, have you had sufficient funds in
21 the past three years to order the textbooks that
22 you need?

23 A. Yes. In the past three years, yes, we've
24 had sufficient funds.

25 Q. So you order the textbooks and then the

1 shortage no longer exists at that point in time; is
 2 that correct?
 3 MR. ROSENBAUM: Objection. Speculation;
 4 foundation.
 5 THE WITNESS: That's correct.
 6 BY MS. STRONG:
 7 Q. Other than ordering textbooks, is there --
 8 ordering textbooks to purchase, is there another
 9 way of getting books to the teachers or students on
 10 campus to use while you're waiting for an order to
 11 come in?
 12 MR. FERNOW: Objection. Vague and
 13 ambiguous.
 14 THE WITNESS: Is there another process for
 15 getting books?
 16 BY MS. STRONG:
 17 Q. For example, have you ever borrowed books
 18 from another school?
 19 A. Not since I have been at Crenshaw.
 20 Q. Okay. Is there anything of that nature as
 21 opposed to, you know -- is the only course to
 22 rectify a temporary shortage of books ordering them
 23 from the publisher, or are there any other means of
 24 rectifying the situation temporarily?
 25 MR. ROSENBAUM: Vague, compound,

1 Q. Do you know if students ever share books
 2 in class?
 3 A. Yes, I know. They do.
 4 Q. How is it that you know this?
 5 A. I have actually visited a class when kids
 6 were sharing books.
 7 Q. And did you get an understanding as to why
 8 students were sharing books in a class?
 9 A. Yes.
 10 Q. And how did you do that?
 11 A. Well, sometime I would just ask, or I
 12 would be there when the lesson started, and the
 13 teacher would say, "Take your books out." And the
 14 kid -- John said, "I don't have my book today."
 15 And she would -- says, "Who wants to be so
 16 generous as to share their book with Tommy?" And
 17 some kid would raise his hand, and a kid would go
 18 and sit by this kid and share the book.
 19 Q. So your understanding as to why that
 20 student was sharing the book is because the student
 21 left a book at home?
 22 A. That's correct.
 23 Q. Do you know of any other circumstances
 24 under which students have shared textbooks at your
 25 school?

1 incomplete hypothetical.
 2 THE WITNESS: Yes, there -- we -- in other
 3 situations in other schools, I have borrowed
 4 textbooks. And that still happens. But we just
 5 haven't had to do it in the last three years since
 6 I have been at Crenshaw.
 7 BY MS. STRONG:
 8 Q. And why is that?
 9 A. We have actually had adequate funds since
 10 the previous superintendent started out with his
 11 campaign to provide moneys for textbooks. It's
 12 been a big push to make sure that we have textbooks
 13 in the schools. And so --
 14 Q. And that push seems to have its intended
 15 effect, as far as you are aware, at Crenshaw?
 16 A. I'm sorry, what did you say?
 17 MS. STRONG: Can you repeat the question.
 18 MR. ROSENBAUM: Objection. Speculation;
 19 foundation.
 20 THE WITNESS: Yes, I think the push has
 21 been effective.
 22 BY MS. STRONG:
 23 Q. What superintendent were you referring to?
 24 A. The one who is no longer here. Rubin
 25 Zacharias.

1 A. I don't know of any.
 2 Q. Do you know if teachers ever give
 3 assignments that don't require reading from the
 4 book in the class?
 5 MR. FERNOW: Objection. Vague and
 6 ambiguous.
 7 BY MS. STRONG:
 8 Q. Do you understand the question?
 9 A. Yes. Yes, I'm sure their assignments were
 10 assigned outside of the textbook.
 11 Q. And do you have any reason to believe that
 12 that is due to a lack of textbooks at the school?
 13 A. No, I don't. I think that teachers looked
 14 to teach time with current events outside of the
 15 textbook.
 16 Q. Have you ever heard of a science class at
 17 Crenshaw having to give up their class set of books
 18 to another class that needed them more?
 19 A. No, I never have. Never heard of that.
 20 Q. Would that surprise you?
 21 MR. ROSENBAUM: Objection. Speculation;
 22 no foundation.
 23 THE WITNESS: I would be totally surprised
 24 if that was the case. Very shocking. I wouldn't
 25 think that would be the case at Crenshaw.

1 BY MS. STRONG:

2 Q. Do you know if students are ever given
3 photocopied packets of materials?

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

6 THE WITNESS: I know in some AP classes,
7 teachers tend to go beyond the scope of the
8 textbook, and there have been packets. I have
9 actually seen students with packets with
10 individualized -- IEP students with individualized
11 instruction. I don't always know what the packet
12 is or why the kids have packets, okay?

13 BY MS. STRONG:

14 Q. Are you aware that teachers give out test
15 prep materials in photocopy packets at the school?

16 MR. FERNOW: Objection. Assumes facts not
17 in evidence.

18 THE WITNESS: I know we have a -- I know
19 we have a big push on test prep and test reading
20 and test-taking strategies. And so I can imagine
21 that some teachers would have a test strategy
22 packet, because we are, all of us, are pushing to
23 improve the test scores.

24 BY MS. STRONG:

25 Q. Do you know if materials are distributed

1 Q. How is it that you know about this test
2 packet of material?

3 A. Because I worked on a committee to improve
4 the tests. We have a committee. And this was one
5 of the suggestions from the committee. And I
6 happened to be sitting in on that committee at the
7 time.

8 Q. When you created the test packet?

9 A. When they decided that we would create a
10 test packet.

11 Q. And then did you ever see that it was
12 implemented somehow?

13 A. Yes. I signed the requisition for it to
14 be reproduced.

15 Q. What is this committee that you are
16 referring to?

17 A. It's just an instructional committee.
18 It's the department chairs. It's the IPC. It's
19 the department chairs, coordinators. They meet to
20 discuss instructional issues and how to improve the
21 instructional program.

22 Q. When was that instructional committee
23 formed, do you know?

24 A. The instructional committee has been in
25 existence or at the school for -- it's an ongoing

1 from the administration at the school from teachers
2 with respect to test preparation materials?

3 A. Yes, we do.

4 Q. You did or you do? I'm sorry.

5 A. We did this school year.

6 Q. Can you describe what materials were
7 distributed?

8 A. We put together a packet of information of
9 sample questions that may appear on the
10 standardized test. And we provided books for every
11 student to actually take these sample questions in
12 class, during class time.

13 So -- and that's -- that is the only
14 information that we've placed directly to teachers
15 and asked them to work with students on. This book
16 was also put together by a group of teachers, and
17 then we just reproduced it for all students.

18 Q. So did that booklet of material contain
19 information as to all of the core subjects, or what
20 was the information contained therein?

21 A. As I stated, it was some type of sample
22 questions. It's questions like it -- questions
23 similar to the ones that may appear on standardized
24 tests. And it covered math, science -- and social
25 sciences, I think.

1 process at the school.

2 Q. Was it in place when you became principal?

3 A. Yes, it was.

4 Q. Okay.

5 A. It was in place when I was assistant
6 principal.

7 Q. Okay. And how often does the committee
8 meet?

9 A. Once a month.

10 Q. Do you attend each of these meetings?

11 A. No.

12 Q. Do you attend any of the meetings?

13 A. I try to attend them all, but I don't
14 attend them all.

15 Q. Do you know if students ever use
16 worksheets in class?

17 A. Yes, I know.

18 Q. Okay. And do they?

19 A. Yes, they do.

20 Q. Now, do you think that this has anything
21 to do with textbook availability or lack thereof?

22 MR. ROSENBAUM: Objection. Speculation.

23 THE WITNESS: No, I don't.

24 BY MS. STRONG:

25 Q. And why is that?

1 A. Well, as I mentioned earlier, students
2 with individualized instructional plans, sometimes
3 the teacher will put together a packet of
4 information. AP teachers will sometimes use
5 different information from the textbook, and things
6 that they learn in their -- in their workshops.
7 And they put together packets of information for
8 their students. And I've seen them use these
9 packets.

10 Q. Do you know if they are ever used in
11 classes other than AP classes?

12 A. I'm not sure.

13 Q. So I'd like to direct your attention to
14 the first amended complaint again. With respect to
15 paragraph 209, could you review that one more time,
16 please.

17 (Pause while witness peruses document.)

18 Q. Okay. Based on your experience at
19 Crenshaw, do you believe this allegation is
20 fundamentally misleading, if not false?

21 MR. ROSENBAUM: Objection. Ambiguous;
22 foundation.

23 MR. FERNOW: Same.

24 THE WITNESS: I would think it's
25 misleading. I would think it's misleading.

1 occasionally, in some of the instances where we
2 have had to order textbooks during the course of
3 the middle of the year, if, for whatever reason, we
4 run short of books at that point in time, and while
5 we're waiting on the order of textbooks, a teacher
6 may suggest or may say, "Look" -- or if -- there
7 could be a mistake across the board somewhere down
8 the line where the books was late coming, or in the
9 beginning of the school year, where -- while we are
10 waiting on our order of books, a teacher may -- may
11 suggest or may maintain just a classroom set of the
12 books.

13 So I'm saying in the total operation of
14 the school over a period of three years, that in my
15 thinking -- but I do not recall a situation of this
16 magnitude -- that that could have been a situation.
17 BY MS. STRONG:

18 Q. Okay. So there may have been a temporary
19 point in time where some of these allegations may
20 have been true, but that was only for a temporary
21 period of time? Is that what you are trying to
22 say?

23 MR. ROSENBAUM: Objection.

24 Mischaracterizes testimony; speculation.

25 BY MS. STRONG:

1 BY MS. STRONG:

2 Q. Is there anything else other than what
3 you've already testified to today that you base
4 that opinion on?

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

7 MR. ROSENBAUM: Same objections.

8 MR. FERNOW: Calls for a narrative.

9 THE WITNESS: The textbook -- I can't
10 think of any -- of anything that -- I'm not sure
11 what they are referring to here. So I was trying
12 to think of some situations that may come up later
13 or that would happen that would cause this
14 situation, and I can't think of any of them right
15 now.

16 BY MS. STRONG:

17 Q. Okay. So what you are saying is that
18 you've got no basis, based on your experience at
19 Crenshaw, as to why anyone would make this
20 allegation regarding your school; is that correct?

21 MR. FERNOW: Objection. Misstates
22 testimony.

23 MR. ROSENBAUM: Same objections.

24 THE WITNESS: No. I -- there's -- and I'm
25 not absolutely sure, but I do know that

1 Q. Go ahead.

2 A. That's what I'm saying.

3 MS. STRONG: Do you want a break?

4 MR. FERNOW: Sure.

5 (Recess.)

6 BY MS. STRONG:

7 Q. I'd like you to turn your attention to the
8 first amended complaint again, paragraph 207, if
9 you could. If you could please read that.

10 It says:

11 "Plaintiffs Delwin Lampkin and D'Andre
12 Lampkin attend school at Crenshaw Senior
13 High School in Los Angeles. At Crenshaw, students
14 regularly see rats, mice, and roaches in their
15 classrooms and in the locker rooms."

16 Is there a procedure or practice at
17 Crenshaw High to respond to the presence of rats,
18 mice, or other pests on campus?

19 A. Yes, there's a procedure for handling any
20 maintenance request.

21 Q. Okay. Specifically with respect to rats,
22 mice, or other pests, can you please describe that
23 procedure.

24 A. Well, if someone has a request or sees
25 something of this nature and it's reported, the

1 plant manager will immediately call pest control.
 2 Q. Okay.
 3 A. And they are dispatched and they address
 4 the issue.
 5 Q. When you say if a -- something of this
 6 nature is reported, who would that be reported to?
 7 A. One of two people they were reported to:
 8 Mrs. Garrison, which is the assistant principal in
 9 charge of plant and operations, and the plant
 10 manager, Mr. Owens, which is the plant manager for
 11 the school, to see that things like this or taken
 12 care of.
 13 Q. Have you ever received a complaint
 14 yourself regarding the presence of rats, mice, or
 15 other pests on your campus?
 16 A. No, I have never received a written
 17 complaint concerning the rats and pests.
 18 Q. Okay. If you were to receive a complaint,
 19 what would you do with that complaint?
 20 A. Okay. I would go directly to the plant
 21 manager and impress upon him the importance of
 22 phoning it in and taking care of it.
 23 Q. Okay. That's the next part of the
 24 process.
 25 Once the plant manager has the report, you

1 A. Right.
 2 MR. ROSENBAUM: Objection. Vagueness.
 3 BY MS. STRONG:
 4 Q. And do you know the means that they use to
 5 address the problem on campus, the district pest
 6 control service, if you know?
 7 MR. FERNOW: Objection. Vague as to what
 8 animal or vermin we're dealing with.
 9 BY MS. STRONG:
 10 Q. With respect to any of the animals that
 11 we're talking about.
 12 A. I know they have these little traps they
 13 use, and they set traps. I've seen some traps.
 14 Q. Okay. Have you seen traps at Crenshaw
 15 while you have been a principal there?
 16 A. Not for rats.
 17 Q. What have you seen traps for?
 18 A. For the water bugs.
 19 Q. So is it the plant manager, Mr. Owens, the
 20 individual that is responsible to see that any
 21 problem with rats, mice, or other pests are
 22 addressed at your school?
 23 A. He is the first line.
 24 Q. Okay. And then followed by you? I'm
 25 sorry. I'll rephrase that question.

1 said he calls pest control service?
 2 A. Right. It's the district. It's the
 3 district maintenance operations office in which he
 4 calls. We have our own pest control department
 5 within the district.
 6 Q. So it's a district-level entity?
 7 A. Right.
 8 Q. And would the plant manager ever try and
 9 address the problem on the campus himself before
 10 calling the district pest control service? Do you
 11 know?
 12 A. No. He has no means of doing that. He's
 13 not qualified to handle anything of that nature.
 14 Q. Okay. Once the request is put in to the
 15 district pest control service, do you know how long
 16 it takes for someone to come to the campus to
 17 address the problem?
 18 MR. ROSENBAUM: Objection. Speculation;
 19 no foundation; incomplete hypothetical.
 20 THE WITNESS: Something of this magnitude,
 21 certainly with rats, it would be within the next
 22 day.
 23 BY MS. STRONG:
 24 Q. Okay. On an ordinary circumstances --
 25 under ordinary circumstances?

1 What did you mean when you said he's the
 2 first line?
 3 A. That's who we report it to. And he is the
 4 first person to address it. And when we would --
 5 we all would report directly to him. He then
 6 reports it and follow through and see that it's
 7 done --
 8 Q. Okay. So the follow-up is handled -- I'm
 9 sorry.
 10 A. -- in a timely manner.
 11 Q. So the follow-up is handled by Mr. Owens?
 12 A. That's correct.
 13 Q. I don't know if you've answered this
 14 question.
 15 Have you ever seen rats and/or mice on
 16 your campus since you have been the principal at
 17 Crenshaw?
 18 A. I haven't, in the eight plus three years
 19 that I have worked at Crenshaw, have I seen a rat
 20 or a mouse at Crenshaw?
 21 Q. You have not seen either a rat nor a mouse
 22 in that time period?
 23 A. That's correct.
 24 Q. Now, do you know of a time when there were
 25 rats on campus, even though you didn't personally

1 see some?

2 A. It's only hearsay. But I did hear the
3 city was working in the area and they cut some palm
4 trees, trimmed some palm trees, and some rats ran
5 onto campus. I did not see them. That's a report
6 that I got in a verbal manner. I didn't see it in
7 writing or anything of that nature.

8 Q. Okay. Do you have any idea as to when
9 this was?

10 A. I really don't know the time or the dates.
11 And, you know, I merely mention it because you
12 asked. It's strictly hearsay.

13 Q. Did you hear of this while you were
14 principal at Crenshaw?

15 A. Yes.

16 Q. Was it within your first year of being
17 principal at Crenshaw, if you can recall?

18 A. I really don't recall. I don't want to
19 give any dates to it.

20 Q. Okay.

21 A. Or any time line.

22 Q. Well, let me just -- just try and work
23 with me on this. Do you know if it was within the
24 past year, for example?

25 A. No, it wasn't in the past year.

1 MR. ROSENBAUM: Calls for speculation.

2 BY MS. STRONG:

3 Q. Go ahead.

4 A. Yes, I do.

5 Q. You said that you have seen traps on
6 campus because of water bugs. When was the last
7 time you've seen a water bug on campus?

8 A. I'm sure I saw one in the month of April.

9 Q. Okay. And how often do you believe you
10 see water bugs on campus?

11 A. It's difficult to say. If I see a water
12 bug -- if I see more than a water bug twice in the
13 run of a month, I report it and say, "We need to
14 have someone come out and fumigate." But I very
15 seldom see one. But occasionally I do. And when I
16 do, I report it.

17 Q. And are the same procedures followed with
18 respect to water bugs as that that you described to
19 me with respect to mice and rats?

20 A. The procedure is they come right out. But
21 they don't -- usually they will do it on a Friday
22 afternoon, because of the chemicals that they
23 sometimes spray. And over the weekend, it has
24 enough time so that no one will be affected by it.

25 Q. Okay. And in your experience as principal

1 Q. So it was either in your first or second
2 year as principal at Crenshaw?

3 A. Now, let me say that -- and to be honest,
4 I don't know if it was when I was principal, but
5 I've heard it since I have been back. I don't know
6 if the rats actually came on when I was principal,
7 but I've heard the conversation since I've been
8 back as principal.

9 Q. I appreciate that clarification. Thank
10 you.

11 Who did you hear this from?

12 A. From Miss Garrison, the assistant
13 principal, and Mr. Owens, the plant manager.

14 Q. Do you know what was done, based on what
15 they have told you, with respect to the problem at
16 the time that it occurred, whenever that was?

17 A. Yes. The same procedures that I alluded
18 to earlier, that they call -- it was called into
19 the district. And they responded within the next
20 day.

21 Q. And as far as you're aware, based on your
22 conversations with Miss Garrison and Mr. Owens, do
23 you believe that the problem was addressed in a
24 timely manner?

25 A. Yes, I --

1 at Crenshaw, do you know of any students that were
2 ever affected by the materials they used to
3 eradicate the water bugs on campus?

4 A. No.

5 Q. And based on your experience at Crenshaw,
6 are the procedures that are followed sufficient to
7 address the problems with water bugs on the campus
8 at Crenshaw?

9 MR. ROSENBAUM: Objection. Compound;
10 foundation.

11 THE WITNESS: I feel comfortable with the
12 procedure, that it -- that it reduces the number of
13 water bugs and sightings on campus.

14 BY MS. STRONG:

15 Q. Okay. Turning back to the allegation, at
16 paragraph 207. Can you read that again, please.

17 A. Okay.

18 Q. Based on your experience at Crenshaw, do
19 you believe that this allegation is false?

20 (Pause while witness peruses document.)

21 MR. FERNOW: Objection. Compound.

22 THE WITNESS: Okay. I --

23 BY MS. STRONG:

24 Q. I'm sorry. Let me break that down for
25 you. I'm sorry.

1 Part of paragraph 207 of the first amended
2 complaint reads:

3 "At Crenshaw, students regularly see
4 rats, mice, and roaches in their classrooms and in
5 the locker rooms."

6 Based on your experience at Crenshaw, do
7 you believe that this portion of the allegation is
8 false?

9 MR. ROSENBAUM: Objection. Speculation;
10 foundation; and vagueness.

11 MR. FERNOW: I would agree with the fact
12 that it's false, that -- I mean, after eight years
13 as assistant principal and three years as
14 principal, if the rats was that plentiful, I would
15 have ran into a few of them. And I really have
16 never seen a rat at the school. So I would say
17 that that is definitely false in the sense of the
18 rats at the school.

19 BY MS. STRONG:

20 Q. Okay. Is that the same for the mice at
21 school?

22 A. No mice. Rats and mice is all in one, as
23 I'm using rats and mice is the same.

24 Q. Okay. And with respect to roaches?

25 A. Roaches is defined -- I defined those as

1 referring to roaches, and if they are defined as
2 the brown animals that you are referring to,
3 insects, do you believe that this allegation is
4 false?

5 A. I believe that it's false.

6 Q. Okay. I'd like to direct your attention
7 to paragraph 208 of the complaint. 208, which
8 states:

9 "In several classes of the school, as
10 many as 10 students have to stand in
11 class or sit on counters because they do
12 not have enough seats for all the
13 students in their classes. These
14 students use hard objects, such as stray
15 boards, on which to write because they do
16 not have desks."

17 Are you aware of any standards or policies
18 relating to how many students may be assigned to
19 any given classroom at Crenshaw?

20 A. Yes.

21 Q. Can you please describe those standards or
22 policies.

23 A. We normally assign 33 kids per class, with
24 the exception of 9th graders in English classes,
25 where we assign 20 to one. Electives can go as

1 water bugs, big paper water bugs. And they are not
2 that plentiful, but you will occasionally see one
3 at school from time to time. And it's an ongoing
4 fumigation problem within the district, that we
5 deal with those.

6 They are not plentiful. You don't run
7 into them all over the place. Occasionally you do
8 see a water bug at school.

9 Q. Okay. And just for clarification, a
10 sighting of a water bug reported to the district,
11 is that a sighting of a water bug or cockroach? Do
12 you know?

13 A. I really don't know.

14 But in my definition that I'm using,
15 roaches are the little brown roaches that we see
16 around food courts and food areas. The water bug
17 is the big bug, that usually eat paper. And so I'm
18 distinguishing between the roach and the water bug.

19 Q. Okay. Let's take with respect to roaches,
20 what you identify as the little brown --

21 A. The ones that hang around food courts.

22 Q. Okay. Have you seen any of those on the
23 campus?

24 A. No.

25 Q. With respect to this allegation that it's

1 high as 35 to one.

2 Q. When you say you normally assign 33
3 students per class, is that the highest number of
4 students that can be assigned to a class?

5 A. That's the guideline in which we were to
6 follow.

7 Go ahead.

8 Q. Are you finished?

9 A. I was -- what needs to be clarified, it's
10 33 students per class. If you take five classes
11 and you divide the number of kids that the teacher
12 would have during the course of a day, it should
13 not average over 33. There may be 34 or 35, but in
14 some cases be 28. So what we're saying is it
15 should be an average of 33 to one.

16 Q. Okay. Do you know if there is a maximum
17 number of students allowed to enroll in a core
18 course at Crenshaw?

19 MR. ROSENBAUM: Objection. Speculation;
20 foundation.

21 THE WITNESS: I'm sorry. You have to
22 clarify your question again. I'm not quite sure I
23 understand what you're asking.

24 BY MS. STRONG:

25 Q. Okay. With respect to core courses, not

1 electives --
 2 A. Uh-huh.
 3 Q. -- is there a maximum number of students
 4 that you are allowed to enroll in a particular core
 5 course?
 6 A. It varies, because in the English classes,
 7 9th grade and 11th grade, it's 20 to one. Math and
 8 science can go as high as 33 to one.
 9 Q. And so that's what I'm saying. 33 is the
 10 limit for the -- the upper limit for any core
 11 course; is that correct?
 12 MR. ROSENBAUM: Mischaracterizes
 13 testimony.
 14 MR. FERNOW: Same objection.
 15 THE WITNESS: I need you to understand --
 16 BY MS. STRONG:
 17 Q. Maybe I'm not understanding.
 18 A. -- it's a 33-to-1, average, across the
 19 board. If you go into a classroom and you find 34
 20 kids, you may go into a classroom and find 28.
 21 Q. Okay.
 22 A. But the average is 33 to one --
 23 Q. Okay.
 24 A. -- in 9th to 11th grade.
 25 It is complicated. Those are just points

1 that you have to remember the district has provided
 2 and the state has provided for the 9th-grade
 3 English classes.
 4 Q. Outside of the 9th- and 11th-grade English
 5 classes that are 20 to 1, what are the guidelines
 6 that are setting the per-class ratio of teacher to
 7 students that you are following at Crenshaw?
 8 A. The norm table that's prescribed by the
 9 superintendent's office.
 10 Q. At the district level or --
 11 A. At the district level.
 12 Q. At Crenshaw, based on your experience, you
 13 believe that you comply with that norm table that
 14 you are referring to?
 15 A. That is correct.
 16 MR. ROSENBAUM: Objection. Foundation;
 17 speculation.
 18 BY MS. STRONG:
 19 Q. Okay. Do you know if there are any
 20 collective bargaining agreements -- I'm sorry. One
 21 other question.
 22 Do you know if there are class size limits
 23 with respect to the magnet courses at your school?
 24 A. Yes.
 25 Q. And what are those limits?

1 A. 28 to one.
 2 Q. And is that for all courses offered
 3 through the magnets?
 4 A. Yes.
 5 Q. And there are two magnet programs at your
 6 campus?
 7 A. That's correct.
 8 Q. What are the two magnet programs?
 9 A. One is a gifted and high abilities magnet.
 10 And the other one is a teacher training magnet.
 11 Q. And when you say that the courses offered
 12 by the magnet must be 28 to 1, does that cover
 13 courses beyond core subjects?
 14 A. Right now I'm not sure. And I was
 15 thinking about that.
 16 Q. Okay.
 17 A. So I do know it covers the core subjects.
 18 Q. Okay. Are there any collective bargaining
 19 restrictions on class size that you're aware of?
 20 A. I think that the numbers that I quoted is
 21 a part of the collective bargaining, along with
 22 guidelines from the district. I think -- I think
 23 the guidelines from the district is a part of
 24 collective bargaining.
 25 Q. Okay. And do you know if there's -- there

1 are any provisions in the collective bargaining
 2 agreements that provide for additional teacher
 3 assistance in the classroom if the number of
 4 students in a class exceeds a certain number?
 5 MR. FERNOW: Objection. Vague and
 6 ambiguous.
 7 BY MS. STRONG:
 8 Q. Do you understand that question?
 9 A. I think I do, but --
 10 Q. I can rephrase it. It was a little
 11 convoluted.
 12 A. Okay.
 13 Q. Do you know if any teachers' aides or any
 14 other assistance are provided to teachers in
 15 classes where the number of students enrolled
 16 exceed a certain number based on the collective
 17 bargaining agreements?
 18 MR. FERNOW: Objection. Vague and
 19 ambiguous.
 20 BY MS. STRONG:
 21 Q. Go ahead, you can answer.
 22 A. I don't know of any.
 23 Q. Thanks.
 24 Do you know if there's a procedure or
 25 practice at Crenshaw to equalize the number of

1 students in classes?

2 MR. FERNOW: Objection. Vague and
3 ambiguous.

4 MR. ROSENBAUM: Join.

5 THE WITNESS: The process in the procedure
6 is to balance the classes. And we do have a
7 process and a procedure for balancing classes at
8 the beginning of the school year and maintaining
9 that balance.

10 BY MS. STRONG:

11 Q. Can you describe to me that process,
12 please.

13 A. We build a master schedule for the number
14 of classes and the number of kids that we
15 anticipate that we will have.

16 I need to give you a little bit of
17 background information. At the beginning of the
18 year, with the vast number of programs that we have
19 in our Los Angeles Unified School District,
20 students will sign up to come to Crenshaw, and then
21 they will find something different that they want
22 to do. So we may have 400 kids enrolled and names
23 to come in, say, June 30th.

24 Well, August 25th, of those 400, we may
25 lose 300 of those, and a new 300 come in. So at

1 A. Audubon and Horace Mann.

2 Q. Horace Mann, you said?

3 A. Right.

4 Q. Based on your experience at other schools
5 and at Crenshaw, do you believe that Crenshaw has a
6 particularly high number of students come that are
7 not anticipated?

8 MR. ROSENBAUM: Objection. Speculation;
9 foundation.

10 THE WITNESS: Yes, we do. And -- go
11 ahead.

12 I just need to say, yes, we do, because we
13 have a large number of kids that go to private
14 school and middle school. And so those kids then
15 come back into the system for high school
16 sometimes. So that throws the numbers way off.

17 It's very difficult to get the -- to know
18 in June how many and the name of kids that's going
19 to open up in September.

20 BY MS. STRONG:

21 Q. When you say there's a lot of students who
22 attend private schools, you mean are attending --
23 attend private schools for middle school?

24 A. Uh-huh.

25 Q. And return to the public school system for

1 the beginning year when we open up school, it
2 throws the numbers out of balance, because there's
3 no way of knowing who is going to come until that
4 first day.

5 So some of our classes, you know, the
6 numbers go up here and here. We have to then
7 balance those classes as fast as possible. And we
8 have a procedure for doing that.

9 Q. Before getting to the procedure regarding
10 balancing classes, where do you first get the
11 information to establish your master schedule?

12 A. We go to the feeder middle schools, and we
13 get the number of 8th graders that live in the
14 attendance area. And then we take all those
15 numbers and we add them together, from the two
16 feeder schools. And that gives us the base number
17 for the kids that we anticipate that will come to
18 our school.

19 Q. Is that also the basis for the names of
20 the students that are going to be coming to your
21 school?

22 A. Exactly.

23 Q. Do you know what your feeder schools are?

24 A. Yes.

25 Q. What are they?

1 high school?

2 A. Right, right.

3 Q. Before we get to balancing classes, what
4 you described reflects the incoming class process.
5 Do you ever have a need to balance classes at the
6 upper-level classes beyond the incoming class, for
7 example?

8 A. I'm not sure I know what you mean when you
9 say "upper level."

10 Q. Okay. Your first incoming class at your
11 school is a class of 9th graders?

12 A. Uh-huh.

13 Q. Okay. With respect to your 10th
14 through 12th grade classes, do you have a need to
15 balance the students at the beginning of the school
16 in those classes as well?

17 A. Yes, there's a need to balance all classes
18 in September.

19 Q. Okay. And I understand the need to
20 balance the classes because -- on the 9th-grade
21 class. Can you explain to me why you may need to
22 balance the classes at the 10th-through-12th-grade
23 levels as well?

24 A. Well, in our community there's a large
25 number of students who are bussed out to Palisades,

1 Uni, to the San Fernando Valley. Over the summer,
2 parents run into a negative experience getting all
3 the way out to the Valley, so they bring their kids
4 back. So each grade level, kids are coming back
5 into Crenshaw. And also to compound the issues,
6 kids are leaving.

7 So you have that not just at the 9th-grade
8 level; you have it all the way up probably until
9 the 12th grade, because we have the integration, we
10 have open enrollment.

11 And some kids have great experiences, and
12 they stay. Some kids, the parents say, "Well, I
13 want you to go to another program." They may have
14 tried to get into this program in the 10th grade,
15 they couldn't, so they get into it in the 11th
16 grade. They try to get in, in the 9th grade.
17 "I've always wanted to go to the magnet school,
18 this particular magnet." So now you got that
19 opportunity, next grade level, and they let them
20 go.

21 Q. Do you also have a significant number of
22 drop-out students at your school, that affects this
23 balancing process?

24 MR. ROSENBAUM: Objection. Vagueness.

25 MR. FERNOW: Same.

1 can see where we stand. Because, literally, we do
2 not know what we have out there until we get those
3 numbers in.

4 We sit down and we look at those numbers,
5 and then we start to balance. And we have 35 kids
6 here and 40 kids here, and we start balancing those
7 numbers from the very first day. We try to balance
8 from the very first day.

9 As we continue to enroll, we enroll the
10 kids where there are needs.

11 Now, can we balance every class and every
12 grade level in the first day? No. But we try to
13 do it within the first two to three days of the
14 opening of school.

15 Q. And even though two to three days is your
16 goal, does it sometimes take a little bit longer to
17 get the classes fully balanced?

18 A. Sometimes. But not much longer than two
19 to three days. We can usually get it down within a
20 two-to-three-day period.

21 Q. By the end of the first week, say, you are
22 confident that most of the classes are balanced?

23 A. Yes.

24 Q. Who was responsible for this balancing
25 process at your school?

1 THE WITNESS: I'm not -- it's hard to say
2 drop-out.

3 BY MS. STRONG:

4 Q. You don't know the reasons why people
5 leave, if it's an actual dropout as opposed to
6 changing schools?

7 A. It's hard to say at that juncture whether
8 it's a dropout or not.

9 Q. Okay. Then with respect to the balancing
10 process, is it the same process for each grade
11 level?

12 A. That's correct.

13 Q. Okay. So can you please describe for me
14 the balancing process that takes place at Crenshaw.

15 A. At the beginning of the year, the very
16 first day, we have a form that we give to each
17 teacher. And on that form, we tell them, do not
18 give us the number of students on the roster, but
19 give us the number of students that showed EN,
20 and -- what we call EN, enrolled. The EN just
21 stands for "enrolled." So the number of kids that
22 enrolled in the class, who showed up, okay. So we
23 get those numbers.

24 For the first couple of days -- well, for
25 the first day, we don't enroll new students, so we

1 A. Mrs. McAdoo is the sole person. But at
2 that juncture, everybody pitches in, coordinators,
3 administrators, and everybody works frantically to
4 get this task completed. But she is responsible.

5 Q. Are you aware of any classes that do not
6 have enough chairs for the students in that class?

7 MR. FERNOW: Objection. Vague as to time;
8 calls for speculation.

9 THE WITNESS: I can't remember just a
10 particular class. But I do know at the beginning
11 of the school year, there could be situations.

12 And we have a procedure in place for
13 teachers who don't have classes. We have -- don't
14 have -- not classes -- don't have chairs. We have
15 chairs readily available on various halls of the
16 floor. When teachers call down and say, "I don't
17 have enough seats," we have custodians standing by
18 to go and take chairs to those rooms.

19 BY MS. STRONG:

20 Q. So if a teacher needs a chair, is there a
21 telephone in the classroom, or how does the teacher
22 inform you that she or he is in need of a chair?

23 A. There's a telephone in the classroom.
24 They can call right now, and someone can be there
25 within that class period and address the issue. Or

1 they can fill out a form. They all have forms that
2 they can fill out.

3 And some teachers, veteran teachers, will
4 say, "I have 38 enrolled and I have 35 chairs and
5 I've -- I had every chair used, and I'm expecting
6 more kids."

7 And so we will go ahead and put a couple
8 of chairs in that room overnight. So we will get a
9 note to that effect sometime. And we have a format
10 that they use that they request chairs for the
11 classroom.

12 Q. Okay. What is that format?

13 A. It's just a form that they sign that says,
14 "I need X number of chairs." So there's two means
15 of getting furniture right away. One, you can pick
16 up the phone. The other, you can use little forms
17 and fill it out and request it in writing.

18 Q. If you use the phone, the turnaround time
19 for getting a chair is approximately what?

20 A. Within that class period.

21 Q. Okay.

22 A. And veteran teachers will go across the
23 hall and say, "Look, I have 38 right now. Let me
24 use" -- a teacher that has some -- "Let me use a
25 couple of yours, and I'll get them back to you."

1 can't remember exactly why, but it was some reason
2 I checked to see -- checked up on the policy and
3 the procedure. I normally have not in the past.
4 But this particular year I did. I can't remember
5 exactly why.

6 Q. And with respect to the in-class option,
7 having the teacher call and get the custodian to
8 call and bring another chair or borrowing one from
9 another teacher, how do you know about that
10 process?

11 A. Well, in the main phone terminal the
12 switchboard operator is just outside of my door. I
13 hear a lot of phone calls come through.

14 Some teachers can call directly to the
15 plant manager. If the plant manager is not in his
16 office, then they call the operator, and she makes
17 a note of it. And I usually will assist her, or
18 the office manager, we'll work with her. We'll
19 work with the teacher calling in to see that they
20 get these chairs.

21 Q. You explained the balancing process takes
22 two to three days, and at most a week.

23 A. Uh-huh.

24 Q. Is it fair to say that this process of
25 requesting chairs is usually no longer an issue

1 Veteran teachers have found a way to work until the
2 class is balanced. It's a united effort. It's not
3 like we're not working together to make this thing
4 happen for kids.

5 Q. So if a teacher wanted to make it happen,
6 getting another chair for a student within ten
7 minutes or something, that teacher could?

8 A. That's correct.

9 Q. Isn't the second process you described,
10 filling out the form -- what is the turnaround time
11 for that process of getting a chair into the
12 classroom?

13 A. If the teacher feels they need a chair, if
14 they had the kid sit on a bench -- if there was
15 only five chairs here and a kid sat on a bench for
16 a period of time, the teacher fills out a form and
17 says, "In my third-period class, I need X number of
18 chairs." It goes to the plant manager that
19 afternoon, and when the teacher arrives, the chairs
20 are there.

21 Q. How do you know all that?

22 A. Because I literally looked at the plant
23 manager's log of lists and notes when he signed
24 off -- when he placed the chairs in the classroom.
25 And just happened this year, I checked that. I

1 after classes are balanced at the end of the first
2 week of school?

3 A. That's correct.

4 Q. And other than the balancing period time
5 during the first week of school, have you ever
6 heard of a situation where there were not enough
7 chairs in the class for the students?

8 A. Absolutely not.

9 Q. And if there were a problem, do you
10 believe that the school has sufficient resources to
11 address that problem within that class period?

12 A. Yes. We have resources plus the standard
13 procedure.

14 Q. You call your local district
15 superintendent and say, "I don't have enough
16 chairs"?

17 A. Yeah. I mean, that's a done deal. They
18 have got to find the seats right away. No one
19 should have to stand in any school that I've acted
20 as principal in. You just don't stand.

21 Q. Except for the first week of class and for
22 a shortened period of time?

23 A. Short periods of time, their first day of
24 school.

25 Q. Do you know of any classes at the school

1 that do not have enough desks for the students in
2 the class?

3 A. I don't know of any.

4 If I have been informed, "But I don't have
5 a desk," by a teacher, we provide a chair and a
6 small table. So a seat for being able to do your
7 work for any period of time. A student would not
8 be without a desk or a chair and a table for more
9 than the time it took us to get the classes
10 balanced or within that day.

11 Q. Okay. Is the procedure and process in
12 place to obtain desks for students the same that is
13 in place for obtaining chairs for students, or is
14 there a difference?

15 A. Desks and chairs -- when you refer, you
16 know -- once we balance the classes out and we
17 balance the rooms out, we actually have an adequate
18 number of chairs for -- number of desks for the
19 number of students that we have, even related to
20 our capacity. It's a matter of moving the
21 furniture around, balancing the furniture out, like
22 you do everything else.

23 Q. It's fair to say that to the extent that a
24 student is without a desk for a period of time, you
25 would believe that that would only occur during the

1 the first week of school?

2 A. Once again, I have had no complaints. I
3 have had requests by teachers, but no complaints.

4 Q. And those requests by teachers are
5 addressed in accordance with the procedures you
6 already described to me, correct?

7 A. That's correct.

8 Q. Have you had any complaints from any
9 student, parent, teacher, or anyone else that there
10 are too many students in the classes at Crenshaw,
11 other than the first week of school?

12 A. No, I haven't.

13 Q. Have you ever received or heard of a
14 complaint that students are unable to get
15 individualized attention in their classes at
16 Crenshaw, other than the first week of school?

17 A. I'm not sure what you are referring to
18 when you say "individualized attention."

19 Q. Well, have you had a complaint from a
20 student or teacher or anyone that the teachers are
21 unable to give attention to a particular student
22 because there are too many students in the class?

23 A. I'm not sure. I'm not sure of the
24 question. I can't answer yes or no on that.

25 Q. You don't recall at the moment one way or

1 first week; and it if happened after the first
2 week, it's a problem that would be aberrational and
3 would be addressed during that period or certainly
4 by the next day?

5 MR. ROSENBAUM: Objection. Speculation.

6 THE WITNESS: That's correct.

7 BY MS. STRONG:

8 Q. Have you ever heard of or observed any
9 students writing on stray boards in your school?

10 A. To be very honest with you, I don't know
11 what a stray board is. So if they have, I haven't
12 heard of it. I don't know, have no knowledge of
13 it.

14 Q. Has any student, parent, or teacher, or
15 anyone else, ever complained to you that there are
16 not enough chairs at Crenshaw beyond this first
17 week of school?

18 A. I can't remember or recall any parent or
19 student coming and complaining about chairs.

20 Q. And this is referring to the past three
21 years that you have been principal at Crenshaw,
22 correct?

23 A. That's correct.

24 Q. Are you aware of any complaint from anyone
25 that there are not enough desks for students beyond

1 the other?

2 A. Right, I don't.

3 MS. STRONG: Can we take a quick break?
4 (Recess.)

5 BY MS. STRONG:

6 Q. If 40 students were ever in a science
7 class on your campus, would that be unusual?

8 MR. ROSENBAUM: Objection. Speculation;
9 lack of foundation.

10 THE WITNESS: Yes, it would be unusual to
11 have 40 students in a science class.

12 BY MS. STRONG:

13 Q. And if there were 40 students in a science
14 class, would you think that that was a temporary
15 situation at your campus?

16 A. Yes.

17 MR. FERNOW: Same objections.

18 THE WITNESS: Yes, a very temporary
19 situation.

20 BY MS. STRONG:

21 Q. And so if that were to occur, you would
22 expect that that would only occur during the first
23 week of school during the balancing process; is
24 that correct?

25 A. That is correct.

1 Q. If that occurred at any other time during
2 the school year, would that situation be addressed,
3 as far as you're aware?
4 MR. ROSENBAUM: Same objections.
5 THE WITNESS: Yes. We would address any
6 classes that's over 33 to 1.
7 BY MS. STRONG:
8 Q. Whose responsibility is it to inform you
9 or Miss McAdoo, the individual primarily
10 responsible for students enrolled in each class, of
11 a situation where students enrolled in a particular
12 class are over 33?
13 A. It's the teacher's responsibility to
14 notify the counseling center and certainly
15 Mrs. McAdoo.
16 Q. And with respect to a Spanish class at
17 Crenshaw during the past three years that you have
18 been principal there, do you believe it would be
19 unusual to have 40 students in a Spanish class?
20 MR. ROSENBAUM: Same objections.
21 THE WITNESS: Yes. I believe that any
22 classroom with 40 students in it would be
23 addressed.
24 BY MS. STRONG:
25 Q. Okay. And does Spanish qualify as an

1 A. No, I have no knowledge of that.
2 Q. And as far as you're aware, Crenshaw
3 provides adequate classes and adequate teachers --
4 MR. ROSENBAUM: Objection. Vague and
5 ambiguous.
6 MS. STRONG: I'm not done with the
7 question.
8 Can you read back what I have so far?
9 (The following question was read by the
10 reporter):
11 "Q. And as far as you're aware, Crenshaw
12 provides adequate classes and adequate teachers --"
13 BY MS. STRONG:
14 Q. -- for the students to be able to take the
15 necessary requirements to be able to graduate?
16 MR. FERNOW: Objection. Vague and
17 ambiguous.
18 THE WITNESS: Yes, we provide -- all
19 classes that's required to graduate and enter into
20 the UC and university system.
21 BY MS. STRONG:
22 Q. Are you aware of any situation where a
23 student complained that he or she was unable to
24 take a class that she needed to graduate?
25 MR. FERNOW: Objection. Vague as to time.

1 elective course?
2 A. Yes, it is.
3 Q. So you would try to see that the Spanish
4 class had an average of -- Spanish classes on
5 campus had an average of 36 students in them; is
6 that correct?
7 A. We try to average all classes at 33. We
8 focus on that. But sometime electives can go up as
9 high as 36 to 1 within the guidelines of the norm
10 table.
11 Q. But you still even try to get Spanish
12 classes at the 33-to-1 level?
13 A. That's correct.
14 Q. If a student were to sit on a counter to
15 take notes in class, would that be unusual?
16 A. Very much so.
17 Q. Do you know of any circumstances where the
18 student has sat on a counter in a class to take
19 notes, in your experience as principal during the
20 past three years?
21 A. Normal within the first week of school.
22 Q. Do you know of any students unable to take
23 the classes necessary to graduate because there are
24 not enough of the required classes available to the
25 students?

1 BY MS. STRONG:
2 Q. As to your three years at Crenshaw.
3 A. I need clarification on the question.
4 Q. Okay.
5 A. I need you to clarify. Have I ever heard
6 of a complaint of a student, what now?
7 Q. Okay. Have you received a complaint from
8 a student, or have you heard of a complaint from a
9 student, where that student was unable to take a
10 course necessary to graduate?
11 A. No, not unable to take it.
12 Q. Okay. So to clarify, you've never heard
13 of a complaint from a student stating that they
14 are -- that they are unable to take a class because
15 it is not offered by the school, that is necessary
16 to graduate; is that correct?
17 A. Yes, that's correct.
18 Q. Okay. Then with respect to paragraph 208
19 of the first amended complaint, which states:
20 "In several classes at the school, as
21 many as 10 students have to stand in place or sit
22 on counters because they do not have enough seats
23 for all the students in their classes. These
24 students use hard objects such as stray boards on
25 which to write because they do not have desks."

1 Based on your experience at Crenshaw, do
 2 you believe that this allegation is fundamentally
 3 misleading, if not false?
 4 MR. ROSENBAUM: Same objections.
 5 THE WITNESS: I believe that a portion of
 6 the statement is false.
 7 BY MS. STRONG:
 8 Q. What portion?
 9 A. And some of it is misleading.
 10 Q. Okay.
 11 A. "10 students have to stand in class or sit
 12 on counters because they do not have enough seats."
 13 Now, certainly, in the first couple of
 14 weeks of school -- I can't say how many kids may
 15 have to wait a few minutes until we can get some
 16 chairs in there, the first day, certainly the first
 17 day.
 18 The students who use hard objects such as
 19 stray boards on which to write on because they do
 20 not have desks -- I don't know -- that's --
 21 that's -- that's false, as far as I'm concerned,
 22 because I have no -- I've been there for three
 23 years, and I have not seen this. I have not had a
 24 report of this. So I know nothing of it.
 25 Q. So --

1 A. And it would just be hard for this to
 2 occur for any length of time and I not know
 3 something about it.
 4 Q. With respect to the first sentence of
 5 paragraph 208, you believe that that is at a
 6 minimum fundamentally misleading, correct?
 7 A. Correct.
 8 Q. And with respect to the second sentence of
 9 paragraph 208, you believe that that is false?
 10 A. Yes.
 11 Q. Is there a procedure and practice in place
 12 at Crenshaw for maintaining or cleaning the
 13 bathrooms on the campus?
 14 A. Yes, there is a procedure.
 15 Q. Okay. Can you describe that to me,
 16 please.
 17 A. Yes. Every hall, every room, every
 18 bathroom is assigned to a custodian. A custodian
 19 has responsibilities to clean the facility every
 20 evening.
 21 And now we have added that during the
 22 school day, a custodian will -- at the conclusion
 23 of lunch, and nutrition, which is a 20-minute break
 24 at approximately 10:05 that ends at 10:30, the
 25 custodian will go in and service the bathrooms;

1 that is, replenish paper towels, sweep the floor,
 2 and check all sinks and toilets. So that is now
 3 standard procedure at the school.
 4 Q. To make sure I have it clear. After both
 5 nutrition and lunch, the bathrooms are checked by
 6 the custodians to replenish the supplies in the
 7 bathrooms and make sure they are clean; is that
 8 correct?
 9 A. That's correct.
 10 Q. And then at the end of the day, each day,
 11 the bathrooms are fully cleaned; is that correct?
 12 A. That is correct.
 13 Q. And is this true for every day that the
 14 school is in attendance or the school is in
 15 process?
 16 MR. FERNOW: Objection. Vague and
 17 ambiguous.
 18 MS. STRONG: I'm sorry?
 19 MR. FERNOW: Session?
 20 MS. STRONG: In session. Thank you for
 21 the word.
 22 THE WITNESS: Yes. Every day that
 23 students attend the school.
 24 MS. STRONG: Thank you.
 25 Do you know how many custodians are on

1 campus?
 2 MR. FERNOW: Objection. Vague and
 3 ambiguous.
 4 THE WITNESS: I can give you
 5 approximately.
 6 BY MS. STRONG:
 7 Q. Okay. Sure.
 8 A. It's approximately 17 custodians.
 9 Q. Okay. Are there day and night custodians?
 10 A. There are day and night custodians.
 11 During the day, we have five full-time custodians
 12 on duty during the day.
 13 Q. Is there also a plant manager in addition
 14 to those five?
 15 A. No. That's including the plant manager.
 16 Q. Okay. And then at night, approximately
 17 how many custodians, the remaining --
 18 A. Whatever five from 17 is. Is that 12?
 19 MR. ROSENBAUM: Good math problem.
 20 MS. STRONG: Okay.
 21 MR. ROSENBAUM: That's integrated math.
 22 THE WITNESS: Right.
 23 BY MS. STRONG:
 24 Q. Are there any deep cleans that are
 25 scheduled at Crenshaw?

1 MR. FERNOW: Objection. Vague and
2 ambiguous.
3 THE WITNESS: Okay. I'm familiar with the
4 term that we refer to in our district as "deep
5 clean," so I will respond to the question in the
6 sense that, yes, we have a trailer that comes
7 around once a year, that a crew comes in and with a
8 steamer, and clean the tile, clean the toilets.
9 This is a heavy-pressure steam cleaner. That is
10 what is referred to as the deep clean. And it's
11 done once a year.
12 BY MS. STRONG:
13 Q. It's done over a period of a week, you
14 said?
15 A. The trailer is there for a week.
16 Q. Does the trailer address or clean the
17 bathrooms as well as other parts of the campus?
18 A. No. The primary function is -- it's a
19 crew of people that come with this. They have a
20 painter, carpenter. They do minor repairs. This
21 one crew just works on bathrooms.
22 Q. Are the custodians on campus throughout
23 the day to address any problem in any bathroom that
24 may come up throughout the day?
25 MR. FERNOW: Objection. Vague.

1 Q. Okay. Would a flooded toilet trigger
2 that?
3 A. Yes, definitely, would be considered an
4 emergency or hazard.
5 Q. You're explained the procedure with
6 respect to bringing your custodians to address
7 problems identified with the bathrooms on campus,
8 and also the procedures regarding the ordinary
9 maintenance of the bathrooms by your custodians.
10 Is there also a process to obtain the
11 attention of the district with respect to any
12 problems in the bathroom that may arise?
13 MR. FERNOW: Objection. Vague.
14 THE WITNESS: The process in obtaining the
15 district works directly through the plant manager.
16 If there's something that the plant manager cannot
17 handle, control, or repair, then his next step is
18 to contact the district, local district maintenance
19 operation unit, that services Crenshaw High School.
20 And then that person would assist the plant
21 manager.
22 BY MS. STRONG:
23 Q. So if it's something that's beyond the
24 capacity of custodians to deal with that, the
25 school directly, they will then contact someone at

1 MR. ROSENBAUM: Speculation also.
2 THE WITNESS: Yes. The custodians are
3 assigned to the school. They are on -- they have
4 regular assignments to clean after the students.
5 But they are also on call.
6 There is a procedure for notifying the
7 custodian. It's two quick rings of the bell, and
8 the custodian will call and ask what is the
9 problem, and then we dispatch him to wherever there
10 is an emergency or a need or a spill.
11 BY MS. STRONG:
12 Q. Okay. And so if a student or a teacher
13 wanted to make a complaint, and a complaint were
14 brought to the office, would that trigger this
15 procedure that you described, the two ringings of
16 the bell and the calling the custodian to address
17 the problem?
18 A. According to the nature of the emergency.
19 Certainly if there's a spill where there can be an
20 accident, or if there's somewhere where the kid
21 couldn't sit down, or if there was a light that was
22 out in the classroom, or something that was needed
23 to service kids and couldn't wait --
24 Q. Okay.
25 A. -- would trigger that emergency.

1 the district to help them remedy the problem,
2 whatever that may be?
3 MR. FERNOW: Objection. Misstates
4 testimony.
5 BY MS. STRONG:
6 Q. Is that correct?
7 A. That's correct.
8 Q. How do you know about these procedures
9 relating to the maintenance of the bathrooms and
10 the custodian's schedules and so forth?
11 MR. ROSENBAUM: Objection. Vague and
12 ambiguous.
13 THE WITNESS: Are you referring to the
14 requests or to procedures for handling the
15 requests?
16 BY MS. STRONG:
17 Q. All of the above. How is it that you are
18 aware of how problems relating to bathrooms are
19 addressed on your campus?
20 MR. FERNOW: Objection. Compound.
21 THE WITNESS: I -- through my
22 administrative staff meetings, we discuss issues
23 pertaining to the school. And so at that time
24 everyone gets an opportunity to come to the table
25 with their concerns, their issues, and their

1 problems. And so -- and their rewards. And their
2 compliments. So we listen and we work out -- and
3 at that time, are aware of what's going on with
4 everyone.

5 And also just as I walk the campus, you
6 know, talking to the custodial staff, I'm a very
7 visible principal. I move around the campus and I
8 hear from kids. I hear from custodians. I hear
9 from teachers. I kind of have an open-door policy,
10 so I'm pretty much aware of all of the procedures,
11 concerns, and what goes on around the campus.

12 BY MS. STRONG:

13 Q. These administrative meetings you're
14 discussing, how often are they held?

15 A. Once a week.

16 Q. Who attends them?

17 A. The five administrators.

18 Q. Which are the four assistant principals
19 and you?

20 A. Right.

21 Q. Do you know what types of problems are
22 called in to the district with respect to
23 bathrooms?

24 MR. FERNOW: Objection. Vague and
25 ambiguous; calls for speculation.

1 of the bathrooms, been painted three times a year
2 since you have been principal at Crenshaw?

3 A. Yes.

4 Q. And the tiled portions of the bathrooms,
5 when they have graffiti on them, how often are they
6 cleaned?

7 A. They are maintained by the custodial
8 staff. It's part of the regular cleaning.

9 Q. So it's an ongoing process? Each night
10 when they do their full cleaning of the bathroom,
11 they will try to clean down the tiles as well, to
12 the extent there's graffiti that he -- that needs
13 to be cleaned?

14 A. That's correct. And it's an ongoing
15 problem.

16 Q. What measures have you taken to address
17 the graffiti problem at the campus?

18 A. Well, we've tried incentives. We've
19 actually identified some of the various groups,
20 short of saying gangs, clubs. And we approach them
21 with the understanding that if we find this on the
22 wall, no matter what's the situation, you will go
23 and wash it off.

24 So we've made -- we've just made an effort
25 to get it off as soon as it goes up. But, you

1 THE WITNESS: Well, yes, I know what's
2 called in. We have -- certainly graffiti is called
3 in. And that's one of the things that we -- we
4 paint the bathrooms are painted approximately three
5 times a year, painted out graffiti. That's one of
6 the big things that's called in, is the graffiti
7 that's on the stucco wall part.

8 The tile is washed. The area is tiled,
9 it's washable. The stucco, you can't wash that
10 off, so they come and paint over it. That is what
11 is normally called in.

12 Then, of course, any plumbing problems,
13 where there's a leak or there's water that you
14 can't turn it off, or any type of leak, running
15 water, is called. And they bring in a plumber.

16 BY MS. STRONG:

17 Q. I don't know if I understood. You said
18 there was a towelled portion of the bathroom, or
19 tiled? I'm sorry.

20 A. Tiled.

21 Q. A tiled portion that can be washed off.
22 But there are stuccoed portions that need to be --

23 A. Part of the wall is stucco. Some of the
24 wall is tile.

25 Q. Have these bathrooms, the stucco portions

1 know, we fall behind.

2 You have to know that the -- a clean,
3 clear wall in a high school bathroom have a -- have
4 a nongraffiti life of about two hours before
5 someone writes up the bathroom.

6 Now, in addition to that, we make every
7 effort to keep the floors extremely mopped, the
8 urines cleaned, as clean, as odor-free, but
9 graffiti is on the walls. We make every effort.
10 And then we come in, at least -- I know of three
11 times last year that we painted the bathroom.

12 Q. So maybe more if necessary, but at a
13 minimum of three is --

14 A. Well, I would be reluctant to say we could
15 even get to it any more than that.

16 Q. Okay.

17 A. But I know of three times.

18 Q. Okay. Is there a priority given to
19 certain types of graffiti that are found on the
20 campus?

21 A. Yes, it is. Yes, it is. Anything that's
22 clearly identifying the gang. Anything that's
23 using profanity is dealt with right away.

24 Q. Even if that requires some intermittent
25 painting by your custodians on-site?

1 A. Usually it would require using a graffiti
2 remover. And it smears it and you can't read it
3 once it comes through. It doesn't come off
4 cleanly, but it's smeared so that you can't read --
5 can't read the profanity.

6 Q. So the means you use to address the
7 graffiti once it's on the wall is to wash off the
8 tiles, using a smearing technique that is handled
9 by your custodians after school hours?

10 A. Right.

11 Q. And the regular painting by the district?

12 A. Right.

13 Q. Is there anything else that you do to try
14 to clean up the graffiti on campus on a regular
15 basis?

16 A. We have the drives and the rewards system.

17 And we actually have campus aides who work
18 with kids in trying to identify the writers. So we
19 try to identify major writers. That's one of the
20 big things that we do. There are graffiti artists
21 out there. We have to check their backpacks, going
22 through the room and looking through the notebook;
23 and if you see something that's on the wall, you
24 call that kid out and you talk with him about it.
25 Get his parent involved.

1 to help them understand they should be a part of
2 the school.

3 I'm editorializing. I'll stop.

4 Q. With respect to the plumbing problems
5 and/or leaks that are encountered on campus where
6 you need to call in the district for assistance, do
7 you have any knowledge as to how long it generally
8 takes to resolve problems of this nature?

9 A. No, I don't. I know if there's a leaking
10 pipe, the plumber will be there right away. If
11 it's graffiti on the wall, the painters have a
12 rotation. If it's -- it depend on the nature of
13 the problem.

14 Q. Okay. With respect to a flooded bathroom,
15 if that's something -- ordinarily, I believe you
16 testified that your custodians would try and
17 address that immediately on campus by themselves;
18 is that correct?

19 A. Yes. Turning the water off, number one,
20 and drying it up and cleaning it up. Turning the
21 water off to that leaking -- whether it's a face
22 bowl or a toilet or what-have-you. If it's a
23 leaking face bowl or it's a leaking toilet, they
24 would immediately turn the water off up to that
25 particular stall or face bowl, and then clean the

1 It's a lot of time and energy to just
2 spend on graffiti, trying to maintain a
3 graffiti-free school.

4 Q. What sort of drives do you have with
5 respect to graffiti?

6 A. Local leadership -- not the local. But
7 the leadership class will have activities, have a
8 spring dance if we don't get graffiti. Or if the
9 campus is not clean, a clean campus campaign. Put
10 up signs, take pride in your school, don't litter,
11 don't graffiti, things like that.

12 Q. Do students volunteer to paint the
13 graffiti at times?

14 A. No, I wouldn't call it volunteering.
15 Sometimes we assign detention on Saturdays to come
16 up and assist in cleaning the school. But it's --
17 it's not voluntary.

18 Q. Okay. And is that detention focused on
19 those individuals who you identify as having
20 written the graffiti on the walls, or can it --

21 A. Who has violated school policy in some
22 manner such as tardiness, continuously tardy to
23 class; or found having disagreements in the lunch
24 area; some form of vandalism.

25 It's usually done in a corrected measure

1 water up. Okay. Then the plumber would be called.

2 Q. Do you have any knowledge as to what the
3 turnaround time then would be, once the plumber is
4 called and brought out from the district to try and
5 repair that?

6 A. No, I don't know.

7 Q. Okay. Have you ever received any
8 complaints from anyone that the district does not
9 respond to these problems in a timely fashion?

10 A. To the problems that we described?

11 Q. Correct. Meaning the plumbing problem,
12 like a leaking toilet that needs to be corrected.

13 A. I'm not absolutely sure, because there are
14 degrees of leaks. If a face bowl is leaking,
15 somebody may say, "I called that in." But if water
16 is running on the floor and the bathroom is
17 flooding, then they come out and deal with that.

18 So when you asked that question, it's hard
19 to say yes or no.

20 Q. With respect to a flooded bathroom, for
21 example, then, let's use that as an example -- have
22 you ever had any complaints stating that the
23 district is not responding to a flooded bathroom in
24 a timely fashion?

25 A. No, have not.

1 Q. Okay. And again, for a stopped toilet,
2 have you had any complaints that either the
3 custodial staff or the district has not responded
4 to a complaint in a timely fashion?

5 A. No.

6 Q. Is there a procedure or process in place
7 for students, teachers, parents, or others to
8 report problems with bathrooms at Crenshaw?

9 A. Yes, same procedure. They come in and
10 report it to Mrs. Garrison in the main office.
11 There's a written process, a verbal process. Or to
12 Mr. Owens, the plant manager.

13 Students don't always follow the
14 procedure. They like to say, "Mr. Kiel, we don't
15 have paper in the bathroom," or, "Somebody stuffed
16 the paper in the toilet." And then I get right on
17 the walkie-talkie and call the plant manager and
18 describe the process, and he will go and deal with
19 it.

20 Standard procedure is through the
21 vice president or to the plant manager.

22 Q. How often do you directly get complaints
23 from students, for example, regarding supplies in
24 the rest rooms?

25 A. To be honest with you, in the last year,

1 it's very minimal, since we got the new policy
2 going. But prior to that, I would get some
3 complaints. I can't tell you how many or how
4 often, but certainly more than I'm getting now.

5 Q. When you would get the complaints, you
6 would institute the procedures or follow the
7 process that you've already described to me, and
8 the problem would be remedied, as far as you were
9 concerned, in a timely manner?

10 A. Would pass all the red tape, go directly
11 to the plant manager, direct him to fix the
12 problem.

13 Q. And they were corrected as you directed?

14 A. Right.

15 (Recess.)

16 BY MS. STRONG:

17 Q. Okay. Despite your school's efforts to
18 keep the bathrooms fully stocked and cleaned, did
19 the students do anything that makes this process
20 difficult, other than the graffiti that you already
21 described?

22 MR. ROSENBAUM: Objection. Speculation.

23 MR. FERNOW: Vague and ambiguous.

24 BY MS. STRONG:

25 Q. Go ahead.

1 A. Well, I don't know. Students will be
2 students. And sometimes kids will take a lot more
3 paper than they need and throw it on the floor, or
4 pull it out of the thing.

5 But lately, this year, like I say, with --
6 with the checking it as regularly as we do, we --
7 I'm just not having the complaints that I used to
8 have. I don't know what -- I don't know exactly
9 what students -- I can't say.

10 Q. For example, are you aware of students
11 clogging toilets with toilet paper and paper
12 towels, for example?

13 MR. ROSENBAUM: Objection. Speculation.

14 THE WITNESS: Yes, I'm aware of that.
15 That has happened a number of times in schools.
16 BY MS. STRONG:

17 Q. Are you aware of circumstances -- of
18 situations at Crenshaw when that happened?

19 MR. ROSENBAUM: Same objection.

20 THE WITNESS: Yes. I have been called a
21 number of times to look at the situation by the
22 plant manager when he was a little annoyed with it.
23 He wanted me to be aware of some of the incidents.

24 BY MS. STRONG:

25 Q. Okay. And do you have any specific

1 recollections of any of these incidents? For
2 example, when was the last time this happened?

3 A. Well, once again, I hadn't had this to
4 happen this year.

5 Q. But in the two prior years, would you say
6 about how many times were you aware of students
7 clogging toilets with toilet paper or paper towels?

8 MR. ROSENBAUM: Speculation.

9 THE WITNESS: It truly is, but I estimate
10 that as approximately three or four times a year.

11 BY MS. STRONG:

12 Q. That's that you are aware of?

13 A. Yes.

14 Q. There may have been other times?

15 A. There may have been others. But they
16 called it to my attention at least three or four
17 times.

18 Q. Are you aware of students ever ripping
19 dispensers off the wall in rest rooms?

20 MR. ROSENBAUM: Speculation.

21 THE WITNESS: Yes, I am aware of it.

22 BY MS. STRONG:

23 Q. Okay. And is this in the first two years
24 as in your capacity as principal at Crenshaw?

25 A. That's when it was called to my attention

1 a couple of times.
 2 Q. Okay. So it was called to your attention
 3 by the plant manager a couple of times, but it
 4 could have happened more in situations that you
 5 were not made aware of; is that correct?
 6 A. That is correct.
 7 Q. And are you aware of any situations where
 8 students either removed or broke stall doors in the
 9 rest rooms?
 10 MR. ROSENBAUM: Speculation.
 11 THE WITNESS: Yes, I am aware of a stall
 12 door being broken off the hinges a number of times.
 13 BY MS. STRONG:
 14 Q. A number of times? And is this still only
 15 in reference to your first two years as principal,
 16 or does this also include this past year?
 17 MR. ROSENBAUM: Same objection.
 18 THE WITNESS: Okay. That was --
 19 everything was previous. Things have improved
 20 tremendously.
 21 BY MS. STRONG:
 22 Q. Okay. And how is it that you know that
 23 students removed the stall doors or broke the stall
 24 doors off the hinges?
 25 A. It's usually called to my attention by the

1 planning manager. He calls me in to show it to me.
 2 We lock the bathrooms down, that particular
 3 bathroom down, until we either take the stall door
 4 off or something is done so it's not a safety -- so
 5 it's not a hazard. Because the hinges sometime
 6 will still be there, and screws, and so we have to
 7 get all that off so that no one can walk by and cut
 8 themselves on their arm or something.
 9 So he calls it to my attention. He wants
 10 to keep me aware of what's going on and what we
 11 can -- where are the concerns, and to try and work
 12 with the students to protect their school and
 13 conserve the school.
 14 Q. Okay. Now, you say things have been
 15 different this year with your new procedures.
 16 Can you describe to me what you mean by
 17 that?
 18 A. Well, with the custodians checking behind,
 19 keeping it clean, with the deep cleaning -- I'm
 20 not -- I'm not saying that -- that I can't tell you
 21 100 percent as to why that things are better. But
 22 we -- it's just better this year.
 23 It could be a whole multitude of things.
 24 It could be from the leadership class's
 25 involvement. It could be from the fact that we

1 keep the place -- we pick up after the kids at the
 2 end of lunch and nutrition. I'm not going to sit
 3 here and say -- and tell you why. I don't know.
 4 But it is better this year.
 5 Q. Did you recently have any renovations made
 6 to the rest rooms?
 7 A. Yes, we did.
 8 Q. Okay. When was that?
 9 A. It was completed over the summer.
 10 Q. The summer of 2000; is that correct?
 11 A. That's correct.
 12 Q. Okay. And what were the renovations?
 13 A. It was completely repiped, water pressures
 14 and water and drains, all the drains. So the
 15 toilets drained better. So quite naturally, it's a
 16 fresher smell in the bathrooms. And all new
 17 toilets was replaced, and they flush a lot better.
 18 Q. And is this with respect to all bathrooms
 19 on campus?
 20 A. That's correct. All plumbing. The entire
 21 school was repiped.
 22 Q. During the summer 2000?
 23 A. Part of the year and summer. It just
 24 finished up this past summer.
 25 Q. Were the rest rooms made into "smart"

1 bathrooms?
 2 A. Yes.
 3 Q. Is that the term that's used to refer to
 4 these new bathrooms?
 5 A. Yes.
 6 Q. What does that mean?
 7 A. It means you don't have to twist the water
 8 on. You just press it down. The water runs and
 9 automatically cuts off.
 10 Q. That's for the sinks you're referring to?
 11 A. For the sinks.
 12 Q. Were there changes made to the toilets?
 13 A. They have new toilets, that are not the
 14 sensor type that automatically flush, or urinals.
 15 You have to press a button for them to flush. But
 16 they flush a lot easier, and all the mechanisms are
 17 new.
 18 Q. Okay. The leadership class involvement
 19 that you referred to that you said might have been
 20 a reason things were better this year, what were
 21 you referring to? Is there something different
 22 that the leadership was doing with respect to the
 23 bathrooms on the campus?
 24 A. We launched a clean campus campaign, and I
 25 was saying they posted signs about having pride in

1 your school. Just a campaign among the kids to
 2 take pride in your school and keep it clean.
 3 Q. Do you know when the leadership class
 4 launched this campaign, approximately?
 5 A. Approximately around November.
 6 Q. And you've also referred to the fact that
 7 you -- that the custodians checked the bathrooms at
 8 the end of nutrition and lunch may be a factor as
 9 to why the bathrooms are cleaner this year. When
 10 did that process begin?
 11 MR. ROSENBAUM: Objection. Speculation;
 12 mischaracterizes testimony.
 13 THE WITNESS: It started with the opening
 14 of school in September, for sure.
 15 BY MS. STRONG:
 16 Q. Okay.
 17 A. As a matter of fact, it started last year.
 18 I take that back. It started with Mr. Cartinez.
 19 Q. And who is Mr. Cartinez?
 20 A. He was interim superintendent between --
 21 before Roma came aboard, the current
 22 superintendent. We talked about the previous
 23 superintendent.
 24 Q. Rubin Zacharias?
 25 A. Rubin Zacharias.

1 He was the interim superintendent between
 2 Rubin Zacharias and Roma, Roma becoming
 3 superintendent.
 4 Q. Did his tenure have some impact --
 5 A. Yes.
 6 Q. -- on the bathrooms?
 7 A. Yes.
 8 Q. What is that, and how did that happen?
 9 Sorry.
 10 MR. FERNOW: Calls for speculation.
 11 THE WITNESS: He was the superintendent
 12 who addressed the bathrooms and made it a priority
 13 that bathrooms are clean. And he just spent quite
 14 a bit of energy, money, time on bathrooms, make
 15 sure they were clean.
 16 BY MS. STRONG:
 17 Q. Did he suggest the policy and practice of
 18 checking the bathrooms after nutrition and lunch?
 19 MR. FERNOW: Object, calls for
 20 speculation.
 21 BY MS. STRONG:
 22 Q. If you know.
 23 A. I remember him placing the emphasis on
 24 bathrooms.
 25 Q. Okay.

1 A. I can't say that he is responsible for
 2 that or --
 3 Q. That could have been a decision that was
 4 made at your school?
 5 A. Right.
 6 MR. ROSENBAUM: Speculation.
 7 BY MS. STRONG:
 8 Q. You've stated that the situation with the
 9 bathrooms is definitely much better this year as
 10 opposed to the two years before. Have you received
 11 any complaints regarding your bathrooms this year?
 12 A. I can't think of any complaints this year
 13 that I received.
 14 Q. Do you ever lock certain bathrooms on
 15 campus?
 16 A. Yes.
 17 Q. Do you know how many bathrooms there are
 18 on campus?
 19 A. No.
 20 Q. Okay. Do you know how many bathrooms are
 21 locked on campus at any given time?
 22 A. No.
 23 Q. Okay. Can you describe to me which
 24 bathrooms are locked, then, on campus.
 25 MR. ROSENBAUM: Speculation; foundation.

1 BY MS. STRONG:
 2 Q. If you know.
 3 A. I don't know exactly. I do know that I
 4 can tell you that there's four bathrooms that's
 5 open around the clock. The kids know that they can
 6 always go to these four bathrooms.
 7 There are bathrooms on every corridor in
 8 the building. Teachers take turns in working with
 9 those bathrooms and opening them and locking them
 10 such that the kids are safe. We station someone
 11 near the bathrooms that's open constantly, so no
 12 person can go to the bathroom and not feel safe.
 13 There's someone stationed outside the bathroom.
 14 There are bathrooms that are locked and
 15 closed, and opened during passing periods; and
 16 teachers take the responsibility to go out and open
 17 those bathrooms.
 18 That's primarily for safety reasons. We
 19 know what teenagers do, if they can find somewhere
 20 to go and hide out during a course of a period of
 21 time. We have to take those measures to be able to
 22 ensure that students are being supervised at all
 23 times.
 24 Q. When you say every corridor in the
 25 building, is there one main building of classes on

1 your campus?

2 A. Well, we have one building that's three
3 stories. The building is made in the form of a
4 horseshoe. And there's bathrooms on each floor and
5 each corridor. If you go a horseshoe -- not a
6 horseshoe. It wouldn't be a horseshoe. But
7 it's --

8 Q. A U-shape?

9 A. A U-shape. Up here a bathroom, here about
10 middle ways a hall, and go down this way. So
11 there's bathrooms, three bathrooms before, six
12 bathrooms in the building. I figured it out.

13 MR. FERNOW: Three stories.

14 THE WITNESS: Yes.

15 MR. FERNOW: Three bathrooms per floor.

16 THE WITNESS: Three bathrooms per floor.

17 (Discussion off the record.)

18 BY MS. STRONG:

19 Q. So there are three bathrooms on each
20 floor, and a three-story building. Is that in
21 addition to the four bathrooms that you described
22 that are open constantly?

23 A. No. We have the building outside the main
24 buildings. There's a music building, there's a
25 bathroom there. And then the shop building,

1 are going to mark this as an exhibit. It's okay.

2 It's better than not having anything at all, so
3 don't worry.

4 (The witness complies.)

5 A. Okay. There's a bathroom here. There's
6 boys, girls.

7 Q. Fill it out to the extent you can, and
8 then we'll mark it "A" and move on.

9 MR. FERNOW: Why don't you ask questions,
10 and he'll fill it out.

11 BY MS. STRONG:

12 Q. The three bathrooms on the three floors of
13 the building, where is that building in relation to
14 what you just described?

15 A. Now -- I guess the reason I said six
16 bathrooms is because there is no student
17 bathroom -- well, there is a student bathroom here.
18 But there is no student bathroom on this corridor
19 in the first floor.

20 Q. Okay.

21 A. But on the second and third floors, there
22 are bathrooms on each corridor, which would be --
23 if you go the same process. And then would be the
24 first floor, second floor, and then upwards to the
25 third floor. You would have bathrooms here, here,

1 there's a bathroom there. And then the PE area,
2 there's bathrooms there. So the four bathrooms
3 that's open is near the luncheon area, the music
4 building, the shop building.

5 And then the bathrooms in the front of the
6 school are right by the entryway. As you come into
7 the school, there's a boys and girls bathroom there
8 on the first floor. And then on the first floor on
9 the far end of the school, the horseshoe, it's a
10 bathroom here (indicating). On the horseshoe over
11 here, there's a bathroom here.

12 Q. I think we better, just for clarity
13 purposes, if you can do a little diagram, it would
14 probably be helpful.

15 A. Well, I can provide you with a school map.

16 Q. Okay.

17 A. I will show you where all the bathrooms
18 are.

19 (Witness draws diagram.)

20 This is the front of the school here.

21 Q. You can mark "entrance."

22 A. There's a boys and girls bathroom here.
23 And boys and girls -- this is the main entrance to
24 the school from the street. This is the street.

25 Q. You might want to mark "street" because we

1 here and here. So boys and girls, boys and girls.

2 This is on the second floor, and the same
3 thing on the third floor.

4 Q. That's fine.

5 A. Okay.

6 Q. So with respect to the four bathrooms that
7 you said are constantly open, are they on what you
8 have drawn here?

9 A. No, they are not.

10 Q. Which -- no, they are not?

11 A. No, they are not.

12 Now, inside -- well --

13 Q. That's fine. It's in addition.

14 The bathrooms that you've identified in
15 this building with three per floor, they are in
16 addition to the four that are open at all times?

17 A. Right.

18 Q. I think we'll leave it at that. We don't
19 need to have this marked. It's fine.

20 A. I can get a map of the school with all the
21 locations of the bathrooms.

22 Q. Okay. So with respect to the bathrooms
23 that are locked, those are locked at all times
24 except for the times when teachers open them; is
25 that correct?

1 A. Yes. They are pretty much closed during
2 the time that -- yes. And teachers will open them
3 during passing periods and, you know, in
4 emergencies. If a kid has an emergency on the
5 floor -- on the second or third floor, the teacher
6 can go over, walk across, and open the door for the
7 child to go to the bathroom.

8 Q. So if a student makes a request in class
9 that the student open a bathroom on the corridor
10 hallway, the teacher can open the bathroom for that
11 student?

12 A. Usually, if it's an emergency, if the kid
13 having an emergency. But if not, the kid has to go
14 to one of the open bathrooms.

15 Q. Okay.

16 A. Or wait until the passing period, and the
17 teacher opens the door.

18 Q. Okay. And again, the reasons why the
19 bathrooms are closed is due to safety concerns for
20 the students?

21 A. That's correct.

22 Q. Are there special procedures in place on
23 Fridays at your school with respect to access to
24 the bathrooms?

25 A. Fridays is no different than any other

1 A. I mean with the teacher not releasing the
2 kids to go see my coach, go to get my uniform. We
3 don't have counselors summoning kids on Fridays.
4 There is a no-pass Friday. On Friday we focus on
5 instruction, what we should be doing all the time.

6 Q. And prior to this procedure in place, what
7 was the situation on Fridays?

8 A. Like I said, it was an activity day, so
9 it -- where we have the big game or something. And
10 it -- when I took over as principal, I felt the
11 need to do something to cut down on the number of
12 kids in the halls on Friday.

13 Q. Okay.

14 A. It's a little too much excitement.

15 And so we have been very successful in
16 taming that down and focusing on our studies.

17 Q. Did you institute this procedure --

18 A. Yes, sir, I did.

19 Q. -- when you came as principal in 1998?

20 A. It was a principal's decision, yes.

21 Q. Okay. Have you received any complaints
22 regarding this procedure on Fridays since you
23 became principal in 1998?

24 MR. FERNOW: I have to object. This is
25 vague and ambiguous. To mean just complaints on

1 day.

2 Q. Okay. Do students need passes to go to
3 the bathrooms during class?

4 A. Students need passes to leave the class at
5 any time. And on Friday -- I correct myself. It's
6 called a no-pass Friday. Only in emergencies can a
7 student leave the classroom. So we don't summon
8 kids. We don't pull kids from the class on
9 Fridays.

10 Q. Why is that?

11 A. Well, one of the reasons it started, when
12 we had -- well, on Fridays the day is shorter, so
13 the kids go from 8:00 to 2:00. Because on the
14 other days, they go from 8:00 to 3:10. And on
15 Fridays, school gets out at 2:00. And that's an
16 activity day, football, basketball, something,
17 baseball, something goes on, on Friday. So we just
18 try to focus in the mornings on academics.

19 Because the kids get out at 2:00, it's
20 something they do. Everybody gets excited on
21 Friday because of the big game or something. We
22 just focus on academics and we say no-pass Friday.
23 And it has worked on a number of kids walking the
24 halls and finding excuses to leave the classroom.

25 Q. What do you mean it has worked?

1 Fridays?

2 MS. STRONG: Thank you.

3 Q. Have you received any complaints regarding
4 this Friday no-pass policy since you have become --
5 since you became principal in 1998?

6 MR. FERNOW: Vague and ambiguous.

7 Go ahead.

8 THE WITNESS: Some concerns. Not
9 necessarily complaints. A lot more compliments
10 than concerns.

11 BY MS. STRONG:

12 Q. You have received compliments?

13 A. Yes.

14 Q. From who?

15 A. Staff, students, parents.

16 Q. What kind of compliments? What do they
17 say?

18 A. They appreciate what we're doing, what I'm
19 trying to do, maintaining a focus on the structure.

20 Q. What are the concerns that you received?

21 A. Well, some teachers were denying the
22 students to go out, period. And we talked about it
23 and explain it that the teacher have to make that
24 decision, as they always did.

25 If the kid have an emergency, you are

1 going to have to -- and we say no passes unless
2 it's an emergency. So you have to scrutinize what
3 is considered an emergency.

4 Q. Can you remember a specific incident where
5 someone shared with you a concern regarding a
6 teacher not allowing a student out of class on
7 Friday?

8 A. I can't remember a particular concern. I
9 do remember some verbal conversations about it.
10 Teachers would come to me and says, "What am I
11 supposed to do?"

12 And I would tell them -- and I can't name
13 teachers, times, and dates, but I would tell them,
14 "You know, you still have to use your best
15 judgment, but understand what we're trying to do."

16 Q. You would discuss the policies with the
17 teachers?

18 A. Correct.

19 Q. And the concerns, were they coming from
20 the teachers then?

21 A. The concern is, "What am I supposed to do
22 when the kid wants to leave the room? Would you
23 help me define what's an emergency?"

24 If the kid tell you absolutely he has to
25 go to the bathroom right now, you have to make that

1 are an insufficient number of bathrooms on campus?

2 A. There was a period of time -- and I can't
3 remember exactly when -- when there was a bathroom
4 that was closed for repairs. And the students
5 wanted to know where the -- you know, where the
6 bathroom that's open.

7 I did get a concern for the students that
8 the bathrooms we were to go to was closed because
9 there was repairs being done in there. And I
10 immediately called to the plant manager, and we put
11 a sign on the bathroom telling the kids where
12 the -- where there was a bathroom that replaced
13 this bathroom that we were repairing. And I don't
14 know the exact date or time, but I do remember a
15 situation of that nature.

16 Q. What you are recalling is one incident?

17 A. One incident.

18 Q. And if you had to place it in one of the
19 three years that you worked at Crenshaw as
20 principal, would you know -- was it this last year,
21 for example?

22 A. No. I think it was the second year.

23 Q. Okay. So the 2000, 2 -- no. I'm sorry.
24 '99-2000 school year?

25 A. Right.

1 judgment. I always put it on the teacher to make
2 the judgment. The policy was we stick to no-pass
3 Friday. So that's -- that's the procedure we're
4 trying to follow.

5 Q. It sounds like the concerns are coming
6 from the teachers with respect to how to implement
7 the policy.

8 Have you received any complaints, in the
9 three years that you have been principal, from any
10 student or parent regarding the no-pass Friday --

11 A. No.

12 Q. -- policy?

13 A. No complaints from students or parents.

14 Q. Have you ever observed students waiting in
15 line to use any of the rest rooms on campus?

16 A. No.

17 Q. Have you ever heard of complaints from
18 students having to wait in lines to use rest rooms
19 on campus --

20 A. No, I haven't.

21 Q. -- in the three years that you have been
22 principal at Crenshaw?

23 A. No.

24 Q. Are you aware of complaints from any
25 student, parent, teacher, or anyone else that there

1 Q. Do you know how long that bathroom was
2 closed for? Do you remember?

3 A. I don't remember. I know we provided
4 another bathroom for the kids on an ongoing basis
5 until that one was repaired.

6 Q. And you put up a sign directing the
7 students to the open bathroom?

8 A. That is correct.

9 Q. Other than that one complaint, can you
10 recall any other complaints from anyone stating
11 that there were insufficient bathrooms on campus
12 available to the students?

13 A. I can't recall any at this time.

14 Q. Okay. I think you might have testified to
15 this earlier, so I apologize if you've already
16 answered this question. But how many teachers are
17 there at Crenshaw? Do you know?

18 A. Approximately 134.

19 Q. Do you have any teacher vacancies at
20 Crenshaw?

21 MR. FERNOW: Vague as to time.

22 BY MS. STRONG:

23 Q. Let's --

24 A. Yes.

25 Q. Okay. Is that currently?

1 A. When you say teacher vacancies, is there a
 2 classroom that's uncovered by a teacher? No.
 3 If there's a substitute teacher in the
 4 classroom, yes.
 5 Q. I think what I mean by teacher vacancies,
 6 do you have any classes on campus where you are
 7 looking for another permanent teacher to fill that
 8 position, to look over that class?
 9 A. Yes.
 10 Q. Okay. And how many teacher vacancies do
 11 you have?
 12 A. One.
 13 Q. And what class is that?
 14 A. It's a math class.
 15 Q. Do you know what level math?
 16 A. Right now it's an algebra class.
 17 Q. And do you know when this teacher vacancy
 18 came about?
 19 A. Around February.
 20 Q. February of 2001?
 21 A. Right.
 22 Q. Do you know who the teacher was that was
 23 teaching that class prior to February 2001?
 24 A. I think it was Mr. Kong.
 25 Q. Con?

1 A. Like King Kong.
 2 Q. Is that K-o-n-g?
 3 A. Yeah.
 4 Q. Do you know why Mr. Kong left the school?
 5 MR. FERNOW: I'm going to have to object
 6 to the extent that -- that she's asking for any
 7 personnel information. I'm going to have to
 8 instruct him not to answer the question.
 9 BY MS. STRONG:
 10 Q. Do you know why?
 11 MR. FERNOW: You can ask him if he knows
 12 why.
 13 BY MS. STRONG:
 14 Q. That's a yes-or-no question. Do you know
 15 why he was --
 16 A. Yes.
 17 MR. ROSENBAUM: Just for the record, I
 18 don't believe that you have standing here to
 19 instruct him not to answer.
 20 MR. FERNOW: I disagree.
 21 BY MS. STRONG:
 22 Q. We'll try this question: Do you know if
 23 Mr. Kong left the school for anything that related
 24 to any of the circumstances involved in this
 25 lawsuit?

1 A. Yes.
 2 Q. The answer is yes, you know, and that it
 3 does not relate to any of the issues raised by this
 4 lawsuit; is that correct?
 5 MR. ROSENBAUM: Objection. Vagueness;
 6 speculation; foundation.
 7 THE WITNESS: No.
 8 MS. STRONG: You said, "That's correct" to
 9 me.
 10 THE WITNESS: The first answer you asked
 11 me -- the first time you asked me the question, I
 12 said no, it wasn't because of anything to do with
 13 this lawsuit.
 14 BY MS. STRONG:
 15 Q. Okay.
 16 A. And you repeated it, and I said it's
 17 correct. The correctness is no, that question is
 18 correct.
 19 Q. Yes, it's unrelated to any issues in this
 20 lawsuit, correct?
 21 A. Correct.
 22 MR. FERNOW: To the extent that any
 23 questions are going to relate to personnel matters
 24 at the district, I'm just notifying you that we're
 25 going to object and instruct not to answer.

1 Just to address your concern, we represent
 2 the school district. We have an obligation to
 3 maintain the privacy rights of those employees
 4 under Article I Section I of the California
 5 Constitution. So to the extent that any questions
 6 are going to ask that personnel matters be
 7 revealed, I will be instructing the witness not to
 8 answer.
 9 MS. STRONG: And I --
 10 MR. FERNOW: Wait.
 11 MR. ROSENBAUM: I'm sorry.
 12 MR. FERNOW: And I'll instruct the witness
 13 not to answer the question.
 14 MR. ROSENBAUM: I want you to know I'm
 15 going to take the position that I don't agree with
 16 the validity of that objection; that it's been
 17 waived by permitting him to answer that last
 18 question.
 19 BY MS. STRONG:
 20 Q. Other than that one teacher vacancy with
 21 Mr. Kong, the math class and Mr. Kong, did you have
 22 any other teacher vacancies during the 2000-2001
 23 school year?
 24 MR. FERNOW: Objection. Vague.
 25 THE WITNESS: I can't remember. I don't

1 remember.

2 BY MS. STRONG:

3 Q. Do you know if there were any teacher
4 vacancies during the 1999-2000 school year?

5 A. I don't remember teacher vacancies, no.

6 Q. And during the 1998-1999 school year, do
7 you remember if there were any teacher vacancies at
8 all?

9 A. I can't remember.

10 Q. Do you have procedures and policies in
11 place to address teacher vacancies at the school?

12 A. Procedures and policy, yes. We have a
13 staff selection committee, and we notify the
14 district, and they place it on an open staff
15 selection board or a vacancy board.

16 And people who come in to apply for
17 teaching positions, once they process them, they
18 will refer them out to us for interviews.

19 So there is a mechanism and a process
20 within the district, where all vacancies are listed
21 at a location at the personnel office.

22 Q. And the process starts with you
23 notifying -- or you at the school notifying the
24 district of a need for a teacher?

25 A. Correct.

1 in place to fill teacher vacancies, you explained
2 that you were able to interview teachers for the
3 position; is that correct?

4 A. Uh-huh. Yes, that's correct.

5 Q. Okay. Out of the list of applicants that
6 you received, how many of those individuals have
7 full credentials?

8 MR. ROSENBAUM: Objection. Vague.

9 MR. FERNOW: Objection. Calls for
10 speculation.

11 BY MS. STRONG:

12 Q. If you know.

13 MR. FERNOW: And same objection.

14 THE WITNESS: I don't -- I don't -- I
15 don't know.

16 BY MS. STRONG:

17 Q. Okay.

18 A. Let's see. I'm sorry. Let me just add
19 that they have what is required to be in a
20 classroom, certified by the State of California.
21 Having a teaching credential -- we have what is
22 called an emergency teaching credential. So
23 everybody have an emergency teaching credential.
24 But having a credential is two different things, a
25 clear credential.

1 Q. Has that process been followed in
2 reference to the vacancy with Mr. Kong?

3 A. Yes, it has been. And we have interviewed
4 teachers. And that position will be filled. We
5 have hired a person for that position. They will
6 be aboard for the new school year.

7 Q. Okay. And from the time period in
8 February to the end of the school year in June,
9 who, if anyone, filled Mr. Kong's position?

10 A. We had a substitute teacher that was a law
11 student and, for whatever reason, was able to come
12 in as a sub. Very bright and honest, doing a fine
13 job. So we were very pleased with his --

14 MR. FERNOW: I just want to instruct you
15 again, any -- I'm going to direct you not to answer
16 any questions regarding the performance of any
17 employees as well.

18 THE WITNESS: Okay. Thanks. All right.

19 Yes, we had a substitute teacher in the
20 place, in the classroom.

21 BY MS. STRONG:

22 Q. Okay. And was it just one substitute
23 during that period, then?

24 A. That is correct.

25 Q. In describing the procedures and practice

1 Q. Okay. We'll use the term "clear
2 credential." That's what I was referring to.

3 Out of the applicants that you see, do you
4 have any idea as to how many of them have clear
5 credentials?

6 A. I don't know.

7 Q. How many are on the list that you receive
8 of teacher applicants for teacher vacancies?

9 MR. ROSENBAUM: I'm sorry. This is for
10 Mr. Kong -- the record is confused here. Are you
11 talking to him about Mr. Kong's vacancy?

12 BY MS. STRONG:

13 Q. With respect to the ordinary procedures
14 and practices in place, you explained you'll
15 receive a list of applicants and you are able to
16 interview applicants; is that correct?

17 A. That's correct.

18 Q. And speaking in terms of your general
19 policy and procedure, when you receive that list of
20 applicants, how many applicants are on the list as
21 a general matter of practice?

22 MR. ROSENBAUM: No foundation;
23 speculation. There's no testimony.

24 THE WITNESS: The applicants are on the
25 list.

1 BY MS. STRONG:
 2 Q. Is there a certain number you are
 3 generally given to choose from, for example, or
 4 does that number vary widely? You can tell me
 5 based on your experience.
 6 A. If I'm lucky, I'll get one or two
 7 candidates.
 8 Q. That are interested in applying to the
 9 school?
 10 A. (Unreportable response.)
 11 MR. ROSENBAUM: He nodded his head.
 12 BY MS. STRONG:
 13 Q. Did you say yes?
 14 A. To what?
 15 MR. ROSENBAUM: If you are lucky, it will
 16 be one or two candidates.
 17 THE WITNESS: Yes, that's correct. It
 18 will be one or two candidates coming from the
 19 district for an interview.
 20 BY MS. STRONG:
 21 Q. Are those candidates you have selected off
 22 a list, or is that what the district provides to
 23 you for an interview?
 24 A. That's what the district provides for me.
 25 Q. Is that ordinary to have one or two

1 applicants provided from the district to fill a
 2 position, or do you sometimes have more than one or
 3 two applicants come to interview for a position at
 4 the school?
 5 MR. ROSENBAUM: Again, the -- I don't want
 6 to interrupt. The problem with your questions when
 7 you pose it as either/or, you constrict his ability
 8 to answer, because his reasonable assumption is
 9 those were the only choices. That's my concern
 10 with the question. I'm not trying to stop you.
 11 MS. STRONG: I understand that.
 12 You -- can you read back the question,
 13 please.
 14 (The following question was read by the
 15 reporter):
 16 "Q. Is that ordinary to have one or two
 17 applicants provided from the district to
 18 fill a position, or do you sometimes have
 19 more than one or two applicants come to
 20 interview for a position at the school?"
 21 BY MS. STRONG:
 22 Q. Why don't I rephrase that.
 23 What is the ordinary number of applicants
 24 that you received when you are interviewing for
 25 teacher vacancies? And this is based on your

1 experience at LAUSD.
 2 MR. ROSENBAUM: Objection. Assumes facts
 3 not in evidence.
 4 BY MS. STRONG:
 5 Q. Go ahead. You can answer.
 6 A. It varies from month and time of the year.
 7 Q. Okay.
 8 A. At this time of the year for new
 9 positions, the phone rings off the hook. It could
 10 be as many as five to six applicants.
 11 From September to February, like I say,
 12 one, if you're lucky; maybe two, maybe none. So it
 13 varies from time to time.
 14 The key to staffing your school is to try
 15 to start now for September. You have a window of
 16 time where you'll have some selections. After that
 17 window of time, by June, everybody has identified
 18 their openings, and teachers have a lot more
 19 choices. The sooner I can get a teacher to commit
 20 to coming to the school, the better.
 21 Q. With respect to the teacher applicants
 22 that you interviewed with respect to Mr. Kong's
 23 vacancy, were there two interviewees?
 24 A. At the time, I couldn't even get any.
 25 Q. That was back in February of 2001?

1 A. Right.
 2 Q. Do you know why it is you couldn't get
 3 any?
 4 MR. FERNOW: Objection. Vague and
 5 ambiguous; lacks foundation; calls for speculation.
 6 THE WITNESS: I don't think it's --
 7 thinking, I don't think it's enough math teachers
 8 out there, or people out of college, to fill the
 9 number of vacancies that we have in the district.
 10 I don't think it's unique to Crenshaw. And I don't
 11 think it's just unique to Los Angeles.
 12 If we read the papers and the papers are
 13 any way correct, then it's universal.
 14 BY MS. STRONG:
 15 Q. Now, when was it that a teacher became
 16 available to be interviewed for Mr. Kong's position
 17 if there wasn't one available in February 2001?
 18 A. Well, I hired a young lady about a week
 19 ago.
 20 Q. In this process, how many individuals did
 21 you interview for the position?
 22 A. Three.
 23 Q. Okay. And of those three individuals that
 24 you interviewed for the position, how many of those
 25 had clear teaching credentials?

1 A. None, zero.
 2 Q. Was there any way for you to interview
 3 anybody else at the district -- I'm sorry.
 4 Was there any way that you could have
 5 interviewed any other teachers for this position in
 6 the time period that we are discussing?
 7 MR. FERNOW: Objection. Vague and
 8 ambiguous.
 9 MR. ROSENBAUM: And speculation.
 10 BY MS. STRONG:
 11 Q. Go ahead.
 12 A. I selected from what I could select from.
 13 I guess the answer to your question is no.
 14 Q. And I guess I'm trying to understand the
 15 process.
 16 Were you given, then, three teachers to
 17 interview, or were you given a list of more than
 18 three teachers and you chose these three teachers
 19 to interview?
 20 A. I wasn't given a list.
 21 Q. Okay.
 22 A. The teachers who wanted to come and
 23 interview called me. I took everyone who called.
 24 Q. Okay. So based on your experience, at
 25 least with respect to -- filling Mr. Hong's

1 vacancy --
 2 MR. ROSENBAUM: Kong.
 3 MS. STRONG: Kong, thank you.
 4 Q. Even if you were interested in hiring a
 5 teacher with a clear credential, you didn't have
 6 that opportunity because none was presented to you;
 7 is that correct?
 8 MR. ROSENBAUM: Totally misstates his
 9 testimony. It's completely speculative.
 10 MR. FERNOW: Object. And lacks
 11 foundation.
 12 MR. ROSENBAUM: And incomplete
 13 hypothetical.
 14 BY MS. STRONG:
 15 Q. You can answer the question.
 16 A. That is correct. I didn't have anyone
 17 available to me.
 18 Q. Other than the allegations related to this
 19 lawsuit, have you ever received or heard of any
 20 complaint regarding the number of
 21 clear-credentialed teachers at Crenshaw?
 22 A. Have I heard a complaint?
 23 MR. FERNOW: Vague as to time.
 24 BY MS. STRONG:
 25 Q. In the three years you served as

1 principal.
 2 A. Yes.
 3 Q. What is that that you recall?
 4 A. Well, the administrators are very
 5 concerned at the number of noncredentialed staff
 6 members.
 7 Q. What did you say?
 8 A. The administrators are concerned -- and we
 9 discussed this -- about the number of
 10 noncredentialed teachers on the staff.
 11 Q. And just so I understand --
 12 MR. ROSENBAUM: Noncredentialed?
 13 THE WITNESS: Noncredentialed.
 14 MR. ROSENBAUM: I didn't understand.
 15 THE WITNESS: Noncredentialed, lack of
 16 clear credentials. The number of emergency
 17 credentials on campus.
 18 MR. ROSENBAUM: What was the phrase you
 19 used before? "None" or "non"? I didn't hear it.
 20 THE WITNESS: I want to correct that to
 21 say nonclear credentials.
 22 BY MS. STRONG:
 23 Q. Other than the discussion you had with the
 24 administrators on the campus, have you heard of any
 25 complaints regarding the number of teachers with

1 clear credentials on the campus?
 2 MR. FERNOW: Objection. Vague.
 3 THE WITNESS: I -- it's a discussion. I
 4 don't know if it's a discussion throughout the
 5 district.
 6 BY MS. STRONG:
 7 Q. Okay.
 8 A. I don't know if you constitute that as a
 9 complaint or a concern.
 10 Q. Okay.
 11 A. And there are concerns about it and how to
 12 address it in our neighborhood and our community
 13 and our local district. And so it's an ongoing
 14 process to improve the number of clear-credentialed
 15 teachers that we can attract to our district.
 16 Q. Okay. And so have you received a
 17 complaint from any student or parent that the
 18 education provided at Crenshaw is lacking because
 19 of the number of emergency-credentialed teachers on
 20 campus?
 21 MR. FERNOW: Objection. Vague and
 22 ambiguous.
 23 THE WITNESS: I haven't received a
 24 complaint from students or parents.
 25 BY MS. STRONG:

1 Q. Of any nature regarding this issue, or
 2 specifically as I asked the question?
 3 MR. FERNOW: Objection. Vague.
 4 THE WITNESS: Specifically as to the way
 5 you asked the question.
 6 BY MS. STRONG:
 7 Q. Okay. Do you have any training on-site to
 8 help prepare your teachers for the classrooms?
 9 MR. FERNOW: Objection. Vague.
 10 THE WITNESS: Yes, we do.
 11 BY MS. STRONG:
 12 Q. And can you describe to me what type of
 13 training is offered on-site.
 14 A. We have what we call a "Teacher Helping
 15 Teacher" program. And it was designed by me.
 16 Where we have a teacher to work with the incoming
 17 new teachers, to assist them in lesson planning, to
 18 assist them in preparing a course description, and
 19 work with them on classroom management. And that's
 20 an ongoing process throughout the year.
 21 Q. All incoming teachers at your school,
 22 since this program was initiated, received this
 23 help from another teacher on campus?
 24 A. That's correct.
 25 Q. And when did you begin this program?

1 A. September -- in August. August of --
 2 Q. '98? I'm sorry.
 3 A. August of 2000 -- what is this?
 4 Q. 2000.
 5 A. 2000.
 6 Q. Okay.
 7 A. Beginning of this school year. Yeah,
 8 August of 2000.
 9 MR. FERNOW: Counsel, it is 4:30, just so
 10 you know.
 11 MS. STRONG: Is it?
 12 MR. FERNOW: I don't know where you are.
 13 BY MS. STRONG:
 14 Q. Well, rather than going into the details
 15 of this particular program right now, are there any
 16 other training programs offered on-site to you or
 17 your teachers?
 18 A. Yeah. We have the new teacher orientation
 19 where they meet and we talk to them about it. We
 20 have a mentor-teacher program where the mentor
 21 teacher is clearly defined and paid to work with --
 22 and assigned so many teachers, first- or
 23 second-year teachers.
 24 We always provide them with workshops and
 25 classes they can take. Some of them in the

1 district intern program, assist them on teaching
 2 and the whole technique and process of teaching.
 3 Q. I'm going to get into the details of each
 4 of these programs next time we resume your
 5 deposition.
 6 Are there any other programs we can
 7 identify or list at this point in time that you can
 8 think of right now? You have got the Teacher
 9 Helping Teacher program, the new-teacher
 10 orientation, the mentor-teacher program.
 11 Is there anything else that you can think
 12 of that's on-site?
 13 A. No.
 14 Q. Is there something where you have seminars
 15 and you bring speakers onto campus, for example?
 16 A. We have ongoing staff development, but
 17 that's not just with new teachers. That's the
 18 entire teaching staff.
 19 Q. Okay. And is there anything else that you
 20 have for the entire teaching staff on-site, in
 21 addition to the staff development program?
 22 A. Yeah, we have on -- well, we have the
 23 standard things that have to be trained every year,
 24 such as child abuse, sexual harassment -- there's
 25 three of them -- safety, earthquake safety. These

1 are ongoing, that we have to provide every year.
 2 They are mandated by the district.
 3 Q. Okay. Any other programs you can think of
 4 to help train your teachers on an ongoing basis, or
 5 the initial incoming period of teachers --
 6 preparing them for the classroom?
 7 A. I can't think of anything right now.
 8 MS. STRONG: We can take a break and come
 9 back to this, if there's a need to leave by 4:40.
 10 And it's after 4:30 right now.
 11 Can we go off the record a second.
 12 (Discussion off the record.)
 13 MR. FERNOW: Can you e-mail the transcript
 14 to me?
 15 MS. STRONG: We've agreed off the record
 16 that we'll contact Jay Fernow to arrange a second
 17 day for this deposition.
 18 As to the stipulation, we've agreed that
 19 the deponent will have 15 days from the date of the
 20 transmittal letter from the court reporter to Jay
 21 Fernow.
 22 Jay Fernow will let us know of any changes
 23 that are made to the transcript. If no changes are
 24 made and if no signature is obtained within that
 25 amount of time, we will treat the transcript as an

1 original, complete signed copy. And there are no
 2 exhibits, so we don't have to worry about that.
 3 So stipulated?
 4 MR. ROSENBAUM: That's acceptable.
 5 MR. FERNOW: So stipulated.
 6 MS. STRONG: Do you need a copy?
 7 MS. LHAMON: Yes. And if you can do an
 8 e-mail copy for the draft.
 9 (The deposition was recessed at 4:35 P.M.)

1 I, ASHALA TYLOR, a Certified Shorthand
 2 Reporter for the State of California, do hereby
 3 certify:
 4 That prior to being examined, the witness
 5 named in the foregoing deposition, was by me duly
 6 sworn to testify as to the truth, the whole truth,
 7 and nothing but the truth pursuant to
 8 Section No. 2093 of the Code of Civil Procedure;

9 That said deposition was taken before me
 10 at the time and place therein set forth, and was
 11 taken down by me in shorthand and thereafter
 12 reduced to typewriting via computer-aided
 13 transcription under my direction;

14 I further certify that I am neither
 15 counsel for, nor related to, any party to said
 16 action, nor in anywise interested in the outcome
 17 thereof.

18 IN WITNESS WHEREOF, I have hereunto
 19 subscribed my name this 10th day of
 20 June, 2001.

21 _____
 22

ASHALA TYLOR
 23 CSR No. 2436, RPR, CRR

24
 25

DECLARATION

1
 2
 3
 4
 5 I hereby declare I am the deponent in the
 6 within matter; that I have read the foregoing
 7 deposition and know the contents thereof, and I
 8 declare that the same is true of my knowledge,
 9 except as to the matters which are therein stated
 10 upon my information or belief, and as to those
 11 matters, I believe it to be true.

12 I declare under the penalties of perjury
 13 of the State of California that the foregoing is
 14 true and correct.

15 Executed on the _____ day of
 16 _____, 2001.
 17 _____, California.

18
 19
 20
 21 _____

WITNESS

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 23
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