

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF SAN FRANCISCO

3

4 ELIEZER WILLIAMS, et al.,) Case No. 312 236

5 Plaintiffs,) Pages 233 - 449

6 VS.) VOL. II

7 STATE OF CALIFORNIA,)

8 DELAINE EASTIN, State)

9 Superintendent Of Public)

10 Instruction, STATE)

11 DEPARTMENT OF EDUCATION,)

12 STATE BOARD OF EDUCATION,)

13 Defendants.)

14 _____)

15 AND RELATED CROSS-ACTION.)

16 _____)

17

18 CONTINUED DEPOSITION OF TRAVIS KIEL

19 TAKEN ON

20 FRIDAY, JUNE 29, 2001

21

22

23 REPORTED BY: ASHALA TYLOR, CRR, RPR, CSR No. 2436

24 CERTIFIED REALTIME REPORTER

25

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 1:11 P.M., before ASHALA TYLOR,
5 CSR No. 2436, RPR, pursuant to Notice.

6
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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:
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1 LOS ANGELES, CALIFORNIA
2 FRIDAY, JUNE 29, 2001; 1:11 P.M.

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

8
9 EXAMINATION (resumed)

10
11 BY MS. STRONG:

12 Q. Good morning, Mr. Kiel.
13 A. Good morning.
14 Q. Do you recall the ground rules that we
15 went over the last time we met for your deposition?
16 A. Drinking and medicine, yes, I do.
17 Q. I am going to briefly review some of those
18 with you. As you recall, of course, everything
19 that's being said today is being taken down by the
20 court reporter today. It will be transcribed into
21 a booklet.

22 After your deposition, you'll have an
23 opportunity to review this transcript and make any
24 changes to the testimony that you feel are
25 appropriate. However, if you do make any changes,

1 those changes may be commented upon by any of the
2 attorneys in this action.

3 Do you understand that?

4 A. Yes.

5 Q. That's another point that I'd like to go
6 over is that we need to verbalize our answers
7 today. Remember to say yes and no. And so shaking
8 or nodding your head, responses such as "uh-huh" or
9 "uh-uh" do not read on the transcript. So it's
10 important that we say yes or no.

11 Do you understand that?

12 A. Yes.

13 Q. Okay. Also, in order that we have a clear
14 record here today, it's important that we not speak
15 over one another. I will do my best to wait for
16 you to finish your answers before I proceed with
17 the next question, and if you could please wait for
18 me to finish my question before you begin with your
19 answer.

20 If at any time you do not understand one
21 of my questions, please let me know that you do not
22 understand the question. If you do not do that, I
23 will assume that you have answered the question
24 with having understood the question that was asked.

25 Do you understand that?

1 or answer my questions?

2 A. No.

3 Q. At the end of the first day of your
4 deposition, we were in the middle of discussing
5 what types of on-site training you provide the
6 teachers at Crenshaw, and you identified several
7 programs.

8 With respect to new teachers programs, you
9 identified teachers helping teachers, new teacher
10 orientation, the mentor teacher program; and with
11 respect to the programs for all teachers on your
12 campus, you mentioned child abuse, sex harassment,
13 and earthquake safety training.

14 Do you recall that testimony?

15 A. Yes.

16 Q. With respect to the programs with new
17 teachers on the campus, other than what I just
18 identified, is there anything that you can think of
19 that you offer to your teachers as on-site training
20 for them when they start at Crenshaw?

21 A. No, I can't think of anything else.

22 Q. Okay. With respect to the Teachers
23 Helping Teachers program, when was that started?

24 A. That was started in September of 2000.

25 Q. And can you describe that program for me,

1 A. Yes.

2 Q. Okay. Today we do not want you to guess
3 as to any answers, but we are entitled to your best
4 estimate.

5 Because your testimony is given under oath
6 here today, you will be subject to all of the
7 penalties of perjury for giving false testimony.

8 Do you understand that?

9 A. Yes.

10 Q. If you need a break for any reason, please
11 let me know. I can instruct the court reporter
12 that we'll go off the record, and we can take a
13 break at that time.

14 Do you understand what I've said to you so
15 far?

16 A. Yes.

17 Q. Any questions?

18 A. No.

19 Q. Is there any reason why you may not be
20 able to testify or give your best testimony here
21 today?

22 A. None that I know of.

23 Q. Have you recently consumed any medication,
24 alcohol, or other substance that would cloud your
25 mind or interfere with your ability to understand

1 please.

2 A. That's a program where we have a teacher
3 that works -- she teaches one class a day, so that
4 all the new teachers can at least observe her
5 teaching the class.

6 And she has a resource center. She runs a
7 resource center where new teachers can come in and
8 work on the lesson plans, work on the course
9 description, or just work on techniques, ask
10 questions. She's there to assist them. She goes
11 to the classroom and visits with these teachers and
12 assists them in delivering instruction.

13 Q. And so what is the time commitment for a
14 new teacher, the Teacher Helping Teacher program?

15 A. The time commitment is that we like,
16 before the semester begins, for them to come in for
17 a two-day orientation and training. And she
18 provides, once a week, a seminar at 7:00 in the
19 morning for the teachers that come to the seminar.

20 The seminars are not mandatory. But we
21 have had success with the new teachers attending
22 the seminars.

23 Q. And that's once a week throughout the
24 entire school year; is that correct?

25 A. That's correct.

1 Q. And the in-class portion of the Teacher
2 Helping Teacher program, is that a one-day
3 experience, or is that ongoing throughout the
4 school year as well?

5 A. That's ongoing throughout the school year.
6 It's as-needed basis and/or requested by the new
7 teacher.

8 Q. Okay. So new teachers will participate at
9 least one day when they begin, with another teacher
10 helping them; and then if they request additional
11 assistance, they can receive that through the
12 program; is that correct?

13 A. The resource center is there. The teacher
14 is there for them to come in and ask for assistance
15 and work with this -- the teacher helping -- the
16 teacher that's been designated to work with the new
17 teachers.

18 And so it's not a -- it's an "if you need
19 help" type program, you go. And then we also come
20 and visit you as well. So it's a -- it's not a
21 mandatory program, but it's just an assistance.
22 It's like a library, for instance, a resource room
23 for teachers who need assistance. And all teachers
24 can go to this resource room.

25 But we -- we like to have the new teachers

1 Q. New-teacher orientation. I believe that
2 was the second program that you identified during
3 your first day of your deposition.

4 A. Well, the new-teacher orientation is a
5 part of opening school. And it's been in existence
6 as long as I've been in the district. That's a
7 normal school function for schools to have a
8 new-teacher orientation at the beginning of each
9 school year.

10 Q. What does that encompass? Or can you
11 describe the new-teacher orientation program to me?

12 A. Well, the new-teacher orientation program,
13 it's -- it's when a new teacher come on board. We
14 go over the map of the school, where everything is
15 located, the cafeteria, introduce the plant
16 manager, the cafeteria manager, the department
17 chair, the various counselors, administrative
18 staff.

19 We go over procedures for ordering
20 supplies, for ordering anything that you need,
21 instructional materials, should I say.

22 And we talk a little bit about the
23 demographics of the school, the type of kids that
24 we service, talk about the community and the
25 parents, the business establishments in the area.

1 sign up and sign in so we know how much time that
2 they go to this thing.

3 Q. And so do you know how many of your new
4 teachers participate in the teacher program?

5 A. I really don't know.

6 MR. FERNOW: One rule. She has to finish
7 her question.

8 THE WITNESS: Thank you. Appreciate that.

9 MS. STRONG: That's okay.

10 THE WITNESS: Try to.

11 BY MS. STRONG:

12 Q. We're all trying.

13 And why was the Teacher Helping Teacher
14 program started in September 2000, if you know?

15 A. Well, that was the program that I had
16 looked at a model of something similar at a
17 conference I went to. And it was one of the
18 programs that I as a principal started at Crenshaw
19 High School to help new teachers. We have a number
20 of new teachers each year, so we needed to find a
21 way to assist them.

22 Q. Okay. With respect to the new-teacher
23 orientation program, when was that started at
24 Crenshaw, if you know?

25 A. New-teacher program?

1 It's just a general orientation to the
2 school and how to survive as a teacher.

3 Q. And is that a two-day program, you stated?

4 A. No, it's not a two-day program.

5 Q. A one-day?

6 A. The orientation piece, it's calendared.
7 And so the orientation, certainly for the new
8 teachers -- let me back up.

9 In 2001 when we had the Teacher Helping
10 Teachers program, of course we didn't go into as
11 detailed of teacher orientation, because the
12 teachers was picking it up from the Teacher Helping
13 Teachers, and it was ongoing throughout the year.
14 But we have a part of the new-teacher orientation
15 in the afternoons, when we would bring in the
16 various custodians, the cafeteria manager, talk
17 about the cafeteria. So those are scheduled by the
18 month, September, October. Usually we do it two
19 months, an hour after school.

20 Q. Okay. Is the orientation complete by the
21 end of October?

22 A. Yes, the orientation is complete somewhere
23 near the end of October.

24 Q. And I don't know if I quite understand.
25 Are there several meetings, then, throughout the --

1 both September and October, that constitute the
 2 orientation program?
 3 A. Right, correct.
 4 Q. Do you know how many meetings, for
 5 example, constitute the program?
 6 A. No, I don't.
 7 And the assistant principal handles it.
 8 And I'm sure it's as-needed, to cover the materials
 9 that she feels should be covered.
 10 Q. Which assistant principal is it that
 11 handles this?
 12 A. Mrs. Cannon, Ruby, Ruby Cannon.
 13 C-a-n-n-o-n.
 14 Q. Do you know at what point in the program
 15 teachers are told about how to order supplies and
 16 instructional materials for their classrooms?
 17 A. I don't know exactly when they are told.
 18 Q. Okay. But you know that it occurs at some
 19 point through the program?
 20 A. That's correct.
 21 Q. How do you know about this orientation
 22 program?
 23 A. Well, it --
 24 MS. LHAMON: Objection. Vague about "this
 25 orientation program."

1 THE WITNESS: We calendar the orientation
 2 programs in staff meeting, in administrative staff
 3 meetings. And so that's an ongoing process you
 4 get, the opening of each school year.
 5 BY MS. STRONG:
 6 Q. Do you ever attend any of the orientation
 7 meetings with the teachers?
 8 A. Yes, I do.
 9 Q. You also identified a mentor teaching
 10 program.
 11 A. That's correct.
 12 Q. Can you -- when was that program started?
 13 A. I don't recall. It's been around for a
 14 number of years.
 15 Q. Has it been in existence for the three
 16 years that you have served as principal at
 17 Crenshaw?
 18 A. Yes.
 19 Q. Can you describe the mentor teaching
 20 program to me.
 21 A. Yes. The mentor teacher program is a
 22 program whereby we select -- the teachers have to
 23 apply -- veteran teachers apply to be selected as a
 24 mentor teacher. It's an application process. And
 25 then the teachers are selected, according to the

1 number of new teachers that you have at your school
 2 site.
 3 And then those new teachers are assigned
 4 to -- mentor teachers are assigned to X number of
 5 new teachers. And I don't know all of the details.
 6 I don't recall all of the details of the number of
 7 teachers that they can serve.
 8 Q. Is this also a program that is ongoing
 9 throughout the year then?
 10 A. Oh, yes, definitely. Yes, it is. It's
 11 ongoing throughout the school year.
 12 Q. Is it accurate to say that any teacher at
 13 Crenshaw who would like to participate in the
 14 mentor teaching program, with respect to receiving
 15 the assistance in the program, can do so if he or
 16 she would like to?
 17 A. No.
 18 Q. Okay. How is it that a teacher can
 19 participate in the program, then?
 20 A. Are you talking about a teacher that needs
 21 the services, or a teacher that's rendering the
 22 services?
 23 Q. Needs the services.
 24 A. Okay. Usually the person it's designed
 25 for, first, no more than second-year teachers that

1 are new to teaching.
 2 Q. Okay. So teachers who are in their first
 3 or second year of teaching can participate in the
 4 program whenever they would like to; is that
 5 correct?
 6 A. Yes. But they're -- they are assigned to
 7 a mentor.
 8 Q. Okay. But they can participate if they'd
 9 like?
 10 A. Right, exactly.
 11 Q. With respect to the ongoing on-site
 12 training for all teachers at Crenshaw, you
 13 identified staff development as one type of on-site
 14 training. Can you describe to me what you meant by
 15 that.
 16 A. Well, we have ongoing staff development as
 17 it relates to the standards, standard-based
 18 instruction. It usually comes from the district
 19 staff development team. And we put together an
 20 instructional team that gets some of its trainers.
 21 And those teams go in the training, and they come
 22 back and train teachers at our school.
 23 We have some district personnel
 24 specialists in certain areas that come into the
 25 school and provide staff development at the school

1 site.

2 Q. So is all of your staff development at
3 Crenshaw mandated by the district?

4 A. No.

5 Q. Okay. However, are some portions of your
6 staff development then, what you're describing to
7 me, mandated by the district?

8 A. Yes.

9 Q. Can you distinguish for me what staff
10 development programs you have at Crenshaw that are
11 provided by the district as opposed to those that
12 are not provided by the district?

13 A. The standards-based instruction -- the
14 standards that we use in the state of California
15 and in the Los Angeles Unified School District.
16 And it's mandated that we provide staff
17 development; that all teachers are familiar, aware
18 of the standards, how to teach to the standards.
19 That's mandated staff development.

20 Q. By the district?

21 A. By the district.

22 Q. Is that also by the state? Because you
23 mentioned the state. I just want to make sure I
24 have it clear. What is your understanding of it?

25 A. Well, when I say state standards, but the

1 something in particular that you were thinking of
2 when you made that distinction?

3 A. Yes. Getting along with people, conflict
4 resolutions, to understand the students and what
5 you're working with in the community and things,
6 things of that magnitude. They are not mandatory,
7 but those are some of the things that we do.

8 Departments working together and building
9 teams within the department, and using the uniform
10 lesson to improve instruction. Those are
11 individual, local-school-type staff developments.

12 Q. Programs that you implement at Crenshaw?

13 A. Yes.

14 Q. With respect to the training that you
15 identified regarding child abuse, sex harassment,
16 and earthquake safety, is that training something
17 in addition to what you've already described to me?

18 A. Yes.

19 Q. Can you explain to me how that training
20 fits into the on-site training programs at
21 Crenshaw?

22 A. It's mandated by the district. And that
23 training can be done at faculty meetings.

24 And the earthquake training is done during
25 the school day, where we inform kids and teachers

1 state -- our directives come from the district.

2 Q. Okay. So the standard-based curriculum
3 that's addressed is something that's mandated by
4 the district.

5 Is there anything else that's mandated by
6 the district with respect to staff development at
7 Crenshaw that you can think of at this time?

8 A. Not at this time, I can't.

9 Q. Okay. You stated that district personnel
10 come onto the school campus at times to participate
11 in staff development. Is that specific to the
12 standard-based curriculum that you just identified,
13 or is that something different?

14 A. Basically it's standards-based.

15 Q. So the district personnel that come on to
16 Crenshaw are working with the teachers to help
17 explain the standard-based curriculum to them; is
18 that correct?

19 A. It's to help them to be able to teach more
20 to the standards.

21 Q. Okay.

22 A. And to assist them to make lesson plans
23 using the standards and teaching to the standards.

24 Q. Okay. And the staff development that you
25 identified that's not district-mandated, is there

1 on safety. And we march the kids out to the
2 football stadium to program, in case of an
3 earthquake or an emergency, "This is where you
4 assemble." And we have rescue teams, and we have a
5 first-aid station, we have reunion gates. And we
6 go through a scenario of if there was an emergency,
7 an earthquake, what you would do.

8 And, hopefully, students and staff will be
9 programmed, realizing that in an emergency we don't
10 know what we might do. But by going through these
11 processes when there's no emergency, that
12 automatically your mind is trained to do these
13 things when it becomes an emergency.

14 So that's the kind of training that we do.
15 That's mandated by the district.

16 Q. Is there any off-site training that you
17 are aware of that your teachers can participate in?

18 A. Yes. There's a number of training
19 programs that's designed by the district, by the
20 various universities. And we make that information
21 available to teachers through the daily bulletin,
22 and also by giving information to the department
23 chairs to share with the various departments. To
24 recall a couple, there's the writing project at
25 UCLA.

1 Q. Do you know if any of your teachers
2 participate in these off-site training programs?
3 A. Yes, they do. Yes.
4 Q. How do you know they participate?
5 A. I have to sign the forms for them to go
6 and participate, the little contracts that we have.
7 Also we have teachers that come back and
8 make presentations at faculty meetings about
9 conferences they attended or training that they
10 have received.
11 Q. I think we might have gone over this last
12 time. When are the faculty meetings held?
13 A. Faculty meetings are scheduled every
14 second Tuesday of the month.
15 Q. And those include all teachers and all
16 principals and vice principals; is that correct?
17 A. That's correct.
18 Q. Do you know how many math teachers you
19 have at Crenshaw?
20 A. No, I don't know exactly.
21 Q. Do you know how math teachers at Crenshaw
22 are assigned to a particular subject matter to
23 teach, for example, algebra, geometry? Do you know
24 how that process works?
25 A. Normally throughout the chain of events,

1 if teachers are teaching, when one teacher leaves,
2 we interview and we ask this teacher, "Are you able
3 to teach -- what are you able to teach?" And the
4 department chair and the teachers decide what line
5 or what program is best for this person to teach.
6 That's pretty much how it's done, through
7 department chair, the AP counseling service, and
8 the teacher.
9 Q. Do you know if there are any special
10 qualifications for a high school teacher who wants
11 to teach algebra as opposed to geometry?
12 MS. LHAMON: Vague as to special
13 qualifications.
14 BY MS. STRONG:
15 Q. Go ahead.
16 A. Between algebra and geometry, I'm not
17 familiar with any.
18 Q. Do you know of any? I was using that as
19 an example to help you try and understand what it
20 was I was looking for with this question.
21 For example, can a math teacher come onto
22 the campus and explain that he would like to teach
23 any math class on the campus?
24 A. Normally, once the district approves a
25 teacher to be able to teach a subject matter, which

1 is math, in the interview process teachers will let
2 you know, "I'm very uncomfortable with upper
3 division," which would be calculus.
4 And so we usually assign teachers
5 according to where they feel comfortable teaching a
6 subject matter.
7 They will know if they have enough units
8 or have enough experience to teach calculus, math
9 analysis, and what-have-you. That's usually a
10 process that's worked out with the teacher. You
11 can get an emergency credential in math if you have
12 X number of units in math.
13 Q. I'd like to focus on Math Investigations
14 and algebra teachers at your school.
15 Do you know what I'm referring to when I
16 say Math Investigations?
17 A. Yes.
18 Q. What is that?
19 A. Math Investigation is a course that's
20 designed to help prepare students to do better in
21 algebra. Or it kind of goes back to basics, math,
22 basic math, to help them to do better.
23 Q. Okay. Those teachers at your school that
24 are teaching Math Investigations, are they also
25 qualified to teach algebra?

1 MS. LHAMON: Calls for speculation.
2 MR. FERNOW: I'll join the objection.
3 BY MS. STRONG:
4 Q. In your mind. You can answer the
5 question.
6 A. I think all teachers, all math teachers,
7 can teach algebra.
8 Q. So is it accurate to say, then, from your
9 perspective, any teacher at Crenshaw who was
10 teaching Math Investigations can also teach an
11 algebra class; is that correct?
12 MR. FERNOW: Same objection.
13 MS. LHAMON: I join.
14 THE WITNESS: Yes.
15 BY MS. STRONG:
16 Q. During your tenure as principal at
17 Crenshaw, have you received any complaints that
18 there are too few algebra teachers at Crenshaw?
19 MR. FERNOW: Did you say 10 years, or
20 tenure?
21 MS. STRONG: Tenure.
22 MR. FERNOW: Thank you.
23 THE WITNESS: No.
24 BY MS. STRONG:
25 Q. And you testified during the first day of

1 your deposition that the district has mandated a
2 change in the math program that will require you to
3 eliminate integrated math at your school, which
4 includes the Math Investigations class; is that
5 correct?

6 MR. FERNOW: I'll object as misstating
7 prior testimony.

8 THE WITNESS: I'm not sure.

9 BY MS. STRONG:

10 Q. You're not sure if integrated math -- the
11 elimination of integrated math necessarily means
12 that Math Investigations classes will have to be
13 eliminated; is that correct?

14 MR. FERNOW: Calls for speculation.

15 THE WITNESS: Correct.

16 BY MS. STRONG:

17 Q. Do you know if you will be offering Math
18 Investigation classes at Crenshaw in the fall of
19 2001?

20 A. I don't think we will be.

21 Q. Okay. And those students who have
22 previously been enrolled in Math Investigation
23 classes, will they then be enrolled in algebra
24 classes? Do you know?

25 A. We have a new math program that's coming

1 A. That's correct.

2 Q. Just to make sure that the record is
3 clear, because I don't know that we established
4 this, what was the purpose of the Math
5 Investigations class at Crenshaw, as far as you're
6 aware?

7 A. To assist students that were not having
8 success in algebra.

9 Q. Okay. And so what students were placed in
10 Math Investigations?

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

13 MS. LHAMON: I join.

14 BY MS. STRONG:

15 Q. Go ahead.

16 A. Those students who received fails or D's
17 in that first semester of algebra.

18 Q. During the past three years at Crenshaw,
19 are you aware of any students being placed in Math
20 Investigations because the school didn't have
21 enough teachers to teach algebra?

22 A. No, I'm not aware of any.

23 Q. Are there procedures or policies in place
24 relating to the use of substitutes at Crenshaw?

25 MR. FERNOW: Objection. Vague and

1 out where students will be able to take -- it's
2 called an algebra program. But they won't be able
3 to get algebra credit. They will be getting a math
4 elective -- they will be getting an elective
5 credit. They will stay in this program, and when
6 they come out, they will take algebra. And then at
7 that point, they will get algebra credit for it.

8 Q. Those are for the students who would
9 otherwise have been in Math Investigations? In
10 other words, those students who did not pass the
11 classes necessary to take algebra; is that correct?

12 MS. LHAMON: Objection. Compound, and
13 misstates prior testimony.

14 MR. FERNOW: I'll join.

15 MS. STRONG: That was convoluted. I'll
16 rephrase.

17 Q. You just described an algebra program that
18 students can participate in before they take
19 algebra; is that correct?

20 A. That's correct. Or didn't -- or were not
21 successful at algebra in middle school.

22 Q. And so that algebra program will
23 eventually replace your Math Investigations class
24 at Crenshaw, as far as you are aware; is that
25 correct?

1 ambiguous.

2 THE WITNESS: I'm sorry, would you repeat
3 the question?

4 BY MS. STRONG:

5 Q. Are there procedures and policies in place
6 relating to the use of substitute teachers in
7 classes at Crenshaw?

8 A. Yes.

9 Q. Can you describe to me those procedures
10 and policies.

11 A. Yes. If a teacher is absent, when the
12 teacher knows they are going to be absent, they
13 phone to the district subunit, and they give their
14 information and what subject they need covered.

15 The district in turn will send a sub to
16 Crenshaw High School to cover that teacher's
17 absence, that teacher that is absent.

18 We in turn receive that sub and assign
19 that sub to said teacher's class.

20 In some cases, we don't get a sub or the
21 district doesn't have a sub to send. We then have
22 a program, about a period -- whereby we have
23 teachers who have conference periods, and we assign
24 them -- we farmed out this teacher's classes to
25 those teachers with conference periods.

1 And that is pretty much the sub procedure
2 at Crenshaw.

3 Q. Are teachers expected to phone their
4 absence in to the district a certain number of
5 hours prior to missing that day of school? Do you
6 know?

7 A. They are required to phone the absence
8 into the district as soon as they know that they
9 are going to be absent.

10 But there's no requirements that I know
11 of, because you could be -- you could twist your
12 ankle on the way down the steps and you couldn't
13 call the sub desk. I don't think that there's a
14 requirement that you -- you know --

15 Q. So some teachers could be calling in the
16 morning of the day that they are going to miss
17 class, into the district asking for a replacement;
18 is that correct?

19 A. That's correct.

20 Q. Do the teachers have any obligation to
21 contact the school directly to inform them --
22 inform the school of an absence?

23 MR. FERNOW: Objection. Speculation.

24 THE WITNESS: Yes. It's a procedure for
25 being absent. And one of them is, yes, you notify

1 And -- but it happened on occasion; is
2 that correct?

3 A. Oh, yes.

4 Q. And for those occasions where no sub came
5 from the district, do you believe that you were
6 able to accommodate those students with teachers on
7 your campus?

8 MR. FERNOW: Objection. Vague. Calls for
9 speculation.

10 Go ahead.

11 THE WITNESS: Okay. I need -- when you
12 say "accommodate," the law requires that a class is
13 covered with a certificated person. When you say
14 "accommodate," do you mean is instruction going on,
15 or is there -- kids are being supervised? I need
16 you to --

17 BY MS. STRONG:

18 Q. Rephrase.

19 A. Yes.

20 Q. You described your procedures and policies
21 with respect to the replacement of substitutes.
22 And you explained on occasion when the district is
23 unable to provide Crenshaw with a substitute, the
24 procedures and policies at Crenshaw require that
25 teachers with their conference periods be assigned

1 the school as well.

2 BY MS. STRONG:

3 Q. That's part of the procedures?

4 A. Right.

5 Q. How many occasions are you aware of where
6 a sub request was placed with the district and the
7 district was not able to locate a substitute for
8 your school?

9 MR. FERNOW: Vague as to time.

10 THE WITNESS: I have no way of -- without
11 looking at extensive records, I have no way of
12 knowing that.

13 BY MS. STRONG:

14 Q. Is that a common occurrence?

15 MS. LHAMON: Vague as to "common."

16 MR. FERNOW: Join.

17 THE WITNESS: Absentees?

18 BY MS. STRONG:

19 Q. No, the district not being able to locate
20 a replacement in time for the school.

21 A. Peak times of the year, before holidays
22 or -- but it happens occasionally. I don't know.
23 I can't -- I'm not sure what we would consider as
24 common.

25 Q. That's fair.

1 to the class that needs the substitute teacher.

2 A. That's correct.

3 Q. Is it your understanding that that
4 procedure and policy has served to allow for a
5 teacher to oversee each of the classes that were
6 without a substitute teacher on those occasions?

7 A. Yes, that is -- I'm sorry.

8 MR. FERNOW: Objection. Vague and
9 ambiguous.

10 BY MS. STRONG:

11 Q. Go ahead.

12 A. Yes, to my knowledge, there is a teacher
13 covering all classes that's not covered by a
14 substitute.

15 Q. Okay. Does Crenshaw have procedures or
16 policies relating to lesson plans for substitutes?

17 A. Yes, we do.

18 Q. And what are those?

19 A. The policies for lesson plans is that
20 every teacher is to turn in emergency lesson plans
21 to the main office, and there's a file that's
22 maintained in the main office with the emergency
23 lesson plan.

24 Q. And then those emergency lesson plans are
25 given to the substitute teacher who is filling in

1 for the teacher when that teacher is absent; is
 2 that correct?
 3 A. That's correct.
 4 Q. Do you know whether the teachers at
 5 Crenshaw have complied with that procedure by
 6 turning in their emergency plans to the office?
 7 A. To the best of my knowledge.
 8 Q. You believe that all teachers have
 9 complied with that procedure, to the best of your
 10 knowledge?
 11 MR. FERNOW: Objection. Calls for
 12 speculation.
 13 THE WITNESS: I don't know.
 14 BY MS. STRONG:
 15 Q. Okay. Have you ever heard of a complaint
 16 that any teacher has not complied with that policy?
 17 MS. LHAMON: Vague as to time.
 18 MR. FERNOW: Join.
 19 THE WITNESS: Yes.
 20 BY MS. STRONG:
 21 Q. Okay. When was that?
 22 A. I can't tell you an exact date. I have
 23 heard some complaints, yes -- a complaint.
 24 Q. A complaint.
 25 And who did you hear that from?

1 A. From a substitute.
 2 Q. Okay.
 3 A. And so --
 4 Q. Do you know if that was within the past
 5 three years when you were serving as principal?
 6 A. I don't know the exact date. Yeah, it
 7 would be in the last three years, yes.
 8 Q. Okay.
 9 A. In answer to that question, yes, within
 10 the last three years.
 11 Q. Okay. And there was only one complaint of
 12 that nature that you heard; is that correct?
 13 A. I'm not absolutely sure. But I do recall
 14 at least one. Okay.
 15 Q. And what did you do in response to that
 16 complaint, if you recall?
 17 A. I met with the assistant principal in
 18 charge of maintaining the substitute file and asked
 19 her to, once again, go through the policies to
 20 update them and to check on the complaint that the
 21 sub had.
 22 Q. Okay.
 23 A. It was a verbal directive to the assistant
 24 principal to check that policy out. Or that
 25 complaint out, I'm sorry. The complaint.

1 Q. Do you know one way or the other whether
 2 that teacher proceeded to comply with the policy
 3 and submit an emergency plan?
 4 A. I really don't know.
 5 Q. And you actually don't know that the
 6 teacher in fact hadn't submitted an emergency plan;
 7 is that correct?
 8 A. I don't know that. That's correct, I
 9 don't know that.
 10 Q. Is it common to have a class taught by a
 11 substitute for a period of longer than one week at
 12 a time?
 13 MR. FERNOW: Objection. Vague as to
 14 "common."
 15 THE WITNESS: It happens.
 16 BY MS. STRONG:
 17 Q. Do you recall how many teachers required a
 18 substitute for more than one week during the
 19 2000-2001 school year?
 20 A. No, I do not.
 21 Q. Do you recall if any required a substitute
 22 for more than one week during the 2000-2001 school
 23 year?
 24 A. I really don't remember --
 25 Q. Okay.

1 A. -- right now.
 2 Q. Do you have any recollection as to whether
 3 any teacher required a substitute for longer than
 4 one week during the 1999-2000 school year?
 5 A. I don't know the name of the teacher, but
 6 I do know we had some long-term subs. Subs in
 7 positions. And I don't know the names of the
 8 teachers, but I do recall a teacher getting hurt.
 9 I recall situations where subs was there for more
 10 than 5 days. But I don't know the name of
 11 teachers, or I don't know the cases specifically.
 12 Q. Would you say that there would be less
 13 than five teachers that you can recall? Is that an
 14 accurate description?
 15 MS. LHAMON: Calls for speculation.
 16 MR. FERNOW: Join.
 17 THE WITNESS: I -- safe to say not more
 18 than five ever in a situation. But that's a
 19 very -- you know, for more than five days, that's
 20 usually an unusual case within our school.
 21 BY MS. STRONG:
 22 Q. Okay. So within any school year, it would
 23 be no more than five teachers who would be absent
 24 or require a substitute for over a period of a
 25 week; is that correct?

1 MR. FERNOW: Objection. Vague as to time.
 2 MS. LHAMON: Also vague as to period --
 3 I'm sorry.
 4 MR. FERNOW: Go ahead.
 5 MS. LHAMON: Vague as to "a period of a
 6 week." Do you mean consecutive days or --
 7 MR. FERNOW: Join.
 8 THE WITNESS: I would approximately say,
 9 no, never over three to five people that's out for
 10 that period of time. But it --
 11 BY MS. STRONG:
 12 Q. During any given school year?
 13 A. In a given school year.
 14 Q. Okay. And that's at Crenshaw, and that's
 15 based on your experience as a principal there for
 16 the past three years; is that correct?
 17 A. That's correct.
 18 Q. Do you have any policies or procedures
 19 relating to ensuring that students are not standing
 20 in the hallways when classes begin?
 21 MR. FERNOW: Objection. Vague.
 22 THE WITNESS: Yeah, we have a -- we have a
 23 policy that asks the teachers standing at the door
 24 to encourage students to come in, up until the
 25 tardy bells sound.

1 BY MS. STRONG:
 2 Q. Do you ever conduct tardy sweeps or
 3 anything of that nature?
 4 MS. LHAMON: Asked and answered.
 5 BY MS. STRONG:
 6 Q. Go ahead.
 7 A. Yes.
 8 Q. And what are the policies and procedures
 9 with respect to tardy sweeps?
 10 A. Policy and procedures pertaining to a
 11 tardy sweep is that we clearly notify the students
 12 in advance, a certain date we're going to start
 13 tardy sweeps, by PA, by daily bulletin.
 14 On that particular day, we go on the PA.
 15 The -- when the tardy bell rings, we go on the PA
 16 and tell all teachers to secure your doors, lock
 17 your doors, and any students that's tardy at that
 18 point, we take them to a room and we process them.
 19 What I mean by process them, we write
 20 their names down, get their phone numbers, we
 21 contact parents, counsel, and record their names.
 22 Q. Are you aware of any circumstances, during
 23 the past three years when you have been principal,
 24 of students being left out in the hallway because a
 25 teacher didn't show up to open a door for class?

1 A. I recall incidents where teachers are late
 2 getting to the rooms. I don't recall an incident
 3 where a child has been left in the hallway for the
 4 entire period, ever.
 5 Q. And with respect to the 2000-2001 school
 6 year, how many occasions do you recall where there
 7 were teachers getting late to class?
 8 MR. FERNOW: Objection.
 9 MS. LHAMON: Speculation.
 10 MR. FERNOW: Vague. Join.
 11 THE WITNESS: I can't give you a number on
 12 that.
 13 BY MS. STRONG:
 14 Q. Okay. Do you recall this incident having
 15 occurred during the 2000-2001 school year with
 16 respect to more than one teacher?
 17 MR. FERNOW: Objection. Vague and
 18 ambiguous.
 19 THE WITNESS: The answer is more than one
 20 teacher.
 21 BY MS. STRONG:
 22 Q. Is there any particular period of day when
 23 this occurs, based on your recollection of any
 24 incidents of this nature?
 25 A. It could be any period of the day. It's

1 not a particular time.
 2 Q. Okay. Are you aware of any circumstances
 3 where a teacher was ever later than five minutes to
 4 his or her class during the 2000-2001 school year?
 5 A. No, not particularly. I really don't look
 6 at the time. We usually operate by bells. If the
 7 bell sounds and the teacher is not there, they are
 8 late, you know. So I really don't -- I couldn't
 9 give you times.
 10 Q. Okay. But to try to get an understanding
 11 of how long any of these students are standing in
 12 the hallway after the bell has rung on any of the
 13 times that you believe a teacher was late to class,
 14 you believe it's accurate to state that you cannot
 15 recall a time where a teacher was later than five
 16 minutes --
 17 MR. FERNOW: Asked and answered.
 18 BY MS. STRONG:
 19 Q. -- beyond the passing bell to get to the
 20 class?
 21 MR. ROSENBAUM: Asked and answered.
 22 Speculation. Foundation.
 23 MR. FERNOW: And compound. Join.
 24 MS. STRONG: You understand that there's
 25 going to be one attorney that's objecting. I

1 believe Catherine Lhamon has already taken on that
 2 responsibility.
 3 MS. LHAMON: It's asked and answered.
 4 Compound. And all of the objections.
 5 THE WITNESS: Okay.
 6 MR. FERNOW: And I join in her objection.
 7 MS. LHAMON: Thank you.
 8 THE WITNESS: I'm not -- I'm not --
 9 there's 130 -- approximately 134 teachers.
 10 Hallways, three floors, a number of bungalows. You
 11 know, I can't sit here and tell you who is late how
 12 many minutes. I -- and how long. So I just don't
 13 know.
 14 BY MS. STRONG:
 15 Q. Well, do you consider teachers arriving
 16 late to class to be a problem at Crenshaw?
 17 A. I don't see it as any more of a problem
 18 than anywhere else in society.
 19 Q. Have you ever received or heard of any
 20 complaints regarding students having to wait in the
 21 hallway because their teachers have not arrived to
 22 the class to let them in?
 23 MS. LHAMON: Objection. Compound.
 24 THE WITNESS: Yes, I have received
 25 complaints.

1 BY MS. STRONG:
 2 Q. Okay. What do you recall regarding those
 3 complaints? For example, how many complaints have
 4 you received of this nature?
 5 A. I don't know how many. I recall a
 6 complaint from the assistant principal,
 7 Mrs. McAdoo, concerning administrators assigned to
 8 a hall. And her particular hall, first floor, C
 9 wing -- you don't know exactly where that is. She
 10 reported that there was a person that was late.
 11 Q. Do you remember what year you received
 12 this complaint?
 13 A. Yes, this current school year.
 14 Q. So the 2000-2001 school year?
 15 A. Correct.
 16 Q. Do you remember which semester it was
 17 during this school year that you received this
 18 complaint from Miss McAdoo?
 19 MS. LHAMON: Objection. Mischaracterizes
 20 testimony. He didn't say that was one time.
 21 THE WITNESS: The complaint is ongoing --
 22 has been ongoing by this particular person.
 23 BY MS. STRONG:
 24 Q. Miss McAdoo has brought this to your
 25 attention more than once?

1 A. Correct.
 2 Q. Is this with respect to one particular
 3 teacher at the school?
 4 A. That's correct.
 5 Q. Do you know the name of that teacher?
 6 MR. FERNOW: I'm going to object and
 7 instruct him not to answer that question, based on
 8 the employee's right to privacy, including
 9 California Constitutional Article I, Section 1.
 10 MS. LHAMON: I'm going to, just for the
 11 record, say what we said last time, which is I
 12 think you waived that objection. I think the
 13 witness can answer some of those questions along
 14 that line.
 15 BY MS. STRONG:
 16 Q. Do you know if the teacher is
 17 Miss Williams?
 18 MR. FERNOW: Object. Instruct the client
 19 not to answer the question -- the witness. I'm
 20 going to instruct him not to answer.
 21 MS. STRONG: Are you aware that the
 22 plaintiffs in this action have raised specific
 23 allegations with respect to Miss Williams being
 24 late to class, and it is based on that allegation
 25 that we are asking this question?

1 MS. LHAMON: And I object to that
 2 characterization of what the plaintiffs have or
 3 have not raised in this case. We have not raised
 4 any specific allegations about any particular
 5 teacher.
 6 MR. FERNOW: I'm instructing him not to
 7 answer the question.
 8 BY MS. STRONG:
 9 Q. Are you going to follow your attorney's
 10 instruction not to answer?
 11 A. Yes.
 12 Q. Have you heard of any complaints of
 13 teachers being late to class, other than this one
 14 teacher that you are thinking of?
 15 A. Yes.
 16 MS. LHAMON: Asked and answered.
 17 BY MS. STRONG:
 18 Q. When did you receive or hear of a
 19 complaint with respect to another teacher being
 20 late to class?
 21 A. I don't know exactly times. But people
 22 tell me, and other administrators, Mr. and
 23 Miss So-and-so is late. And so we look into those
 24 situations, we talk to people.
 25 So it's not -- it's not a major, major

1 problem; but, yes, I do get verbal complaints,
2 notes, or what-have-you, about people who are being
3 late.

4 Q. Okay. You have described one set of
5 circumstances regarding an unnamed teacher as being
6 an ongoing problem.

7 Would you describe any of the other
8 circumstances where you've heard complaints about
9 teachers being late, as ongoing problems?

10 A. I can't think of -- I can't think of any.

11 Q. That would be considered ongoing problems;
12 is that correct?

13 A. Randomly people.

14 Q. Is that correct?

15 A. That's correct.

16 Q. With respect to the one unnamed teacher
17 that you've described as having an ongoing problem
18 with respect to tardiness, how have you responded
19 to that problem?

20 MR. FERNOW: I'm going to object and
21 instruct him not to answer the question.

22 To the extent that you are interested in
23 finding out about specific individuals, we have an
24 obligation to protect all our employees and
25 students from their privacy being invaded.

1 responded to that problem, without identifying any
2 of the names of the individuals involved with the
3 problem?

4 MS. LHAMON: Object. Vague as to "you."
5 Do you mean Principal Kiel personally, or do you
6 mean Crenshaw?

7 BY MS. STRONG:

8 Q. Go ahead, you can answer.

9 A. I --

10 MR. FERNOW: I'm going to instruct him not
11 to answer the question. I still believe that's
12 invading this person's right to privacy.

13 MS. STRONG: On what grounds? How?

14 MR. FERNOW: To the extent that person can
15 be identified, I'm going to instruct him not to
16 answer the question.

17 BY MS. STRONG:

18 Q. Did Crenshaw respond -- first of all, are
19 you going to follow your attorney's instruction not
20 to answer?

21 A. Yes.

22 Q. Okay. Did Crenshaw respond to this
23 ongoing problem with respect to the unnamed teacher
24 that you identified?

25 A. Yes.

1 So to the extent that you are going to
2 have to identify a particular teacher, I'm going to
3 instruct you not to answer the question.

4 MS. STRONG: I think he can answer the
5 question without identifying a particular teacher.
6 I just want to know what practices Crenshaw took to
7 address the issue.

8 MS. LHAMON: That's a different question
9 from the question you asked.

10 MR. FERNOW: If you want to ask him a
11 general question about how that he dealt with the
12 problem, that's fine.

13 MS. STRONG: How they dealt with it at
14 this particular time.

15 Q. Go ahead, you can answer the question.

16 MS. LHAMON: Could you state a question so
17 you don't have two different questions pending, at
18 least two, maybe three?

19 THE WITNESS: State the question again,
20 please.

21 BY MS. STRONG:

22 Q. I'll rephrase it for you.

23 With respect to the one ongoing problem
24 that you've identified with an unnamed teacher
25 during the 2000-2001 school year, how have you

1 Q. Did you respond, following ordinary
2 practices and procedures for circumstances such as
3 this?

4 MS. LHAMON: Vague as to "ordinary
5 practices and procedures."

6 BY MS. STRONG:

7 Q. Go ahead.

8 MS. LHAMON: There's no indication there
9 are ordinary practices and procedures. And vague
10 as to -- do you mean Principal Kiel, or do you mean
11 Crenshaw.

12 BY MS. STRONG:

13 Q. Go ahead.

14 A. I would follow the district procedures and
15 policies.

16 Q. And you have followed them with respect to
17 this particular set of circumstances; is that
18 correct?

19 A. That's correct.

20 Q. And what are those policies and
21 procedures?

22 A. To conference and work with employees who
23 have any form of problems or concerns with--that
24 they may occur within the school. And that could
25 be a conference and guidance and assistance.

1 Q. So the procedures require a conference,
2 and then you said guidance and assistance. What
3 would that encompass, for example?

4 A. To recommend anything that would help them
5 be on time, and try to offer them any guidance, and
6 to assist them if they need a wheelchair, elevator
7 key -- guidance and assistance. Anything that you
8 can help them improve, whatever you are trying to
9 get them to improve.

10 Q. With respect to the other teachers that
11 you can't recall specifically, but those who you
12 have identified as having been late on occasion,
13 did you follow those same policies and procedures
14 in response to learning of their tardiness?

15 MS. LHAMON: Calls for speculation. He
16 testified that he can't remember specifically who
17 the teachers were.

18 THE WITNESS: Yes, I follow district
19 policies.

20 BY MS. STRONG:

21 Q. And those are the same policies that you
22 just described; is that correct?

23 A. That's correct.

24 MS. STRONG: Let's go ahead and take a
25 break.

1 about particular conditions, then those conditions
2 are conditions that are fair game to ask about.

3 Beyond that, I think their privacy rights
4 are protected. And, of course, the privacy rights
5 that the judge recognized in the protective order
6 are protected.

7 MR. FERNOW: Okay. So we're clear, are
8 you going to object?

9 MS. LHAMON: Yes. But if I fail to,
10 please do.

11 MR. FERNOW: I will.

12 Again, so I'm clear, to the extent that
13 the students have provided testimony on certain
14 conditions, there is -- you're agreeing that there
15 would be a waiver as to their right to privacy on
16 those matters?

17 MS. LHAMON: I don't think I want to agree
18 they've waived their right to privacy. I do think
19 that the questions are fair game to ask about if
20 they have talked about them in their deposition,
21 and the questions don't go beyond the scope of the
22 protective order.

23 MR. FERNOW: Okay.

24 MS. LHAMON: Is that fair enough?

25 MR. FERNOW: My concern is this --

1 (Recess.)

2 BY MS. STRONG:

3 Q. Mr. Kiel, Plaintiff Delwin Lampkin, who
4 attended Crenshaw, claims that a window in one of
5 his classes was broken, and that a bird went in and
6 out of the window for a period of time and nested
7 in the ceiling of one of the classrooms.

8 Apart from the allegations in this case,
9 are you aware of this having occurred at Crenshaw?

10 MR. FERNOW: I object. If we are getting
11 into student information, I want to make sure we
12 are clear with the ACLU. It's our position that
13 students have a right to privacy as well.

14 MS. LHAMON: And we agree with that.

15 MR. FERNOW: Any question relating to
16 Delwin and D'Andre, the privilege has been waived,
17 because they filed the lawsuit.

18 But the district will object and instruct
19 the witness not to answer any questions
20 specifically related to students. Or I can wait
21 and have the ACLU object and join in. Or waive.
22 If you are going to waive certain privacy rights,
23 that's fine, too.

24 MS. LHAMON: Well, I believe that, to the
25 extent that the students have spoken in depositions

1 MS. STRONG: Why don't we address the
2 questions we have got, and it may not come up. I
3 don't believe there's an objection to the ACLU to
4 the question I asked. Why don't we deal with it if
5 it arises.

6 MS. LHAMON: I appreciate your care.
7 Thanks.

8 THE WITNESS: Could you restate the
9 question?

10 MS. STRONG: Sure.

11 Can you read it back.

12 (The following question was read by the
13 reporter):

14 "Q. Mr. Kiel, Plaintiff Delwin Lampkin,
15 who attended Crenshaw, claims that a
16 window in one of his classes was broken,
17 and that a bird went in and out of the
18 window for a period of time and nested in
19 the ceiling of one of the classrooms.
20 "Apart from the allegations in this case,
21 are you aware of this having occurred at
22 Crenshaw?"

23 THE WITNESS: No, I'm not aware of that.

24 BY MS. STRONG:

25 Q. Do you believe that there are procedures

1 in place that would allow the school to address
 2 this problem if it did exist at the school?
 3 MS. LHAMON: Calls for speculation.
 4 MR. FERNOW: Join.
 5 THE WITNESS: Yes. We have a plant
 6 manager on-site, and three other custodians that
 7 was assigned daily.
 8 BY MS. STRONG:
 9 Q. What would be the procedures that would
 10 address this problem, to the best of your
 11 understanding?
 12 A. Certainly to -- if a bird was nesting, we
 13 would call pest control and -- or if a bird was
 14 going in and out of the building, we would secure
 15 them from building nests.
 16 Q. And with respect to these policies and
 17 procedures, who is it that's responsible for
 18 identifying problems such as that described by
 19 Plaintiff Delwin Lampkin?
 20 A. The teacher.
 21 Q. And as far as you're aware, no teacher
 22 ever raised this issue with anyone in the
 23 administration, or with the janitors on the campus;
 24 is that correct?
 25 MS. LHAMON: Calls for speculation.

1 MR. FERNOW: Join.
 2 THE WITNESS: I'm not aware of a bird
 3 nesting in a classroom at all with anyone.
 4 BY MS. STRONG:
 5 Q. It's accurate to say, as far as you're
 6 aware, no teacher raised this issue with the
 7 administration or the janitors, as far as you're
 8 aware?
 9 A. As far as I'm aware, no.
 10 Q. That's correct? Just so it reads
 11 properly.
 12 A. Correct, yes.
 13 Q. Are there procedures and policies in place
 14 to replace missing ceiling tiles in classrooms at
 15 Crenshaw?
 16 MS. LHAMON: Calls for speculation.
 17 MR. FERNOW: Join.
 18 THE WITNESS: Yes, there's a -- there's a
 19 process for getting and maintaining the facility
 20 and making all repairs.
 21 BY MS. STRONG:
 22 Q. Okay. Can you describe that to me.
 23 A. If there's an item that needs repairing or
 24 a room that's damaged, the teacher reports it to
 25 the plant manager or the assistant principal.

1 The plant manager is the one to assess the
 2 situation and then call it in to maintenance or to
 3 the repair -- the shop, depending on what it is.
 4 If it's -- if it's plaster, if it's glass, if it's
 5 ceiling tile, there are departments, maintenance
 6 areas, in which he would -- he would call that in
 7 to. And -- and so -- and then the response.
 8 And so that's the normal procedure.
 9 Someone reports it to the assistant principal or
 10 the plant manager. The plant manager then requests
 11 the proper craftsman to come and address the issue.
 12 Q. When you say that the plant manager will
 13 make a call in to the shop, is that a call in to
 14 the district that you are referring to, or is that
 15 something at your school site?
 16 A. No, that's -- that's the district repair
 17 center.
 18 Q. Maintenance?
 19 A. Maintenance area. Maintenance area, yes.
 20 Q. And again, that call is made only if your
 21 janitors or custodians are unable to remedy the
 22 problem on their own at the school site; is that
 23 correct?
 24 A. No. That call is made for repairs,
 25 period. We don't repair. We may secure a room.

1 But we don't repair it. So the repair calls, all
 2 craftsman come out and repair.
 3 Q. I see. So would replacing a ceiling tile
 4 be considered a repair, do you know?
 5 A. Yes.
 6 Q. And it would be considered a repair?
 7 A. Yes.
 8 Q. When are teachers made aware of this
 9 repair process that takes place?
 10 MS. LHAMON: Calls for speculation. Vague
 11 as to time.
 12 MR. FERNOW: Join.
 13 THE WITNESS: During faculty meetings, the
 14 beginning of the year. Each semester we talk about
 15 repair procedures. Certainly at the close of the
 16 semester, anything that you need, repairs that you
 17 need in your room, please let us know. It's an
 18 ongoing process as well.
 19 Notes, repair forms, teachers can use
 20 the -- request assistance in the classroom.
 21 BY MS. STRONG:
 22 Q. So is it your understanding that all of
 23 the teachers at Crenshaw know of these procedures
 24 and know that they can call in to have missing
 25 ceiling tiles repaired in their classroom; is that

1 correct?

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

4 THE WITNESS: Yes. I'm -- I'm aware of
5 the fact that we presented the information at
6 various meetings. "All" is a tough word. I'm not
7 sure.

8 But we presented faculty meetings,
9 new-teacher orientations, and -- and ran it in the
10 daily bulletin occasionally.

11 BY MS. STRONG:

12 Q. So the school has taken measures to inform
13 all teachers of these procedures and policies; is
14 that correct?

15 A. That is correct.

16 Q. Do you know how long it takes for the
17 district to respond to a repair call with respect
18 to ceiling tiles?

19 MS. LHAMON: Calls for speculation.

20 THE WITNESS: I don't know. I really
21 don't know.

22 BY MS. STRONG:

23 Q. Have you ever received a complaint that
24 the district has failed to respond in a timely
25 manner to a request to repair ceiling tiles at

1 BY MS. STRONG:

2 Q. Go ahead.

3 A. That is correct.

4 Q. During the first day of your deposition,
5 you testified regarding how it is that the
6 bathrooms are maintained and cleaned.

7 Are there procedures and policies with
8 respect to the maintenance of classrooms
9 themselves?

10 A. Yes.

11 Q. And what are the those procedures and
12 policies?

13 A. Well, they have a custodian staff. And
14 every classroom is assigned to a custodian. They
15 are to sweep and empty the trash daily. And if --
16 if it says that they can't sweep daily, it's put on
17 a rotating basis as to when they sweep. But the
18 trash is pulled on a daily basis. The restrooms
19 are serviced on a daily basis. And the hallways.

20 So all of that is placed on a schedule.

21 And so they have a schedule they follow.

22 Q. You referred to a rotating basis for
23 sweeping, if the custodians can't get to sweep
24 each -- get to each classroom to sweep it each day;
25 is that correct?

1 Crenshaw during the past three years?

2 A. I don't recall.

3 Q. Receiving any complaint of that nature; is
4 that correct?

5 A. I don't recall receiving a complaint of
6 that nature.

7 Q. As far as you're aware, do you believe
8 that the procedures in place are adequate to
9 address problems with respect to ceiling tiles at
10 Crenshaw?

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

13 MS. LHAMON: Join.

14 THE WITNESS: I think the procedure is
15 adequate to maintain the facility. I don't know,
16 you know -- I can't specifically say floor tiles,
17 ceiling tile, or -- you know, if there's a shortage
18 of something or if they don't have it in stock.
19 But I'm just saying that the procedure is adequate
20 to maintain the facility.

21 BY MS. STRONG:

22 Q. Okay. So globally, the procedures in
23 place to maintain and repair Crenshaw are adequate
24 in your view; is that correct?

25 MS. LHAMON: Vague as to "globally."

1 A. That's correct.

2 Q. Do you know anything more about this
3 rotating procedure?

4 A. I -- when -- I just wanted to make sure
5 that, you know, we -- if our classroom wasn't swept
6 every day because, and there is a process that they
7 have for rotating the sweeping process, if someone
8 is absent and we have to cover for a spot. But
9 there is a rotating sweeping process where rooms
10 are swept so many days a week. But if everyone is
11 in place, it should go, the rooms are cleaned every
12 day.

13 But the trash is pulled. That's a
14 standard. We know that the trash is pulled every
15 day.

16 Q. I want to make sure I understand. Is it
17 standard procedure that the classrooms be swept
18 every day, but this rotating procedure will go into
19 place if it's not the standard procedure or --

20 A. I'm not absolutely sure on that, on those
21 two, because it varies from school to school. And
22 I'm not absolutely sure if -- if -- if it's a sweep
23 every day at Crenshaw, or if it's a rotating sweep
24 day. And I can't -- and I don't know that right
25 offhand.

1 Q. Okay. So the classrooms at Crenshaw could
2 be swept every day; you're just not sure?

3 A. Right.

4 Q. Do you know if the classrooms are ever
5 mopped?

6 A. Classrooms -- it's a standard procedure
7 that classrooms are mopped when spills occur. And
8 if there's something on the floor, if it's stained,
9 it's mopped. All classrooms are normally stripped,
10 waxed, and mopped one to two times a year. A
11 minimum of one, a maximum of two.

12 Q. Do you know if teachers can request that
13 their classroom be cleaned or mopped on a
14 particular day?

15 A. Yes, teachers can request it.

16 Q. At their own discretion; is that correct?

17 A. That's correct.

18 Q. And do you know what the policies and
19 procedures are in responding to those requests?

20 A. I can't -- I can't absolutely say. I do
21 know that if they are stained or -- a heavy stain
22 on a classroom floor, the teacher can request it,
23 and it's taken care of within that same day.

24 Q. Are you aware of any complaint by any
25 teacher during the past three years that they've

1 I'm not sure if a teacher have discussed it. But
2 he's called it to my attention.

3 Q. How many discussions have you had with the
4 plant manager regarding this issue?

5 A. I don't recall. I don't recall the
6 number. I remember him talking to me about it.

7 Q. Can you remember more than one occasion,
8 or just that one occasion that you remember talking
9 to him about it?

10 A. I don't remember. I know -- I know he --
11 he probably mentioned it to me and didn't feel it
12 was needed to come back and tell me again. But I
13 do recall a conversation with him, discussing it.

14 Q. Okay. Right now as you sit here, you only
15 remember one conversation with the plant manager;
16 is that correct?

17 A. Right.

18 Q. And you said a teacher may have mentioned
19 this to you. Do you recall a specific conversation
20 with a teacher?

21 A. No, I don't.

22 Q. Okay.

23 A. I -- I don't recall it. I'm not saying
24 that it didn't happen.

25 Q. I understand that. But you don't recall

1 submitted a request to have their classroom
2 cleaned, and it wasn't cleaned?

3 A. I'm not aware of any.

4 Q. Do the procedures that you've just
5 described with respect to cleaning classrooms apply
6 to bungalow classrooms as well as those classrooms
7 that are in the main school building?

8 A. Yes. All classrooms are assigned
9 custodial time.

10 Q. Do you know what type of flooring material
11 is used on the bungalows on campus?

12 A. Yes.

13 Q. What type or types of material?

14 A. Well, we have different bungalows. But
15 some of the newer bungalows have carpet. And some
16 of the older bungalows have tile.

17 Q. Do you have any knowledge of the floors in
18 the bungalows getting sticky when it rains?

19 A. I have heard of that complaint.

20 Q. Okay. When have you heard of that?

21 A. When it rains. I don't know the exact
22 dates. I'm sorry.

23 Q. Who has told you about the floors becoming
24 sticky when it rains?

25 A. The plant manager have discussed it. And

1 it as you sit here today?

2 A. Right.

3 Q. And you can't think of any other person
4 that you've discussed the floors getting sticky
5 when it rains in the bungalows; is that correct?

6 A. That's correct.

7 Q. Do you have any understanding as to why it
8 is that the floors get sticky in some of the
9 bungalows when it rains?

10 A. I don't -- I -- I think that the floor --
11 the water, that the kids step in water, and they
12 step on the carpet and it -- and it gets wet. And
13 I don't know if it's gum. I don't know. I don't
14 know why it gets sticky. I know it -- that it's
15 unattractive around the door when it rains. The
16 flooring gets dirty. I guess that's a good word.

17 Q. I should have clarified this. The
18 complaints or -- I'm sorry.

19 The discussion that you had with the plant
20 manager that you recall, do you know if it was
21 regarding a bungalow classroom with carpet or a
22 bungalow classroom with tile?

23 A. I don't know. I would --

24 Q. Don't guess.

25 A. No. No. I'm thinking that I hadn't heard

1 it until we got the new bungalows, okay?
 2 Q. But you don't know whether it was a
 3 tile --
 4 A. I really --
 5 Q. -- floor or a carpeted floor?
 6 A. Go ahead. I'll wait until you finish.
 7 Q. Go ahead.
 8 A. I'm not sure, no.
 9 Q. And you also don't know, then, why it is
 10 that the floors are sticky, considering you don't
 11 even know which bungalow it's in; is that correct?
 12 A. That is correct.
 13 Q. Given that you had a discussion with the
 14 plant manager about the issue, do you know how the
 15 plant manager responded to the problem?
 16 A. I don't know how he responded.
 17 I know some of the things that we
 18 discussed, that we should try and schedule some
 19 overtime to clean the facilities after the rainy
 20 season. But we did not -- that's all I remember of
 21 the conversation. He talked about the carpet and
 22 that the rain was creating a -- creating a mess in
 23 those bungalows.
 24 Q. You don't remember anything specific to
 25 the tile floor to the bungalows, then?

1 A. I don't remember which -- I don't know.
 2 The answer is no, I don't.
 3 Q. And to make sure it's clear, you never
 4 received any complaints from students regarding any
 5 of the floors in the bungalow areas becoming sticky
 6 when it rains; is that correct?
 7 A. No, I didn't receive any complaints from
 8 students.
 9 Q. Is it also accurate to say you didn't
 10 receive any complaints from parents regarding the
 11 issue either?
 12 A. I didn't receive any complaints from
 13 parents.
 14 Q. Do you know whether any additional time
 15 has been obtained for cleaning services in
 16 reference to periods when it rains?
 17 MS. LHAMON: Vague as to "obtained."
 18 MR. FERNOW: And "time."
 19 MS. STRONG: Let me rephrase that.
 20 Q. You mentioned that you discussed with the
 21 plant manager the possibility of getting overtime
 22 to work on cleaning some of the facilities after a
 23 rainy period. Do you know if anything else was
 24 done with -- in respect to that issue?
 25 MS. LHAMON: Asked and answered. He

1 testified that he doesn't how the plant manager
 2 responded.
 3 BY MS. STRONG:
 4 Q. Go ahead.
 5 A. I'm not absolutely sure. I know I have
 6 approved overtime sheets and forms. I don't know
 7 how he used it. They come in on weekends, and I
 8 don't know how he used -- I can't say.
 9 If you say, did he come to me and say,
 10 this is exactly what I'm going do with it, I would
 11 say no. But I have approved overtime.
 12 Q. Is there a time that you have denied a
 13 request for overtime for janitorial services?
 14 A. That I denied it?
 15 Q. Correct.
 16 A. I have an explanation. I mean, I need --
 17 to answer that question, I would have to say that
 18 the district provides so much overtime for
 19 custodian staff.
 20 Q. I see.
 21 A. I have budgets in which I have overtime.
 22 I have denied some overtime for certain things,
 23 from that particular budget for help on campus.
 24 Q. Okay.
 25 A. So no, I never deny overtime from the

1 district, that they provide.
 2 Yes, sometime I do deny overtime from a
 3 local school budget, if I don't think what he's
 4 asking for requires that amount of time, or if I
 5 just feel that the appropriate time is not to do
 6 the things he's asking me to do.
 7 Q. It's been based on a discretionary
 8 decision made by you, those times that you have
 9 denied a request for overtime by the janitor; is
 10 that correct?
 11 MR. FERNOW: I'll object that that
 12 misstates his testimony. I'm not sure he actually
 13 testified it was a janitor.
 14 MS. LHAMON: I join.
 15 MS. STRONG: Let me make sure it's clear.
 16 Q. With respect to these incidents where you
 17 recall having denied a request for overtime for
 18 cleaning services at Crenshaw, those decisions were
 19 made at your discretion, that the services either
 20 weren't needed at that time or that it didn't need
 21 to take that much time to do whatever it was that
 22 was requested; is that correct?
 23 MR. FERNOW: I'll object. Misstates his
 24 prior testimony.
 25 BY MS. STRONG:

1 Q. Is that correct?

2 A. Yes.

3 Q. Do you recall any of the specific
4 incidents when you've actually denied a request for
5 overtime for cleaning services?

6 A. I don't remember the date. I remember
7 some event that we had. I think it was for the
8 opening of the new media academy. And he had
9 requested X number of hours to clean a certain area
10 that I wasn't willing to -- I didn't think that,
11 you know, that that was needed, for the gardener to
12 do some extra trimming of hedges; that I wanted to
13 save that time for graduation, to prepare the
14 campus for graduation. I opted not to allow it for
15 that particular event.

16 It's just that, certain events; it's not
17 that I would ever deny it for the sake that I know
18 best. It's just that if he says, "I'm doing this
19 for this event," I may say, "No, I think you should
20 save and do this for graduation or for parent
21 night," or something of that nature.

22 Q. Can you think of any other time --

23 A. No, I can't.

24 Q. Let me finish the question.

25 Can you think of any other time when you

1 confusion being about who should paint. Certain
2 people shouldn't be allowed to paint.

3 Q. You described the process of regular
4 paintings throughout the year. I wanted to be sure
5 that that process applies to nonbathroom areas as
6 well as bathroom areas; is that correct?

7 A. That's correct.

8 Q. Are there procedures and policies in place
9 with respect to teachers obtaining supplies for the
10 classrooms and for their students in the
11 classrooms?

12 A. Yes.

13 Q. Can you please describe those policies?

14 A. Yes. The procedures for obtaining
15 supplies is twofold. Certainly at the beginning of
16 the year, a teacher fills out a request and gives
17 it to the department chair, and the department --
18 or the assistant principal. And we try to meet
19 that order and their needs.

20 But it's an ongoing process as well, if
21 you -- if a teacher needs certain items, they can
22 request them from the assistant principal or the
23 department chair. They can go through the
24 department chair or go straight to the assistant
25 principal.

1 denied a request for overtime for cleaning services
2 at Crenshaw?

3 A. No, I can't.

4 Q. You testified, during the first day of
5 your deposition, about the school's efforts to
6 control graffiti on campus. And that testimony was
7 given in the context of questions regarding
8 bathrooms.

9 What are the policies and procedures for
10 responding to graffiti in nonbathroom areas of the
11 school, if they differ from that from which you've
12 already described?

13 A. Well, the process is graffiti should come
14 down as soon as humanly possible. And certain
15 areas, if you write on stucco, it needs to be
16 painted because it's difficult to clean it. It's
17 pitted and it just smears the wall. But lockers
18 and smooth surfaces, our policy is to take it off
19 as soon as humanly possible.

20 Anything pertaining to profanity or
21 directly related to a student or a person, if it's
22 a person's name or something, that gets priority
23 and it's done immediately.

24 But painting and stucco, sometimes we have
25 to wait for the craftsman because there's some

1 Q. Which assistant principal is this?

2 A. Mrs. Garrison, G-a-r-r-i-s-o-n.

3 Q. Is there also a way for teachers to buy
4 supplies for the schools, other than going through
5 the ordering process that you've just described?

6 A. Yes. We have something called the Impress
7 Fund for small items. Teachers can purchase small
8 items, something under \$200. The normal procedure
9 is that they get approval before they purchase
10 these items. And they can purchase them using
11 their own charge card or cash or check or
12 what-have-you, as long as they bring the receipted
13 item and the proof of paying. And then they get
14 reimbursed.

15 Q. I-M-P-R-E-S-S?

16 A. Yes.

17 Q. Can a teacher seek reimbursement for
18 purchase of supplies if that teacher had not gotten
19 preapproval for the purchase?

20 A. We discourage that. And if they present
21 their case and it's a legitimate purchase, we will.
22 We haven't denied them. But we do discourage them
23 going out and purchasing without getting
24 preapproval.

25 Q. You've never denied a request from a

1 teacher who purchased supplies and submitted their
2 receipts without having gotten a preapproval; is
3 that correct?

4 MS. LHAMON: Calls for speculation.

5 THE WITNESS: I haven't. I don't recall
6 denying any.

7 BY MS. STRONG:

8 Q. Just to make sure it's clear, are you part
9 of the approval process for that reimbursement
10 plan?

11 A. I am the approval process, yes.

12 Q. Do you know if the supplies that teachers
13 can obtain either through the school or through the
14 Impress program include supplies for science
15 projects?

16 A. Yes.

17 Q. How do you know that?

18 A. We have the process -- there's a process
19 in place for ordering supplies for all teachers.
20 It's not unique to any one department or one
21 teacher. It's a standard process for everyone.

22 Realizing that the ordering of supplies,
23 the process should be followed through the
24 department chair, through the regular ordering
25 procedure. Only in emergencies should the

1 through regular supplies or if they order copying
2 paper. I don't know that.

3 Q. Well, if you received a request pursuant
4 to the Impress program to be reimbursed for a
5 purchase of graph paper, do you believe that that
6 request is something that would be fulfilled?

7 MS. LHAMON: Calls for speculation. Asked
8 and answered. And incomplete hypothetical.

9 MR. FERNOW: I join.

10 THE WITNESS: I really don't know. And I
11 don't even know what our procedures in buying graph
12 paper is. I don't know if our departments buy it
13 or if that's something that they require kids to
14 have. Just to be honest with you, I don't know
15 that.

16 BY MS. STRONG:

17 Q. Okay. Do you recall ever denying a
18 request from a teacher for reimbursement based on
19 purchasing graph paper?

20 A. I don't recall anybody ever coming to me
21 with such a request.

22 Q. Okay.

23 A. And so, no, I don't recall the denying it,
24 because I don't ever remember anyone ever -- I
25 don't even know what the -- what we do about graph

1 Impress -- and/or when there are small items that
2 they need, that may not require -- I think a
3 science teacher would be one that would have more
4 use for the Impress, because they might have a
5 small item for a lab that you would need to go
6 through a major purchase to get, something of that
7 nature.

8 Q. It might be more common for science
9 teachers to use the Impress program than other
10 teachers; is that correct?

11 A. Yes.

12 Q. With respect to the type of supplies that
13 can be obtained from the school for the students,
14 would that include paper?

15 A. Yes.

16 Q. Would that include graph paper?

17 A. I'm not sure.

18 Q. If a teacher needed graph paper for a
19 project, do you know one way or the other if they
20 could get it from the ordering -- from the regular
21 ordering process that you described?

22 A. You know, to be honest with you, I do not
23 know.

24 Q. Okay.

25 A. I don't know if teachers order graph paper

1 paper, to be honest with you. I never heard this
2 before. This is the first time.

3 Q. Okay. That's fair.

4 Would pencils be included in the type of
5 supplies that are provided by the school?

6 A. We don't -- well, yes, we do provide --
7 that's a teacher's call. Some teachers will order
8 pencils and keep them in the classroom.

9 We are not supposed to provide kids with
10 pencils. Some teachers will order pencils and keep
11 them in their room if a kid -- then they have a
12 process. They won't let a kid sit there if he
13 doesn't have his pencil. They will have a checkout
14 pencil process. And some teachers, you know, they
15 don't.

16 But the answer to -- the best to answer
17 this is, we don't provide pencils for everyday use,
18 but yet we do provide them for classroom use.

19 Q. Okay. So teachers can obtain them through
20 the ordinary supply process at Crenshaw; is that
21 correct?

22 A. Yes. Yes, they can.

23 Q. Can teachers also obtain chalk through the
24 ordinary supply process at Crenshaw?

25 A. Yes, definitely.

1 Q. Can they obtain erasers for their boards
2 through the ordinary supply process?

3 A. Yes.

4 Q. And can they obtain tape through the
5 ordinary supply process?

6 A. Yes.

7 Q. Have you ever received a complaint from a
8 teacher that the school is simply not providing the
9 teacher with the supplies that he or she needs to
10 teach his or her class?

11 MR. FERNOW: Vague as to time.

12 THE WITNESS: Have I ever received a
13 complaint?

14 BY MS. STRONG:

15 Q. Do you need the question read back?

16 A. Yes. Well --

17 Q. Let me rephrase. I want to make sure you
18 listen to the question.

19 Have you ever received a complaint from a
20 teacher stating that he has not been able to
21 receive the supplies that he or she needs for his
22 class at Crenshaw?

23 A. The word "received" has got me. Is it a
24 delivery process or a purchasing process, and I
25 don't -- I'm not sure of, you know, of the question

1 A. She was irritated that she needed some lab
2 equipment, or some lab specimens. And she came to
3 me, upset about it.

4 And I assisted her in obtaining those,
5 those lab supplies that she needed. Some of it was
6 just not knowing how to get the things that she
7 needed, and some of it was just a matter of
8 approving the items for her to purchase them.

9 Q. By any chance, do you remember some of the
10 items it was that she was looking for?

11 A. No, I don't know the item. I know there's
12 some lab specimens, and I don't know if it was pigs
13 or bugs or whatever. I'm not sure.

14 Q. Okay. And other than that one complaint
15 from that one science teacher, can you think of any
16 other time that a teacher told you he or she could
17 not obtain from the school the supplies that he or
18 she needed for his or her classes?

19 MS. LHAMON: Objection. Mischaracterizes
20 the testimony. He didn't say it was one complaint
21 from the science teacher.

22 THE WITNESS: Okay. I -- I've directed
23 people a lot of times as to how to go about getting
24 things. So I can't sit here and say I've never had
25 a complaint from teachers asking me about,

1 on that part.

2 Q. Well, let me see if I can rephrase, then.

3 In the past three years, have you ever
4 denied a request for supplies?

5 A. No.

6 Q. And in the past three years, as far as you
7 are aware of, has the school run out of any
8 particular supply for its classrooms, that you are
9 aware of?

10 A. I don't know.

11 Q. You're not aware of any, correct?

12 A. No, I'm not aware of any.

13 Q. So have you ever received a request from
14 any teacher that the school has failed to provide
15 that teacher with the supplies he or she needs to
16 teach a particular class?

17 A. Yes.

18 Q. Okay. And what is that that you're
19 thinking of?

20 A. Science teacher.

21 Q. Okay. And what was it that the science
22 teacher stated?

23 A. What was it the science teacher stated?

24 Q. Stated to you with respect to this
25 complaint.

1 "Mr. Kiel, I need a broom in my room," or
2 "Mr. Kiel, I need an eraser." You know, I haven't
3 been working here that long.

4 Just I've had concerns with teachers, and
5 we direct them to the proper process and the
6 procedure.

7 BY MS. STRONG:

8 Q. I understand that. There's a difference
9 between asking for materials and then a complaint
10 stating that that person can't obtain the
11 materials; is that correct?

12 A. Uh-huh, I understand what you're saying.
13 Okay.

14 Q. So my question would be: Have you ever
15 received a complaint from a teacher, saying that
16 they are unable to obtain the materials that they
17 need to teach their classes at Crenshaw?

18 A. No. To my knowledge, I don't know of a
19 complaint where they couldn't obtain it in any
20 method, form, or fashion.

21 Q. Okay. With respect to that science
22 teacher's complaint, were there repeated complaints
23 from that science teacher?

24 A. I don't recall.

25 Q. And also, to clarify: Was it a complaint

1 from the science teacher, or would you describe it
2 more as a science teacher looking for supplies, how
3 to obtain the supplies for the classroom?

4 MS. LHAMON: Asked and answered.

5 THE WITNESS: I think it was a complaint.

6 BY MS. STRONG:

7 Q. Okay. But you only recall discussing it
8 with the science teacher one time; is that correct?

9 A. Well, I remember the science teacher
10 discussing it in a LEARN governing board meeting.
11 And at that time, I met with her after that.

12 Q. I see.

13 A. So I would -- I don't know if that was a
14 request or a complaint.

15 Q. Okay. And is that the only time you
16 remember speaking with that individual or hearing
17 of that individual's complaints or --

18 A. Yes.

19 Q. Let me rephrase that.

20 Is that the only time you remember talking
21 with that teacher about the supplies that she
22 needed for her classroom?

23 A. That is correct.

24 Q. After you assisted her in getting the
25 supplies that she needed, did you ever receive any

1 will have to purchase X, Y and Z, or you'll have to
2 provide Y and Z for yourself. Not other kids, just
3 something that you need to do.

4 BY MS. STRONG:

5 Q. Okay. Can you identify, as you sit here
6 today, any set of circumstances where you know a
7 teacher required a child to bring something into
8 class?

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

11 THE WITNESS: I can't -- I can't -- I
12 can't identify a case right today. No, I don't
13 remember.

14 BY MS. STRONG:

15 Q. Do you know whether any teachers give
16 extra credit to students for bringing in supplies
17 into the school?

18 MS. LHAMON: Calls for speculation.

19 THE WITNESS: I really don't know.

20 BY MS. STRONG:

21 Q. Okay.

22 A. I know special projects. But just
23 supplies, I don't know.

24 Q. Do you know of any teacher who gives extra
25 credit for bringing supplies into the classroom?

1 other complaint from her with respect to supplies
2 for her classroom?

3 A. No, I did not.

4 Q. Are teachers ever required to buy supplies
5 for their classes?

6 A. No.

7 Q. Are students ever required to bring in
8 supplies for their classes?

9 MR. FERNOW: Objection. Calls for
10 speculation.

11 MS. LHAMON: Join.

12 THE WITNESS: When you say supplies, if a
13 teacher's working -- if a kid is working on a
14 science project or a wood shop, if they -- certain
15 things that they are making, they will ask --
16 certain things that the district just don't
17 provide. If the kid wants to make a shoeshine kit,
18 then that kid would have to purchase certain parts
19 of that. But he would make the things in this
20 shop. And on certain projects that, you know, the
21 things that the district don't provide, kids bring
22 that.

23 Now, I don't call that supplies. Special
24 projects, special situations, teachers will ask
25 kids, in order to do that particular project, you

1 A. I don't know the -- I don't know of any.

2 Q. Okay. Other than that one conversation
3 that you had with the science teacher regarding
4 supplies for her classroom, have you ever received
5 any complaints regarding the availability of
6 supplies on campus at Crenshaw?

7 MS. LHAMON: Mischaracterizes his
8 testimony. He said it was not one conversation;
9 she talked about it at a governing board meeting
10 and he talked to her afterwards, and he didn't
11 testify as to how many other times afterwards.

12 THE WITNESS: I don't know where we're at.

13 BY MS. STRONG:

14 Q. It's fine.

15 Just to clarify, in response to
16 Miss Lhamon's objection.

17 With respect to the science teacher that
18 you've identified earlier who you assisted in
19 getting lab specimens for her class, you testified
20 that there -- that she spoke at a meeting, and that
21 you spoke with her after the meeting to address the
22 issue; is that correct?

23 A. That's correct.

24 Q. Did you have any other conversations with
25 that individual regarding the issue?

1 A. I asked if she got her supplies, and she
2 nodded yes, very happily. That's the only other
3 conversation I remember having pertaining to that.

4 Q. Other than those conversations with that
5 one science teacher, have you ever received any
6 complaints regarding the availability of supplies
7 at Crenshaw?

8 A. Have I ever received any complaints about
9 the availability of supplies?

10 Q. Meaning that have you ever received a
11 complaint from any teacher or any student or any
12 parent, anyone, that supplies were not made
13 available to students at Crenshaw?

14 A. No, I haven't -- not that I recall.

15 Q. That's fine.

16 A. I don't recall any -- nothing jumps out in
17 my mind at this point.

18 Q. Okay. When are class schedules made?

19 A. Students' class schedules are made about
20 this time of year, in May and June, for the
21 upcoming year. For brand-new students that just
22 enroll, they are made at the time that the kid
23 enrolls.

24 Are you -- I'm sorry. Are you referring
25 to the master schedule, or the individual kids'

1 that's coming to our school. And we do a
2 preliminary schedule.

3 We download all the information, names
4 and, you know, addresses, and enter it into the
5 computer. And then according to the meeting with
6 the kids at the middle school in May and June, we
7 do those kids' schedules.

8 The kids come to orientation in August,
9 and they look at their schedule and find out if
10 there's any problems, any holes. And the
11 counselors have a couple of days before the school
12 opens, to try and address those problems to those
13 schedules.

14 Q. Do the counselors also review the
15 schedules independently, to just make sure that
16 there aren't any blatant problems with the
17 schedules, at any point in the process?

18 MS. LHAMON: Vague as to "blatant."

19 THE WITNESS: Yes. They have a period of
20 time in August, last week of August, first few days
21 of September, to look at and examine their
22 children -- the counselee's schedule. There's a
23 window of time that they should do that.

24 BY MS. STRONG:

25 Q. This August orientation that you referred

1 schedules? You said when --

2 Q. Individual children's schedules.

3 A. That's what I responded. My response is
4 correct.

5 Q. So, May and June.

6 And you said you were making an exception
7 for students who were just enrolling at the
8 beginning of 9th grade; is that correct?

9 A. No. The kids new to the school, new to
10 the district, if they come in September, they come
11 in October, we do their schedule --

12 Q. Okay.

13 A. -- upon their -- upon their enrolling.

14 Q. Okay.

15 A. But the master, of all kids that's
16 returning, we do their scheduling in May and June.

17 Q. Okay.

18 A. For September.

19 Q. Okay. What about students who are coming
20 from junior high schools? When do you make the
21 schedules for incoming 9th-graders who are coming
22 from the junior high schools in your areas?

23 A. Okay. We get -- we download a disk from
24 the feeder school. We go -- we actually go down to
25 the feeder schools in April and we talk to kids

1 to for the incoming students, how are the students
2 or the parents of the students notified of that
3 orientation?

4 A. We write them a letter. They receive a
5 letter.

6 Remember, we downloaded all the
7 information from the middle school. And we get
8 a -- we can generate labels, address labels, and we
9 write them a letter, from me, inviting them to
10 school.

11 And in that letter, we talk about the
12 orientation. We talk about coming to the campus
13 and reviewing their schedule. At that time their
14 schedules will be handed out. We do several other
15 little things for them on that particular day.

16 Q. Okay. Once classes begin, is there a
17 means for students to change their schedules at
18 that time if they notice a problem with their
19 schedule?

20 A. Yes. The process, in their Period 2
21 classes, they are to fill out a request to -- to
22 see their counselor. And normally they will put
23 down the problem. This form asks them for the
24 problem that they encountered.

25 And then the counselors look at those

1 every day, and they prioritize them according to --
2 a major foul-up -- a major foul-up would be the kid
3 would have two physical education classes in the
4 9th grade. That would be a major foul-up. So the
5 counselor would then immediately correct something
6 of that magnitude.

7 Q. Okay. And how long, under the ordinary
8 procedures and practices in place, would it take
9 for a counselor to correct a major problem such as
10 the one you identified?

11 MS. LHAMON: Calls for speculation.

12 THE WITNESS: Yes. Some counselors, some
13 are more experienced than others, and have a
14 routine. So I can't speak -- I would say, in
15 general, a major crack-up like that should be fixed
16 within a day, no more than two.

17 BY MS. STRONG:

18 Q. Okay. Once it's been brought to the
19 attention of the counselor?

20 A. To the counselor, right.

21 Q. Now, how is it that the students are
22 notified of this procedure in their Period 2
23 classes?

24 A. Right, in the Period 2, which substitutes
25 as their regular class and a record room,

1 counselor, and nothing was done about it for two to
2 four weeks?

3 A. I would -- definitely not. I have not.

4 Q. Have you ever received a complaint that
5 any of these double-booking scheduling problems
6 were not resolved in a timely manner?

7 MS. LHAMON: Vague as to "double-booking."

8 BY MS. STRONG:

9 Q. Do you understand what I mean by that?

10 A. Yes, being enrolled in two classes
11 simultaneous -- the same class simultaneously.

12 Q. Okay.

13 A. No, I have no knowledge of anyone coming
14 to me saying that, you know, "I can't get out of
15 two double classes, I shouldn't be in them."

16 Q. And that a problem such as that was not
17 resolved in a timely manner, you've never had a
18 complaint of that nature; is that correct? Let me
19 rephrase this.

20 Have you ever had a complaint that a child
21 who is placed in two of the same classes did not
22 get that problem resolved in a timely manner?

23 A. I can't recall any of those complaints of
24 that nature that wasn't dealt with in a timely
25 manner.

1 announcements are made. The forms are there.
2 So the teacher should explain to the kids,
3 "If you have a problem, you can't just go to the
4 counseling office. You have to fill out this
5 request and send it down." And then the counselor
6 calls the kid in. They look at the severeness.

7 With 2700 kids, you know, kids could go
8 on, "I don't like the teacher" to, you know, "I
9 don't want to get dressed in Period 1. I want my
10 PE class changed to Period 4."

11 So certainly, requests like that are
12 analyzed. But the major problems are addressed
13 right away.

14 Q. Okay. If a child was placed in two of the
15 same classes and brought it to the attention of a
16 counselor, would a delay of two to four weeks in
17 addressing the problem be unusual at Crenshaw?

18 MS. LHAMON: Calls for speculation.

19 MR. FERNOW: Join.

20 THE WITNESS: That, to me, would be a
21 very, very unusual case at Crenshaw.

22 BY MS. STRONG:

23 Q. And have you ever heard of a circumstance
24 where a child was placed in two of the same
25 classes, brought it to the attention of a

1 (At the hour of 12:10 P.M., a luncheon
2 recess was taken. The deposition resumed
3 at 1:28P.M., the same persons being
4 present.)
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1 LOS ANGELES, CALIFORNIA; FRIDAY, JUNE 29, 2001
2 1:28 P.M.

3
4 EXAMINATION (resumed)

5
6 BY MS. STRONG:

7 Q. Good afternoon, Mr. Kiel.

8 A. Good afternoon.

9 Q. Did you have anything during the lunch,
10 break, either medication, alcohol, or any other
11 substance that would cloud your mind or affect your
12 ability to testify here today?

13 A. Nothing that I know of. I had a turkey
14 sandwich. It may affect me about 5:00. I'll have
15 to go home.

16 MS. LHAMON: You never know what's in
17 those.

18 THE WITNESS: No, I didn't have anything.

19 BY MS. STRONG:

20 Q. And you understand that you are still
21 under oath?

22 A. Yes.

23 Q. Do you have any computers on the campus at
24 Crenshaw?

25 A. Yes.

1 A. Yes. We are a digital high school, and
2 we've started to install computers in the
3 classrooms. Currently we have a minimum of at
4 least one, and in some classrooms we have six. Our
5 goal is to place six computers in each classroom.

6 Q. What does it mean when you say that you
7 are a digital high school?

8 A. Well, simply that we apply for a grant
9 from the State of California, and it's called a
10 digital grant. As a result of that grant, after
11 being awarded that grant, and you go through
12 upgrading your computer lab, your classrooms --
13 every classroom is Internet-accessible -- you kind
14 of gain the title of being a digital high school.

15 Q. When did you receive this grant?

16 A. In '99-2000.

17 Q. Is there Internet access at Crenshaw?

18 A. Yes, there is.

19 Q. Okay. Do all of the computers that you've
20 identified have Internet access at Crenshaw?

21 A. Yes.

22 Q. When was Internet access established at
23 Crenshaw?

24 A. They had a system prior to me coming.
25 Currently, we have upgraded it with E-rate lines.

1 Q. Do you know how many computers you have on
2 the campus at Crenshaw?

3 A. No, I don't.

4 Q. Is there a computer lab for the students
5 at the school?

6 A. Yes. We have three computer labs.

7 Q. And do you know approximately how many
8 computers are in each of those labs?

9 A. Yes. Approximately 33 per lab.

10 Q. And what are the computer labs used for at
11 the school?

12 A. The computer labs are classroom -- they
13 are set for teaching how to use the computer. They
14 have beginning, advanced keyboarding.

15 Q. So each of the labs -- each of the three
16 labs are used for the purposes you just described?

17 A. Yeah -- yes.

18 Q. Are there computers in the library at
19 Crenshaw?

20 A. Yes.

21 Q. Do you know how many computers are in the
22 library, approximately?

23 A. Approximately 15.

24 Q. And are there computers in the classrooms
25 at Crenshaw?

1 So it's been upgraded since I have been there. But
2 they had a network a number of years ago. I don't
3 know exactly when it came.

4 Q. So as far as you are aware, when you first
5 arrived, there was some Internet access on the
6 campus?

7 A. Correct.

8 Q. Do you know if, for example, the computers
9 in the library had Internet access at that time?

10 A. Yes, they did.

11 Q. And did the computers in the computer labs
12 have Internet access at that time?

13 A. One of them did.

14 Q. One of the labs?

15 A. Yes.

16 Q. At what point did you do the upgrade with
17 the E-rate lines?

18 A. That was this school year.

19 Q. Is that the time when all of the computers
20 on the campus became Internet-accessible?

21 A. Yes. Well --

22 Q. Did some become Internet-accessible, you
23 know, after the time you started, and it slowly
24 increased? Is that what happened?

25 A. Right, exactly. That's correct, in the

1 sense that it was a gradual increase of computers
 2 going on-line in classrooms and what-have-you.
 3 Q. Okay.
 4 A. But the E-rate just wired every office in
 5 every classroom.
 6 Q. Do you know how many computer classes are
 7 offered at your school each semester?
 8 A. I don't -- approximately 15.
 9 Q. Okay. Each semester?
 10 A. Right.
 11 Q. Is that an elective course that students
 12 can choose to take?
 13 A. That is correct.
 14 Q. Would you say that Crenshaw is viewed as a
 15 desirable school by those who attend it?
 16 MS. LHAMON: Calls for speculation. Vague
 17 as to "desirable."
 18 MR. FERNOW: Join.
 19 THE WITNESS: I think the kids are proud
 20 of their school, and they love going to Crenshaw, a
 21 large percentage of them.
 22 BY MS. STRONG:
 23 Q. Was your school nominated for any awards
 24 in the local community?
 25 A. Yes.

1 Q. What awards are you thinking of?
 2 A. Well, we've gotten recognition from the
 3 President of the United States. President Clinton
 4 recognized our school as an ambassador for the
 5 country, when they went to Korea.
 6 We got an excellence award through the
 7 LAEP, and that's a -- an organization that provides
 8 grants for teachers to do various things, and we
 9 got a grant with an excellent project.
 10 We received recognition from the Steve
 11 Harvey show, the Hoodie award.
 12 Q. Can you spell that for the court reporter?
 13 A. Hood, d-e -- i-e, I think, H-o-o-d-i-e,
 14 Hoodie award.
 15 Q. You said Steve Harvey?
 16 A. Steve Harvey Morning Show.
 17 Q. What --
 18 A. That's a radio program. And, of course,
 19 Steve Harvey is a well-known comedian, and he --
 20 and he recognized some of the top restaurants,
 21 barber shops, schools in the community, and we were
 22 recognized. We were nominated as one of the top
 23 schools.
 24 Q. Do you know who nominated the schools for
 25 that recognition?

1 A. It was a fax-in, you know, the number of
 2 people who fax in. They count the faxes and the
 3 votes from the public. It was the general public
 4 type of recognition.
 5 Q. So is it your understanding that students
 6 and parents in the community were faxing in to name
 7 Crenshaw as a school that deserved recognition in
 8 the community, as a good school in the community?
 9 A. That is correct, yes.
 10 Q. And did this LAEP program or grant that
 11 you referred to, what does that stand for, do you
 12 know? It's okay if you don't recall.
 13 A. I don't recall. It's been around for
 14 years. We have been referring to the acronym so
 15 long I don't remember what it stands for right now.
 16 Q. Okay. And it was to recognize --
 17 A. It was to recognize our ecology club,
 18 science, for saving the community -- saving the
 19 world, I guess, science and eco club.
 20 Q. Any other recognitions you can think of,
 21 as you sit here today?
 22 A. I can't recall right now. But there was
 23 quite a bit of recognition at the school. I
 24 just --
 25 Q. Can't identify them at the moment. That's

1 fine.
 2 A. One, we opened a new media lab. We have a
 3 partnership with DreamWorks. And it's one of the
 4 first in the city.
 5 Our students will be able to learn skills
 6 in high school that will allow them to go directly
 7 to the movie industry and earn somewhere in the
 8 neighborhood of \$40,000 right out of high school.
 9 And they will also be able to go to college, on the
 10 other side of the camera. So they teach them to
 11 work on both sides of the camera, in animation.
 12 So it's a brand-new facility that we just
 13 opened up at Crenshaw.
 14 Q. Is that the media academy that you
 15 described during the first day of your deposition?
 16 A. Right.
 17 Q. Do you know if Crenshaw has been
 18 accredited by the Western Association of Schools
 19 and Colleges?
 20 A. Yes, we got a six-year accreditation. And
 21 this year, we had a three-year visit, and we got
 22 that extended for the full six years.
 23 Q. Is it your understanding that the six-year
 24 accreditation is --
 25 A. Maximum.

1 Q. -- maximum term of accreditation that you
2 can receive?

3 A. That is correct.

4 Q. You testified during the first day of your
5 deposition that you never received a written
6 complaint concerning rats and pests at Crenshaw.

7 As a matter of clarification, have you
8 ever received any type of complaint regarding rats,
9 mice, or cockroaches on your campus?

10 A. I have not received a complaint of any
11 kind about rats.

12 Occasionally we see water bugs. Now,
13 there's a stipulation, you know, some people --
14 between what I consider a roach and a water bug.
15 But we do have water bug complaints from time to
16 time. And it's handled the same way we do all
17 other trouble calls and problems within the school.

18 Q. And you clarified for us, during the first
19 day of your deposition, the difference between a
20 water bug and a cockroach.

21 And with respect to your understanding of
22 what a cockroach is, as you described it during
23 your first day of deposition testimony, have you
24 ever received any complaint of any kind regarding
25 cockroaches at the campus?

1 BY MS. STRONG:

2 Q. And you also described the policies and
3 procedures that are in place to address any
4 problems that arise with respect to the maintenance
5 of the bathrooms on campus.

6 Do you recall that testimony?

7 MS. LHAMON: Mischaracterizes the
8 testimony.

9 THE WITNESS: Yes, I do.

10 BY MS. STRONG:

11 Q. Is it accurate to state that you believe
12 that the procedures and policies that are in place
13 are sufficient to address any maintenance problems
14 that arise with respect to the bathrooms at
15 Crenshaw?

16 MS. LHAMON: Calls for speculation.

17 THE WITNESS: Yes, I do believe that there
18 is a process in place, will service the restrooms.

19 BY MS. STRONG:

20 Q. Adequately, in your mind?

21 A. Adequately, in my mind, yes.

22 Q. And one last item: You testified that one
23 of the reasons why it's difficult to anticipate who
24 will attend Crenshaw at the beginning of each
25 school year is that there are many students that

1 A. No, I haven't.

2 Q. And is that true for mice as well?

3 A. I have not received any complaints about
4 mice.

5 Q. And as a matter of clarification as well,
6 you already identified the procedures in place to
7 eradicate any pests on campus, including water
8 bugs.

9 And is it accurate to say that you believe
10 that these procedures and policies are adequate to
11 address the presence of rats, mice, or cockroaches
12 on the campus?

13 A. Yes.

14 MS. LHAMON: Calls for speculation.

15 BY MS. STRONG:

16 Q. Go ahead.

17 A. Yes, I do.

18 Q. You testified during the first day of your
19 deposition, that for a variety of reasons you
20 believe the conditions of the bathrooms at Crenshaw
21 to improve during the 2000-2001 school year.

22 Do you recall that testimony?

23 A. Yes.

24 MS. LHAMON: Mischaracterizes the
25 testimony.

1 attend private schools in middle school, and then
2 return to the public school system at Crenshaw for
3 high school.

4 Do you recall that testimony?

5 A. Yes, I do.

6 Q. Do you know why students are leaving
7 private schools to attend Crenshaw?

8 MS. LHAMON: Calls for speculation.

9 MR. FERNOW: Join.

10 THE WITNESS: During that testimony, I was
11 describing how difficult it was to know why the
12 kids -- why kids leave private schools is the same
13 reason any -- finances, what parents feel is best
14 for their children at the time. And so I really
15 can't -- can't say exactly why children come in and
16 out. Most of the times that I've talked to
17 parents, or parents have talked to me, it's usually
18 finances.

19 BY MS. STRONG:

20 Q. I see. Okay.

21 Do you believe that one of the reasons why
22 some of these students are returning to Crenshaw
23 for high school is because they believe Crenshaw is
24 a good school and will provide good educational
25 opportunities for the students?

1 MR. FERNOW: Objection. Calls for
2 speculation.
3 MS. LHAMON: I join.
4 THE WITNESS: I think that -- that some
5 parents feel that certain educational levels of the
6 child's education -- correct that.
7 Yes, Crenshaw High School is a better
8 choice than what they would get other places.
9 MS. STRONG: I think I have finished with
10 my questions for now.
11 And I may have some more questions after
12 you proceed with your questions. And, you know,
13 there are a few items that -- where you instructed
14 your witness not to answer. So I think also those
15 may be issues that we want to return to address at
16 a later time.
17 MR. FERNOW: Okay. Can we take a break
18 real quick?
19 MS. STRONG: Sure. Off the record.
20 (Discussion off the record.)
21 MS. LHAMON: I have approximately
22 ten minutes to two, and we're starting again.
23 Does that sound right to counsel present?
24 MS. STRONG: Yes.
25 MR. FERNOW: Yes.

1 EXAMINATION
2
3 BY MS. LHAMON:
4 Q. Mr. Kiel, does that sound right to you?
5 A. No, that is correct.
6 Q. I'm Catherine Lhamon, as I think you know.
7 And I'm counsel for plaintiffs in this case. I
8 know we have been through a long day and a half of
9 questions already. I just want to clarify a few
10 things before I start with my questions also.
11 A. Okay.
12 Q. The plaintiff school children in this
13 case, whom I represent, have sued the State of
14 California, the state superintendent of public
15 instruction, the state department of education, and
16 the state board of education, concerning
17 state-level oversight of delivery of public
18 instruction in California.
19 The plaintiffs have not sued any school
20 districts or schools or principals, including you,
21 which I'm sure you appreciate.
22 A. Yes.
23 Q. This case concerns only the question
24 whether the state and the state agencies
25 appropriately support schools in the difficult task

1 of providing education.
2 MS. STRONG: Objection. Mischaracterizes
3 what the suit is about, and the allegations at
4 issue.
5 MR. FERNOW: I'll join.
6 BY MS. LHAMON:
7 Q. I'm going to ask you questions today that
8 might lead to information relevant to what the suit
9 is about.
10 Do you understand, first, that all the
11 rules that Miss Strong set out last time and also
12 today still apply to my questions?
13 A. Yes.
14 Q. Thanks.
15 First, I want to ask for some background
16 about the school. What's the racial breakdown of
17 the student population at Crenshaw?
18 A. The racial breakdown of the student
19 population is approximately 78 percent
20 African-American and 14 percent, maybe 13 and a
21 half percent, Hispanic, and then a half a percent
22 of -- I don't know who. But, roughly, it's
23 primarily African-American and Hispanic.
24 Q. How do you know that those numbers are
25 approximately accurate?

1 A. We run the names and the language spoken
2 through the computer, and the district publishes an
3 ethnic book every year with the ethnic breakdown of
4 all of the schools in the district, and those
5 figures are coming approximately from that book.
6 Q. Thanks.
7 When you said there was "about a half a
8 percent of I don't know what" --
9 A. The Anglo --
10 MS. STRONG: Objection. No question
11 pending.
12 THE WITNESS: I'm sorry?
13 BY MS. LHAMON:
14 Q. You can tell me what you were about to
15 say.
16 MS. STRONG: Objection. No question on
17 the record.
18 BY MS. LHAMON:
19 Q. I'll ask you a question.
20 What racial groups comprise that half a
21 percent?
22 A. Anglo, Pacific Islanders. That's all I
23 can think of right now.
24 Q. Do you know how many students are eligible
25 for free and low-price meals at Crenshaw?

1 MS. STRONG: Objection. Lacks foundation.

2 MR. FERNOW: Lacks foundation.

3 THE WITNESS: Approximately 70 percent.

4 BY MS. LHAMON:

5 Q. How do you know it's approximately
6 70 percent?

7 A. Each year we determine the number of kids
8 for free and reduced lunches by giving them an
9 application, and they file. And we take those
10 applications and analyze them, and we place them in
11 the computer as to the economic level of those
12 people or parents who are applying for the
13 free-lunch program. And those numbers are
14 districtwide. And again, they are published with
15 the district.

16 Q. Okay.

17 A. And I got those figures from the district
18 printout.

19 Q. Were you looking at the district printout
20 recently, or when did you get those figures from
21 the district printout?

22 A. This school year, in the school year of
23 2000-2001.

24 Q. Thank you.

25 When we talk about Crenshaw, are we

1 A. Thank you.

2 Q. Okay. How do you go about assessing the
3 primary needs, or how did you, today, go about
4 assessing the primary needs for Crenshaw?

5 MS. STRONG: Objection as to "primary
6 needs."

7 MR. FERNOW: I'll join.

8 THE WITNESS: Okay. Basically I'll look
9 at -- I look at the overall performance of students
10 on the standardized test. And I guess that's what
11 a lot of us look at. However, I don't feel that
12 that's the total sum of evaluating the quality of
13 the school. But standardized tests, looking at
14 standardized tests, I base it on that.

15 BY MS. LHAMON:

16 Q. And what else do you think goes into
17 evaluating the quality of a school, other than the
18 standardized tests?

19 MS. STRONG: Objection. Misstates the
20 testimony to the extent he's already testified to
21 anything that goes into evaluating quality of the
22 school.

23 THE WITNESS: One of the -- one of the
24 things I think -- some of the things additional
25 would be the atmosphere of the campus; kids appear

1 talking about all of the students who go to
2 Crenshaw, including the students -- well, let me
3 rephrase that.

4 When you talk about Crenshaw High School,
5 are you including students in the teacher training
6 academy and the gifted magnet at the school?

7 A. Yes.

8 Q. What are the primary needs of Crenshaw
9 High?

10 MS. STRONG: Objection. Vague as to
11 "primary needs."

12 MR. FERNOW: Join.

13 THE WITNESS: Role models, commitment from
14 parents, students to improve on the quality of
15 their education. I don't know. I can't think
16 of -- that's a tough question. I have to think
17 about that.

18 BY MS. LHAMON:

19 Q. Okay, we can come back to it, too.

20 As always, if there's anything that you
21 think of later in the day that would be responsive
22 to one of my questions or that would clarify an
23 answer that you'd given, I hope that you'll
24 interrupt me and tell me, because I'd like to hear
25 it.

1 to be happy. The programs within the school that's
2 offered for kids, and whether or not the kids are
3 taking advantage of the programs. The diversity
4 within programs that kids have to choose from. I
5 think that that makes a quality school.

6 BY MS. LHAMON:

7 Q. Can you think of anything else?

8 A. These essay questions, I could have -- no,
9 I can't think of any right now.

10 Q. You can't think of anything else now?

11 A. No, I don't right now. I'm sure there's a
12 lot of things, but I can't -- I don't know. I'm
13 just -- I'm not prepared for this line of
14 questioning. But as I think of things, I'll talk
15 about them.

16 Q. Okay.

17 A. Okay.

18 Q. Thank you.

19 Tell me why you came to Crenshaw as a
20 principal.

21 A. I actually love Crenshaw. It was -- and
22 there was some problems at Crenshaw with the
23 selection of a principal. The governing board was
24 having a problem in selecting the principal. And
25 the superintendent asked me if I would return to

1 Crenshaw as principal.

2 And I said yes, I'll go back to Crenshaw.
3 Because I was there originally as assistant
4 principal. And that's why he would even ask me,
5 because I was there as assistant principal for
6 eight years.

7 And so he called and talked to me about
8 the school and asked if I would go back. And
9 that's why I went to Crenshaw. That's how I wound
10 up at Crenshaw.

11 Q. What drew you back when he asked you to
12 come back?

13 A. He felt that there was a little
14 divisiveness there, and he needed someone that
15 could pull the staff together and move the
16 school -- and get the -- to build some kind of
17 teamwork and get the school -- get the staff
18 focused on what they should be focused on. And
19 that was instruction.

20 Q. And those were goals that you wanted to
21 try to meet?

22 A. Yes.

23 Q. Do you feel satisfied with your progress
24 so far at the schools --

25 A. Yes, I feel --

1 Q. -- about those goals?

2 A. Yes, I feel very good about those goals.
3 We have done quite well.

4 Q. Let me ask you about each of them.

5 How do you think you have progressed on
6 divisiveness at the school?

7 A. There was a lot of -- in the LEARN
8 governing board, there was a lot of arguing about
9 how things should happen and run, and what we
10 should do. And so all of that is dissipated and
11 gone away. We established solid, firm committees,
12 and those committees are working together in
13 unison.

14 There was a lawsuit that was filed against
15 the district by the LEARN governing board that has
16 been since not pursued. I don't know if it's
17 dropped, but it's not pursued any longer.

18 And as a result of the accreditation
19 visit, the team that visited talked about the level
20 of trust at the school. It's not -- all the
21 conflicts have dissipated among staff members.

22 Q. But not among everybody?

23 A. I think the --

24 MR. FERNOW: Calls for speculation.

25 THE WITNESS: I think the trust level is

1 high.

2 BY MS. LHAMON:

3 Q. That's great.

4 You said that the superintendent also felt
5 that the school needed to pull the staff together
6 and to get the staff focused on instruction. How
7 do you think you progressed on those two goals?

8 A. I feel real good about that. We have gone
9 through staff development and focused on standards
10 and focused on building teams within the
11 departments.

12 I'm hoping that these Stanford 9 test
13 scores will show the results of that effort. We've
14 done some -- we've analyzed data and we've
15 identified weaknesses within the test scores
16 itself; and then teachers have gotten together and
17 discussed those weaknesses, and designed lessons to
18 address those particular weaknesses that is showing
19 on the Stanford 9 tests, as to why kids are not
20 doing as well on those tests as we feel that they
21 should be doing.

22 Q. And is that something that the school has
23 worked on in the past year or for a longer period
24 of time?

25 A. I can only talk about from the time that I

1 was there.

2 Q. Has it been the whole time that you have
3 been there or just in the last year?

4 A. I think that we had a greater awareness
5 this last year. We did do some things prior to
6 this last year, but I think that it was a greater
7 awareness this particular school year, the school
8 year 2000-2001.

9 Q. Thanks for the clarification.

10 I understand you finished the school year,
11 so when I say "the school year," it might be
12 unclear.

13 Was there a greater awareness for the
14 2000-2001 school year?

15 MR. FERNOW: Objection. Speculation.

16 THE WITNESS: Well, we broke up into
17 districts, and we had a local superintendent, with
18 additional directors, with an instruction in each
19 district that started out with a major focus and
20 training on how to analyze the test data. I just
21 think it was greater resources pointed in that
22 direction.

23 BY MS. LHAMON:

24 Q. So when you have been talking about "we"
25 focusing on the standards in the last year, you

1 were talking about we as the district, as a whole?

2 A. I can't talk about the district as a
3 whole, but I can talk about what came down from the
4 local district to Crenshaw.

5 The standards -- we have been focusing on
6 standards for the last two years. We took a little
7 twist this year, and it says that we identified the
8 weaknesses on the Stanford 9 test and then found
9 the standards that related to those weaknesses.
10 And so we tweaked the standards.

11 But we have never gotten away from
12 standards, or we've -- we have heightened awareness
13 of the standards this year.

14 Q. And "we" is we at Crenshaw?

15 A. Yes, we, I'm referring to -- I didn't do
16 it all by myself. I mean the administrative,
17 department chairs, the teachers, and the people who
18 led the workshops.

19 Q. Okay. Just so I'm clear, when you refer
20 to the local district, what are you referring to?

21 A. Okay. One gigantic district called the
22 Los Angeles Unified School District. Within the
23 Los Angeles Unified School District, we now have 11
24 mini districts, ranging from A to whatever 11 is.

25 So Crenshaw is housed in what we call

1 selecting a principal. So the superintendent
2 assigned me. And that's how you override the LEARN
3 body. If they can't make the decision, then the
4 superintendent will assign someone.

5 Q. Okay. Is the process you just described,
6 the LEARN governing board selecting a principal, is
7 that specific to Crenshaw, or is that a more
8 general process?

9 A. That's district -- well, that's largely
10 districtwide. That's all the schools that have
11 chosen the LEARN reform process, they go through
12 that same procedure.

13 Q. Okay. And is "LEARN" an acronym?

14 A. Yes.

15 Q. Do you know what it stands for?

16 A. No.

17 Q. Okay. Do you know from right before when
18 you came to Crenshaw -- so right before the 98-99
19 school year, do you know what the problems that the
20 LEARN governing board was having in selecting a
21 principal?

22 MS. STRONG: Objection. Calls for
23 speculation.

24 THE WITNESS: I don't know. They
25 couldn't -- I guess they couldn't -- I don't know

1 District G of those 11 districts.

2 Q. And District G is the local district?

3 A. Right.

4 Q. We could use those terms interchangeably?

5 A. That's correct.

6 Q. Thanks.

7 MS. STRONG: Objection to the extent it
8 mischaracterizes his prior testimony where he
9 referred to the L.A. School District as the local
10 school district.

11 BY MS. LHAMON:

12 Q. A little while ago, you told me that the
13 LEARN governing board had been having some problems
14 hiring a principal at Crenshaw.

15 MS. STRONG: Objection. Misstates the
16 testimony.

17 BY MS. LHAMON:

18 Q. Does that sound like what you said? Not
19 exactly the words, but does it sound like the
20 concept?

21 A. They don't hire. They select and then
22 they refer the names to the superintendent. And he
23 makes the final decision.

24 Q. Okay.

25 A. But there had been some problems with

1 if -- I don't know. I don't know. I don't know.
2 I really don't know.

3 MR. FERNOW: If you don't know, just --
4 BY MS. LHAMON:

5 Q. That's all I asked you. Thanks for
6 letting me know.

7 A. I was trying to think, and I couldn't come
8 up with it. I don't know. I guess that's the best
9 answer.

10 Q. That's my favorite answer. If you don't
11 know something, I want you to tell me.

12 A. Okay.

13 Q. When I say, "Do you know," I'm asking a
14 yes-or-no question, and then I'll ask my follow-ups
15 afterwards.

16 A. Okay.

17 Q. Do you know who sits on the LEARN
18 governing board?

19 A. Yes.

20 Q. Okay. Without telling me names of people,
21 can you tell me what communities they come from?

22 A. It's made up of the UTLA chapter chair;
23 parents. And these individuals are elected by
24 their peers: classified members of the school, the
25 teaching staff, and, of course, the principal. The

1 principal and the chapter chair are not elected.
 2 Those are two given -- given positions.
 3 Q. At the time that the -- if the LEARN
 4 governing board was selecting a principal for the
 5 1998-'99 school year, did the then principal sit on
 6 the board to participate in that selection process?
 7 MR. FERNOW: Objection. Speculation.
 8 THE WITNESS: I'm not sure how they did
 9 that. I don't know if they sat in on it or if they
 10 farmed it out to a committee. I don't know.
 11 BY MS. LHAMON:
 12 Q. You now told me the groups that sit on the
 13 LEARN governing board. Is that the LEARN board at
 14 Crenshaw specifically, or is that all groups?
 15 A. It's the same process for all LEARN
 16 governing boards.
 17 Q. Do you know if the LEARN, acronym, or the
 18 LEARN group, is a group that's specific to the
 19 Los Angeles Unified School District or if it's a
 20 group that applies in other districts as well?
 21 A. Excuse me. It's specific to Los Angeles
 22 Unified School District.
 23 Q. Thank you. Do you know how many members
 24 from each of these groups sit on the LEARN
 25 governing board at any school? And I don't mean

1 just Crenshaw. I assume for the UTLA chapter
 2 chair, that's one person, and for the principal
 3 that's one person. So I'm asking about for the
 4 other groups.
 5 MS. STRONG: Calls for speculation.
 6 THE WITNESS: I think I have these
 7 numbers. I don't know. It's -- I can only give
 8 you approximate. Approximately two students,
 9 approximately two classified, approximately five
 10 parents. And it must be 50 percent plus one
 11 teacher, so it must be more teachers than anyone
 12 else.
 13 So now, I don't know -- I can't remember
 14 those exact numbers. But I know that's the format.
 15 BY MS. LHAMON:
 16 Q. And when you say 50 percent plus one
 17 teachers, are you counting 50 percent of the LEARN
 18 governing board member, or 50 percent of the
 19 teaching staff?
 20 A. I'm sorry. No, it's the LEARN governing
 21 board number.
 22 Q. Thanks.
 23 A. Okay.
 24 Q. Now, I probably wrote down what you said
 25 wrong, but I didn't get all those groups down the

1 first time. So I'm going to tell you what I know
 2 or what I think comprises the groups in the LEARN
 3 governing board, and I'd like you to tell me if I
 4 added somebody or if I'm missing somebody.
 5 A. Okay.
 6 Q. I have the UTLA chapter chair, parents,
 7 students, classified members of a school, the
 8 teaching staff of a school, and the school
 9 principal.
 10 A. Uh-huh.
 11 Q. Is that it?
 12 A. You said parents?
 13 Q. I said parents.
 14 A. Okay. Yes.
 15 Q. Thank you. I left out students. I
 16 apologize.
 17 In your experience as a principal -- let
 18 me take that back.
 19 In your experience as an educator, so in
 20 all your years of experience, what are the things
 21 you think any child needs to have a chance to
 22 learn?
 23 MS. STRONG: Calls for speculation. Vague
 24 and ambiguous. Overbroad.
 25 MR. FERNOW: Calls for a narrative. And

1 I'll join in the other objections.
 2 MS. STRONG: Also calls for expert
 3 testimony.
 4 MS. LHAMON: This man is an expert. He's
 5 a principal.
 6 MS. STRONG: You haven't established that.
 7 THE WITNESS: Shall I start? This could
 8 take a while.
 9 MR. FERNOW: If you can answer the
 10 question.
 11 MS. LHAMON: You can always tell me if you
 12 can't answer a question, and it's my job to
 13 rephrase it if you don't understand.
 14 THE WITNESS: Now I need to know what she
 15 asked.
 16 (The following question was read by the
 17 reporter):
 18 "Q. In your experience as a principal --
 19 let me take that back.
 20 "In your experience as an educator, so in
 21 all your years of experience, what are
 22 the things you think any child needs to
 23 have a chance to learn?"
 24 MS. STRONG: Same objections. And add
 25 vague and ambiguous now.

1 MR. FERNOW: I join in those objections
2 again.
3 THE WITNESS: What a child needs to learn:
4 Caring parents, an environment for learning,
5 teachers, textbooks, and a desire to take the
6 responsibility for their own education.
7 I think that's enough.
8 BY MS. LHAMON:
9 Q. Works for me.
10 How did you come upon that list?
11 A. Just over the years of working with young
12 people and having kids of my own, that's how I came
13 up with that. My college experience. Experience
14 in the district and working with kids. That's it.
15 Q. When you say an environment for learning,
16 what things go into an environment for learning?
17 What does that mean?
18 MR. FERNOW: Objection. Calls for
19 speculation. Calls for expert opinion. Vague and
20 ambiguous.
21 BY MS. LHAMON:
22 Q. I'm just asking you to define your own
23 term.
24 A. An environment for learning, if you look
25 around the facility, the -- certainly if we are

1 talking classroom, we're narrowing it to a
2 classroom, it should be colorful, well lit, it
3 should be clean. There should be a print-rich
4 environment. That's what I consider is a good
5 environment.
6 Q. And -- let me step back for a second.
7 You started by saying if you look around
8 the facility, and then you said, "Well, if it's a
9 classroom" -- and then you defined what would be in
10 the classroom.
11 Are there other things that comprise an
12 environment for learning, external to a classroom?
13 A. Yeah, well, the school building itself,
14 shrubberies, landscaping. I think if you want to
15 know whether children's learning environment is
16 sufficient, you look at it for yourself and ask
17 yourself, would you like to stay there all day.
18 Q. Can you think of anything else that goes
19 into that environment for learning that's
20 important?
21 MS. STRONG: Objection. Vague as to
22 "important."
23 THE WITNESS: I can't think of anything
24 right now.
25 BY MS. LHAMON:

1 Q. You listed for me earlier, if it's a
2 classroom, you listed that it should be colorful,
3 should be well lit, it should be clean, should have
4 a print-rich environment.
5 Do you think that the size of the
6 classroom matters?
7 MS. STRONG: Objection. Vague.
8 MR. FERNOW: Join. Also calls for expert
9 opinion.
10 THE WITNESS: If you are asking for one
11 kid or -- if you said the number, if you were
12 referring to a number of kids, the classroom would
13 be important. But if you are talking about one
14 kid, that's a -- in answering that question, size
15 is important if you talk about more than one kid.
16 But we were describing one kid.
17 BY MS. LHAMON:
18 Q. Thanks. I appreciate that clarification.
19 I'm trying to think of other things that
20 might be important.
21 Is temperature important?
22 MS. STRONG: Object.
23 Go ahead.
24 MR. FERNOW: Same objection.
25 MS. STRONG: The question calls for expert

1 testimony.
2 MR. FERNOW: Vague.
3 MS. STRONG: Speculation.
4 MR. FERNOW: Join.
5 THE WITNESS: Temperature is important.
6 You certainly wouldn't want it to be too cold or
7 too hot. I was thinking of Southern California,
8 always 70 degrees.
9 BY MS. LHAMON:
10 Q. Tell me why you think that the things
11 you've listed in an environment for learning are
12 important.
13 MR. FERNOW: Objection. Compound.
14 THE WITNESS: Why I think that? Just as I
15 said earlier, in stating how do you learn, how do I
16 learn, where would we like to learn from -- just
17 from being a human being, you make those decisions.
18 But also in learning, the five senses need
19 to be dealt with in learning, when you're learning.
20 You have to be able to see. You have to be able to
21 hear. You have to feel good about what you are
22 doing.
23 So just from my experience in working with
24 kids and from my own learning and from just being
25 around schools for 35-plus years, plus what

1 everybody else has told me. That's where I got it
2 from. Okay.

3 BY MS. LHAMON:

4 Q. I'm going to ask you about each one.

5 When you said that a classroom should be
6 colorful, why is that one important?

7 A. Well, according to --

8 MS. STRONG: Just for clarification, we're
9 asking why he believes it's important, correct, as
10 opposed to why it's important? Otherwise it calls
11 for expert testimony and speculation.

12 MR. FERNOW: And I'll join to the extent
13 that you're not asking for just his opinion.

14 THE WITNESS: Well, do I think a classroom
15 should be colorful? I don't know who I read, but
16 somewhere, when we described colors, and pink
17 allows you to be more calm. Yellow, in the case
18 that you don't want to be bothered. Red, in the
19 case that you want to be heard. So color helps to
20 stimulate the imagination.

21 MS. LHAMON: I'm going to be more careful
22 when I select my wardrobe for the next day of this
23 deposition, Mr. Kiel.

24 MR. ROSENBAUM: Point out we are in a
25 conference room with no colors.

1 environment important?

2 MS. STRONG: Objection. Vague as to
3 "print-rich environment."

4 MS. LHAMON: That's a good point.

5 Q. Would you define -- would you tell me what
6 you mean by "print-rich environment"? I like the
7 phrase.

8 THE WITNESS: Well, it just means posters,
9 paintings, anything that's -- if you are in
10 science, you have various tables; posters of
11 student work. Print-rich, things that you can
12 read, things that stimulate learning. When you
13 walk into the room, you see something that makes
14 you think, imagine. Quotes from various people.
15 That's what we refer to as print-rich. And it
16 allows you to continue to imagine and think.
17 Critical thinking is what we're trying to stimulate
18 in a print-rich environment.

19 BY MS. LHAMON:

20 Q. And so in that answer, were you telling me
21 why you think that a print-rich environment is
22 important also?

23 A. Yes.

24 Q. Can you think of any other reasons?

25 A. If you display student work, then they

1 BY MS. LHAMON:

2 Q. Why do you think that having a classroom
3 be well lit is important?

4 A. Well, you just need to be able to see.

5 Gives you a sense of openness and stimulates the
6 imagination.

7 Q. Why do you think it's important for a
8 classroom to be clean?

9 I can't believe I'm asking this question.
10 My mother would stab me.

11 A. Cleanliness is a sign of confidence and
12 how you feel about yourself and your surroundings.
13 If you feel good about it, you tend to be able to
14 relax and focus on what is being taught. If you
15 don't feel good about it, you tend to concentrate
16 on what's bothering you, rather than listening to
17 what the teacher has to offer.

18 MS. STRONG: I'd like to make a late
19 objection.

20 Vague as to what it means to be well lit,
21 and vague as to what it means to be clean.

22 MR. FERNOW: I'll join.

23 BY MS. LHAMON:

24 Q. When you stated that a print-rich
25 environment is important, why is a print-rich

1 feel good about it. If you display cultural
2 values, kids tend to feel good about themselves.

3 It's a way to integrate the culture if you have
4 more than one ethnic group. So all of those things
5 revolve around why it's important to have a
6 print-rich environment.

7 Q. How about classroom size, why is classroom
8 size important if you have more than one student?

9 MR. FERNOW: Objection. Calls for
10 speculation and expert opinion.

11 MS. STRONG: Also misstates the testimony
12 to the extent that it suggests that he stated that
13 it was important.

14 THE WITNESS: I think you have to have
15 enough space. I mean, if you have too many people
16 packed into any area, it makes it uncomfortable.

17 So I think space to maneuver, to --
18 everyone likes a little space, so that you can feel
19 comfortable. You don't need someone sitting right
20 up on you; it allows you not to be as creative as
21 you could be if you had enough space.

22 So that's -- once again, I'm not quoting
23 any other philosophers other than me, myself, and
24 my experience.

25 BY MS. LHAMON:

1 Q. Just philosopher Kiel?
 2 A. Right.
 3 Q. And temperature, finally. Why is
 4 temperature important in a classroom?
 5 MS. STRONG: Objection. Calls for
 6 speculation, expert testimony.
 7 MR. FERNOW: Same. Join.
 8 THE WITNESS: Just comfort. I think you
 9 learn better when you're comfortable than you are
 10 if you are not. If you are cold or if you are too
 11 hot, you wouldn't be able to concentrate as well on
 12 what someone was teaching you.
 13 BY MS. LHAMON:
 14 Q. It's an impressive list.
 15 When you -- in all your years as an
 16 educator, have you noticed examples for why that
 17 list matters, any item on that list?
 18 MS. STRONG: Objection. Vague.
 19 THE WITNESS: I'm not sure I understand
 20 the question you asked.
 21 BY MS. LHAMON:
 22 Q. Thanks for letting me know. I'm off in my
 23 own head.
 24 I'm trying to find out, in your years as
 25 an educator, as a teacher, as a vice principal, and

1 as a principal, what your years has taught you or
 2 what in your experience has taught you that the
 3 things you listed matter for learning.
 4 MR. FERNOW: Objection. Vague.
 5 MS. STRONG: Objection. Misstates the
 6 testimony.
 7 THE WITNESS: I'm not sure I can point to
 8 any one thing or anything.
 9 BY MS. LHAMON:
 10 Q. It's all the years of experience.
 11 A. Just years of experience, and it's what
 12 you believe, I guess. Just belief.
 13 Q. Okay. Thank you.
 14 I take it that's part of your job as the
 15 principal, to ensure that those things that you
 16 identify as essential for learning take place in
 17 the classrooms at your school.
 18 A. It's my job to oversee and supervise
 19 employees, yes.
 20 Q. At Crenshaw High School, have you ever
 21 been prevented from making sure that the things
 22 that you believe are essential for learning take
 23 place in the classrooms?
 24 MR. FERNOW: Objection. Vague as to time.
 25 MS. STRONG: Misstates the testimony to

1 the extent that he stated anything was essential
 2 for learning. There's no testimony as to that.
 3 MR. FERNOW: Join.
 4 THE WITNESS: Okay. I'm sorry, could you
 5 repeat your question?
 6 BY MS. LHAMON:
 7 Q. I can. In your years at Crenshaw --
 8 excuse me.
 9 In your years as principal of Crenshaw,
 10 has anything prevented you from being able to make
 11 sure that what you believe to be essential for
 12 learning takes place in the classroom?
 13 MR. FERNOW: Objection. Vague and
 14 ambiguous.
 15 MS. STRONG: Same objections.
 16 THE WITNESS: I'm going to repeat your
 17 question: In my years at Crenshaw, is there
 18 anything that I know of that has prevented those
 19 items to take place in a learning process? Is that
 20 what you are asking me?
 21 MS. LHAMON: I like the question. That's
 22 not exactly what I was asking, but I'll take that
 23 one, too.
 24 MR. FERNOW: I think you need to ask it --
 25 MS. LHAMON: Could you read it back.

1 (The following answer was read by the
 2 reporter):
 3 "A. I'm going to repeat your question:
 4 In my years at Crenshaw, is there
 5 anything that I know of that has
 6 prevented those items to take place in a
 7 learning process? Is that what you are
 8 asking me?"
 9 MS. LHAMON: I'll try to remember to
 10 phrase it that way.
 11 Q. In your years at Crenshaw, is there
 12 anything that you know of that has provided those
 13 items from taking place?
 14 MS. STRONG: Objection. Vague.
 15 MR. FERNOW: Join.
 16 THE WITNESS: I know sometimes when
 17 equipment doesn't work, okay, the furnace in one
 18 classroom, the temperature may be a little hotter
 19 than the other, which may need adjusting. I'm
 20 certainly not saying that every one of those items
 21 has been completely dealt with from the first bell
 22 in September until the last bell in June.
 23 There are situations and circumstances
 24 that have temporarily overcrowded a classroom or --
 25 I remember one time the power went out and the

1 lights went out.

2 So over the years, yes, there are things
3 that have interrupted that process.

4 BY MS. LHAMON:

5 Q. Now I'm going to ask you a little bit
6 different question.

7 Just in your three years as principal, has
8 anything prevented you as principal from being able
9 to ensure that kids have what they need in their
10 classes?

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

13 MS. STRONG: Calls for speculation.

14 MR. FERNOW: Join.

15 THE WITNESS: In answering the question, I
16 would like to say that there's always more that we
17 can give every child. But as we -- is there an
18 opportunity for learning, and are there items that
19 allow kids to pursue their education? And I would
20 say yes, there are. But there's always areas to
21 give kids more.

22 BY MS. LHAMON:

23 Q. Okay. Let's go on to some more concrete
24 questions.

25 A. Okay.

1 according to guidelines, that comes with the money.

2 And so our process is to try and take --

3 and then we have the various schools, the magnet
4 kids, the gifted kids. All these dollars come in
5 these various categories and are to service those
6 individual children, needs of the school,
7 special ed kids, special ed budget. So the concept
8 is to try to make sure that everyone -- that those
9 dollars are spent for those individual kids.

10 And people that's involved with providing
11 those services and coordinating those programs,
12 along with the parents of the students, determine
13 how those dollars are spent.

14 BY MS. LHAMON:

15 Q. For the schoolwide budget that comprises
16 all the budgets that you're talking about, do you
17 participate in developing the annual schoolwide
18 budget?

19 A. Yes.

20 Q. Please tell me about how you go about --
21 what your procedure is every year for developing
22 the schoolwide budget.

23 MR. FERNOW: Objection. Vague.

24 THE WITNESS: Well, like I said, it's --
25 it's no one big general fund. It's all

1 Q. How do you go about forming a budget for
2 Crenshaw?

3 MR. FERNOW: Objection. Vague.

4 MS. STRONG: Objection. Calls for
5 speculation.

6 MR. FERNOW: Could call for an expert
7 opinion, too, so I'll object.

8 THE WITNESS: Well, the dollars and the
9 dollar amount comes from the general district, and
10 they formulate a pattern based on the number of
11 kids that we service, or the number of students --
12 using "kids" and "students" interchangeable --
13 number of students that we service. So I'm given a
14 dollar amount.

15 And from that dollar amount, we then
16 solicit department chairs in -- there's an
17 assistant principal involved, and there's a
18 committee to determine the needs of each
19 department. And then they are allowed to order
20 materials and supplies.

21 Now, there are many budgets on the school
22 campus. There are categorical funds. There are
23 regular funds. There are state textbooks.

24 And so monies that come in, they are
25 placed in -- on budget lines. That has to be spent

1 categorized. It's in a category of what services
2 are being rendered. So you work with it.

3 And what we try to do, we try and
4 determine our goals and focus what we are going to
5 go and which direction we are going to go in. And
6 we take these dollars and we meet with each group
7 and say, "Look, this is what we are trying to
8 accomplish."

9 Now, a large percentage of the money is
10 salaries already, so we don't even talk about that.
11 That pays for people's salaries. The other dollars
12 and cents are designed for supplies, equipment, you
13 know, computers, field trips, whatever.

14 So within -- each one of those parents has
15 a say-so, and the coordinator, and they work with
16 what they want to accomplish with the dollars that
17 are being serviced. You have LEP kids, bilingual
18 kids, the special ed, the gifted. And that's what
19 makes it a little difficult. And we may be -- we
20 may have X number of dollars going to the total
21 school, but it's categorized, and I can't take
22 state textbook money and buy trash cans with it.
23 Okay.

24 So it's sitting down at the council and
25 talking what direction we want to go with the

1 school, and then having people agree. And some of
2 the groups don't agree. And they want to go off
3 and do their own little thing as it relates to
4 their kids and what the kids need. And these
5 dollars are earmarked for these individual
6 services. That's kind of how the whole process
7 works.

8 Now, each one of the -- each one of the
9 schools -- we have three schools within the school:
10 The gifted magnet, teacher training magnet, and the
11 regular school, with actual location codes. And so
12 with those location codes come budgets for each one
13 of those location codes.

14 And so the total budget process is dealt
15 with from that format of trying to service those
16 kids, where those dollars are earmarked for.

17 BY MS. LHAMON:

18 Q. Just for the court reporter's benefit, a
19 little while ago you referenced to LEP kids. Is
20 that an acronym, capital L-E-P?

21 A. Yes.

22 Q. What does that stand for?

23 A. I don't know if they call it LEP, but it's
24 ELL, English language learners. So that term has
25 been replaced. So please replace it in case my

1 us.

2 I don't say, "I'm serving 50 kids, send me
3 \$500,000." Someone else does that, and says you
4 have X number of kids and this is how much money
5 you get for this program and for this number of
6 kids.

7 BY MS. LHAMON:

8 Q. Enrollment at the school is the only thing
9 that changes how much money the school gets in
10 total?

11 MR. FERNOW: Objection. That misstates
12 his prior testimony. Calls for speculation.

13 MS. STRONG: Join.

14 THE WITNESS: The enrollment is a major
15 factor in determining the amount of money that is
16 spent at the school.

17 BY MS. LHAMON:

18 Q. But it's not the only factor.

19 A. It's not the only factor.

20 Q. Will you help me understand what the other
21 factors are, if you know?

22 A. I don't totally know them all. I know --
23 I know certain locations, certain schools with --
24 low-performance schools in neighborhoods where the
25 kids are not performing as well as other students

1 supervisor sees it.

2 MR. FERNOW: I made a note.

3 BY MS. LHAMON:

4 Q. Your counsel is going to tell on you.

5 I'm not very good with numbers, so I'm
6 going to have a little trouble with the budget. So
7 I'm going to try to stick with you.

8 Do you have any discretion to increase or
9 decrease any portion of the school wide budget for
10 a given year?

11 MS. STRONG: Objection. Vague, ambiguous.

12 THE WITNESS: That's a simple no.

13 BY MS. LHAMON:

14 Q. So the budget is determined by someone
15 else for the school? And you -- let me step back.

16 Is it fair to say that the budget is
17 determined by someone else for the school, and you
18 are left to spend a set dollar amount that someone
19 else has determined?

20 MS. STRONG: Objection. Vague.

21 MR. FERNOW: Join.

22 THE WITNESS: Yes, the budget is set by
23 not just someone, but by the number of students
24 that we serve. But that someone away from the
25 school site determines -- figures that all out for

1 around the state and around the district, there may
2 be some ratios that will allow those schools to get
3 additional funds.

4 Q. Okay. Once the school gets a set dollar
5 figure for a year, do you as principal have
6 discretion about how to spend any particular
7 categories of the funds?

8 MR. FERNOW: Objection. Asked and
9 answered.

10 THE WITNESS: Yes.

11 BY MS. LHAMON:

12 Q. Which categories do you have discretion
13 over? And I mean you as the principal.

14 A. Well -- me as a principal? Well, I
15 usually don't take that -- that privilege. I
16 usually allow the committees to work that out. But
17 we -- and I have to approve it. But I usually
18 allow the committees to work out how they are going
19 to spend their money. I don't believe in a
20 dictatorship. It's not a dictatorship. Staff is
21 involved, okay.

22 Q. Then for you and your committees, which of
23 the categories of funds for any given school year
24 budget do you and a committee have discretion over
25 how to spend?

1 A. Well, we have discretion under the gifted
2 budget. We have some input with guidelines on the
3 Title I budget.

4 We have -- each school gets what we call
5 an IMA account. That's instruction materials
6 budget. And we have a total autonomy over that,
7 those funds.

8 What else did I leave out? Special ed.

9 So just name those four budgets, and if
10 there's some I left out -- I don't know. They are
11 small, and I don't remember every little --
12 textbook is a big one. Textbook budget.

13 We have discretion over spending. But the
14 State of California has -- there are certain state
15 textbook funds, that you can only buy books that's
16 identified by the state. And they give you a list.
17 And you have to buy books from that list. But --
18 you can buy whichever book you want, which book
19 best serves your community and your kids. But you
20 have to buy from that list.

21 Q. A little while ago you said, "I don't
22 believe in a dictatorship," that you don't run your
23 school as a dictatorship.

24 Is that true beyond the budget, or do you
25 believe in dictating for the other school

1 may have to continue afterward.

2 Also, Jay, I sent to your office a letter
3 asking for documents before today started, and I
4 haven't received those documents yet. I want to
5 know if you know what the status of that is.

6 MR. FERNOW: I'm not working with the
7 production of documents, but I understand they are
8 being copied and they are being produced.

9 MS. LHAMON: My understanding is we're
10 going to receive some documents on Monday from the
11 district.

12 MR. FERNOW: That's my understanding, too.

13 MS. LHAMON: Which would be too late for
14 me to get them ready for Tuesday. And I don't know
15 if they are all the documents that are responsive
16 to the business record subpoena or to the letter I
17 sent to you after the first day of the deposition.
18 So I'm just asking if you know.

19 MR. FERNOW: Join.

20 MR. ROSENBAUM: I want to be clear for the
21 record, because it does take your time, Mr. Kiel.

22 One of the difficulties in terms of
23 facilitating a deposition is that requests were
24 made for documents literally months ago, that we
25 still haven't received. And that is directly and

1 activities?

2 MS. STRONG: Objection. Vague.

3 THE WITNESS: I don't dictate to anything,
4 anybody. My kids won't even take it anymore. I
5 think it's a collective decision, that I believe in
6 and that I try to do. So with everything that we
7 do, we try to get some input from the stakeholders.
8 BY MS. LHAMON:

9 Q. And that's for every aspect of being a
10 principal?

11 MS. STRONG: Objection, vague and
12 ambiguous.

13 THE WITNESS: I try to run the school in
14 that sense.

15 MS. LHAMON: We have been going for a
16 little while. If you want to take a break, we can,
17 or we can keep going.

18 (Recess.)

19 MS. LHAMON: Just before we start back
20 with questions, we had a brief conversation off the
21 record. We intend to stop around 4:30 today, with
22 the understanding that we will likely go all day on
23 Tuesday, the Tuesday that is coming.

24 MS. STRONG: I believe it's the 3rd.

25 MS. LHAMON: With the possibility that we

1 dramatically impeding our ability to do the
2 deposition in the manner that's required by us.

3 So I would ask you, Jay, if you could make
4 inquiry about that.

5 MR. FERNOW: I will.

6 MR. ROSENBAUM: I would like those
7 documents as soon as possible. We'd like a
8 complete turnover of those documents, but we're not
9 responsible for that.

10 MR. FERNOW: As I said, I don't think that
11 the -- the ongoing Request for Production of
12 Documents, there's been some disputes about how
13 vague those requests were, and there's been
14 correspondence about that as well. And I don't
15 think it impacts -- I don't think the fact that the
16 documents haven't been produced is impacting this
17 deposition at all.

18 MR. ROSENBAUM: It clearly is.

19 MS. LHAMON: I disagree.

20 MR. ROSENBAUM: We haven't had a turnover
21 of documents. It's not there's two or three
22 documents --

23 MS. STRONG: I think the same can be said
24 to plaintiffs with respect to documents.

25 But with respect to this particular

1 deposition, I don't see -- if there's a turnover of
2 documents from the district to plaintiffs on
3 Monday, I don't see why that's not sufficient time
4 for you to prepare for a depo on Tuesday. It's not
5 a large number of documents that we're speaking
6 about.

7 MR. ROSENBAUM: How do you know that?

8 MS. LHAMON: Seven boxes of documents that
9 will be turned over on Monday from the district. I
10 don't know if they are the documents on my list.
11 And they won't be turned over to me but will be
12 turned over to Specialized Legal Services, so I
13 won't get them.

14 MR. ROSENBAUM: The state clearly could
15 have facilitated this.

16 MS. STRONG: Can we go off the record?

17 MS. LHAMON: Fine. Thank you.

18 (Discussion off the record.)

19 MS. LHAMON: Let's go back on.

20 Q. Just before we took the break, we were
21 talking about your belief that you shouldn't run
22 the school like a dictatorship and you should
23 involve the stakeholders.

24 Why is it important to involve the
25 stakeholders in school decision-making?

1 And then when we want to support something, I'd
2 rather support my decision than yours.

3 And so that's the philosophy behind why
4 you want more people involved.

5 BY MS. LHAMON:

6 Q. Does it help you to gather information
7 about what takes place at the school, to have more
8 people involved?

9 MS. STRONG: Objection. Vague.

10 THE WITNESS: Does it help me to have more
11 people involved? Yes and no. No, in the sense
12 that sometimes a decision as to whether to clear
13 this room, I could make in a very short period of
14 time and it wouldn't take me an hour. But
15 sometimes with a committee, it may take an hour to
16 two hours to make that decision, because I have to
17 listen to everybody's opinion.

18 But in getting a room cleared, once
19 everybody decides to make it, then I don't have to
20 do very much, because everybody takes a little
21 piece of the room and clear the room.

22 So, yes, it helps; and no, sometimes very
23 frustrating.

24 BY MS. LHAMON:

25 Q. And consistent with your belief, your

1 MS. STRONG: Objection. Calls for
2 speculation. Vague to the extent it's calling for
3 something more than what he personally believes.
4 And it's not personally relevant.

5 THE WITNESS: Okay. Well, I think to
6 facilitate the running of the school. And to have
7 the school run properly, I think more people who
8 take responsibility for the school, the better
9 product you're going to produce.

10 If -- what we try to establish is a
11 learning organization where everybody takes an
12 active part in educating the children, from the
13 custodian to the classified, to the crossing guard.
14 Everyone buys in.

15 So if everyone is on this decision-making
16 or body, or get feedback, then they tend to want to
17 support whatever the idea is and whatever your
18 goals and objectives for the year. The more people
19 know about them, the more likely chance that you're
20 going to obtain them.

21 So that's why you want as many people as
22 possible involved in making a decision, because it
23 becomes their decision. If I make a decision as an
24 individual, it becomes my decision. If we can
25 uniformly make a decision, it becomes our decision.

1 philosophy about how to run a school not by
2 dictating but by involving stakeholders, do you try
3 to give responsibility to the various groups of
4 stakeholders?

5 MS. STRONG: Objection. Vague.

6 MR. FERNOW: Vague.

7 THE WITNESS: Yes, I do. I think not just
8 me giving it to them, but once we collectively
9 decide in which direction that we are going to
10 move, then everybody takes a little piece of the
11 responsibility because they help make the decision.

12 BY MS. LHAMON:

13 Q. Is it fair to say that you rely on the
14 stakeholders at the school to help you with the
15 decision-making that you do as the principal?

16 A. Yes.

17 MS. STRONG: Objection. Vague.

18 MR. FERNOW: Join.

19 BY MS. LHAMON:

20 Q. And the stakeholders bring you information
21 about matters that you might not be personally
22 familiar with?

23 MR. FERNOW: Objection. Misstates prior
24 testimony. Lack of foundation.

25 THE WITNESS: Yes.

1 BY MS. LHAMON:
 2 Q. Thank you.
 3 I'm going to ask you some questions about
 4 the staffing at the school.
 5 Just so I have a clear number in my head,
 6 could you tell me again how many students go to
 7 Crenshaw for the 2000-2001 school year.
 8 A. Approximately 2754 students.
 9 Q. And that's the normal day enrollment; is
 10 that right?
 11 A. I think. The years are running together,
 12 but I think that's the latest figure.
 13 Q. How many certificated staff did Crenshaw
 14 have for the 2000-2001 school year?
 15 MS. STRONG: Objection. Calls for
 16 speculation.
 17 THE WITNESS: Approximately 134.
 18 BY MS. LHAMON:
 19 Q. And how do you know that?
 20 A. Because I counted each one of them.
 21 Q. You are supposed to tell me the truth.
 22 A. That's true, I did count each one of them.
 23 The classification report calls for the
 24 number of teachers that you need for the number of
 25 kids that you are serving. And then you add that

1 to the total number of people that you buy from
 2 categorical funds. And you add those numbers
 3 together, and it comes to approximately 134.
 4 Q. How many teachers did Crenshaw have for
 5 the 2000-2001 school year?
 6 MR. FERNOW: Objection. Vague.
 7 MS. STRONG: Calls for speculation.
 8 THE WITNESS: The same, approximately 134.
 9 It's been right around that number for the last
 10 three years. The enrollment has been somewhere
 11 close to that number.
 12 BY MS. LHAMON:
 13 Q. Do you know that approximate number the
 14 same way that you knew the approximate number for
 15 certificated staff? Do you base your answer on the
 16 same information?
 17 A. On the certificated or classified? I was
 18 talking about certificated.
 19 Q. I asked you how many students there were,
 20 how many certificated staff there was, and how many
 21 teachers there were.
 22 A. Certificated is teachers.
 23 Q. Okay. And then how about classified?
 24 A. Classified. Classified, I don't know,
 25 because I don't know how many custodians, I don't

1 know how many cafeteria workers. That's some data
 2 that we could get for you. I don't know that.
 3 Q. Does Crenshaw currently have all of its
 4 administrative positions filled?
 5 MS. STRONG: Objection. Vague.
 6 THE WITNESS: Yes.
 7 BY MS. LHAMON:
 8 Q. Were all of the administrative positions
 9 filled for all of the 2000-2001 school year?
 10 MS. STRONG: Objection. Vague as to
 11 "administrative positions."
 12 THE WITNESS: Yes.
 13 BY MS. LHAMON:
 14 Q. How many counselors does Crenshaw have
 15 now?
 16 MS. STRONG: Calls for speculation.
 17 MR. FERNOW: Vague as to "counselors."
 18 THE WITNESS: Five.
 19 BY MS. LHAMON:
 20 Q. And for each of those counselors, please
 21 tell me what kind of counseling they provide.
 22 A. Okay. We have a college counselor that
 23 deals with college-going, scholarships, dollars and
 24 readiness for college.
 25 You have a 9th-grade counselor who deals

1 with basically the 9th grade, and trying to get
 2 their records from the middle school and set them
 3 up and get the classes.
 4 And then you have a 10th-grade counselor,
 5 an 11th-grade counselor, and a 12th-grade
 6 counselor.
 7 Q. Does the 9th-grade counselor always
 8 counsel 9th grade, or does that counselor stay with
 9 the students who start in 9th grade through their
 10 graduation?
 11 A. The 9th-grade counselor always counsels
 12 9th-graders.
 13 Q. So the students receive a new counselor
 14 every year at Crenshaw?
 15 A. No.
 16 Q. How does that work?
 17 A. Well, you didn't ask me, but the 9th-grade
 18 counselor stays with the 9th grade. The other
 19 counselors rotate and stay with the kids up until
 20 they graduate, and then they come back and pick up
 21 a 10th-grade.
 22 Q. And why is that, that the 9th-grade
 23 counselor stays with the students, with 9th grade,
 24 but the other counselors move with students?
 25 MR. FERNOW: Calls for speculation.

1 MS. STRONG: Join.

2 THE WITNESS: Because that was a recent
3 added position by the district, 9th-grade
4 counselor. And he specialized with 9th-graders in
5 meeting their needs.

6 BY MS. LHAMON:

7 Q. And that 9th-grade counselor position was
8 recently added at Crenshaw or all schools in the
9 district?

10 A. All schools in the district. Well,
11 yeah --

12 Q. I meant high schools.

13 MS. STRONG: Objection, speculation.

14 THE WITNESS: All schools. I think it's a
15 criteria about numbers, and I'm not sure. I don't
16 remember what the numbers are to get the counselor,
17 but I know we received one, a position.

18 BY MS. LHAMON:

19 Q. When did you receive that 9th-grade
20 counselor position?

21 A. I'm thinking it was in the '99-2000 school
22 year, but I'm not sure. I'm not sure exactly when.

23 Q. Before Crenshaw received that 9th-grade
24 counselor designated position, did 9th-graders
25 receive any counseling?

1 THE COURT: Objection. Vague and
2 ambiguous.

3 THE WITNESS: I'm sorry, would you repeat
4 that, please. I was counting counselors.

5 BY MS. LHAMON:

6 Q. Thank you. I appreciate the specificity.

7 Have you noticed any change in the school
8 since the district added the fifth counselor
9 position for Crenshaw?

10 MR. FERNOW: Same objection.

11 MS. STRONG: Join.

12 THE WITNESS: Well, I think that we had a
13 little better control over the 9th-graders, and
14 we're beginning to do some things for them to meet
15 their needs. I feel a little more -- I think, just
16 my personal feeling, is that they tend to be
17 grasping the high school concept a little faster.
18 I don't have any data to back that up.

19 BY MS. LHAMON:

20 Q. Personal feeling works for me.

21 When -- let me ask it differently.

22 Has Crenshaw enrolled approximately the
23 same number of students for the three years you
24 have been principal at Crenshaw?

25 MS. STRONG: Calls for speculation.

1 A. Yes.

2 Q. And from whom did they receive counseling?

3 A. At that time we were on the alphabet
4 breakup. And so the counselors had a certain
5 alphabet, depending on the total school. Say A to
6 D went to one counselor. And the entire alphabet
7 of the school was broken up in that fashion.

8 Q. And that schedule of counselors existed
9 while you were principal at Crenshaw for some
10 period of time?

11 A. Yes.

12 Q. Did you have -- were there three
13 counselors for the alphabetical breakup, plus one
14 counselor, when you had that schedule of
15 counseling?

16 A. Yes, I think so.

17 Q. So when the district created the 9th-grade
18 counselor position, that was an additional
19 counselor position?

20 A. That's correct.

21 Q. Have you noticed any change in the school
22 since Crenshaw received the 9th-grade counselor
23 position?

24 MR. FERNOW: Objection. Vague and
25 ambiguous.

1 THE WITNESS: I'm not absolutely sure, but
2 somewhere in the same number. We have been
3 somewhere around 27 -- between 2,724 and 2,800 in
4 the three years. I don't think we have ever been
5 over 2,800, I don't think.

6 BY MS. LHAMON:

7 Q. Why do you think it's approximately the
8 same number of students for those three years?

9 A. Why do I think it's approximately the same
10 number? One of the things prior to my coming, they
11 were at capacity at Crenshaw High School, and they
12 couldn't accept any more than that. So lately we
13 have gotten bungalows, and we are now capable --
14 the capacity of the school has gone up slightly.

15 But this past year we didn't go to
16 capacity. I don't know why.

17 Q. When did Crenshaw get the new bungalows --

18 MS. STRONG: Asked and answered.

19 BY MS. LHAMON:

20 Q. -- that increased the capacity slightly?

21 MS. STRONG: I'm sorry.

22 Asked and answered.

23 THE WITNESS: What was the last two words
24 you said?

25 BY MS. LHAMON:

1 Q. I'm not sure of the last two words.
 2 That increased the capacity slightly.
 3 A. '99 -- '99-2000 and then 2000-2001.
 4 Q. Do you know if the college counselors --
 5 let me change that question.
 6 Do you know if the noncollege counselors'
 7 workload has decreased since the addition of the
 8 9th-grade counselor designated position at
 9 Crenshaw?
 10 MR. FERNOW: Objection. Vague.
 11 MS. STRONG: Calls for speculation.
 12 THE WITNESS: Yes.
 13 BY MS. LHAMON:
 14 Q. How do you know that?
 15 A. Because before the 9th-grade counselor,
 16 the counselors had the total 9th-grade class. And
 17 since the 9th-grade counselor, they now don't have
 18 those kids on their counseling load.
 19 Q. Have you spoken -- well, let me step back.
 20 Are the three counselors who are not the
 21 9th-grade counselors the same counselors that have
 22 been there the whole time you have been the
 23 Crenshaw principal?
 24 MS. STRONG: Objection. Compound.
 25 THE WITNESS: No.

1 BY MS. LHAMON:
 2 Q. Have any of the three counselors been
 3 there the whole time you have been at Crenshaw as
 4 principal?
 5 A. Yes.
 6 Q. Which are the new ones?
 7 A. Names?
 8 Q. Please.
 9 A. James and -- Mr. James and Mrs. Madison.
 10 Q. Is that M-a-s- -- M-a-d-i-s-o-n?
 11 A. Uh-huh.
 12 Q. Have you spoken to Mr. James about his
 13 workload at Crenshaw?
 14 A. No.
 15 Q. Have you spoken to Mrs. Madison about her
 16 workload at Crenshaw?
 17 A. No.
 18 Q. Have you spoken to any of the counselors
 19 about their workload at Crenshaw?
 20 MS. STRONG: Objection. Vague as to
 21 "workload."
 22 THE WITNESS: No. I know what it is.
 23 BY MS. LHAMON:
 24 Q. How do you know what it is?
 25 A. I know how many kids they have. I was a

1 counselor once, so I know what they are doing.
 2 Q. You stated on your first day of deposition
 3 that you were responsible for enforcing the
 4 distribution policy that every student should have
 5 a book in class and at home in core subjects.
 6 Can you tell me what you do to enforce
 7 that policy?
 8 A. Well, that's a monitoring policy. We have
 9 the -- you go through -- we go through the process
 10 of having the teachers identify what books they
 11 need, and then we try to provide the books for
 12 them.
 13 Q. When you say "we," who is we?
 14 A. The administrative staff.
 15 Q. Does that include you?
 16 A. Yes, I'm an administrator.
 17 Q. So the entire administrative staff is
 18 involved in that process?
 19 A. Involved in the sense of there's one
 20 assistant principal that's in charge of textbooks.
 21 But all administrators have departments. So I
 22 supervise the English and -- English and music
 23 departments. And each administrator have two
 24 departments in which they supervise.
 25 Q. So that the policy that you employ for

1 enforcing the district's policy about textbooks is
 2 to have the teachers identify books that they need
 3 and then to have the administrators provide books
 4 to the teachers?
 5 A. Yes. The teachers put in a request, and
 6 in conjunction with the department chair. And that
 7 request goes to the assistant principal, which
 8 oversee the ordering of those textbooks.
 9 Q. Have you discussed with teachers during
 10 this school year, the 2000-2001 school year,
 11 whether the teachers have enough textbooks for each
 12 student in the teachers' classes to have one
 13 without sharing?
 14 MR. FERNOW: Objection. Vague, ambiguous,
 15 compound.
 16 MS. STRONG: Join.
 17 THE WITNESS: Yes.
 18 BY MS. LHAMON:
 19 Q. What have teachers told you?
 20 MR. FERNOW: Objection. Vague.
 21 THE WITNESS: The discussion wasn't an
 22 individual discussion with each teacher. It's a
 23 statement made in a faculty meeting of a process of
 24 ensuring that every child have a book. And anyone
 25 who does not have a book or have a problem with

1 that is to see Mrs. Cannon immediately.
 2 BY MS. LHAMON:
 3 Q. And that statement was made by you at a
 4 faculty meeting?
 5 A. Yes.
 6 Q. When was that faculty meeting?
 7 A. Talked about textbooks in September and we
 8 talked about textbook -- textbooks again in
 9 February.
 10 Q. And that's at that 2000-2001 school year?
 11 A. Yes.
 12 Q. Have you had any further discussions with
 13 teachers about whether they have textbooks to use
 14 in their classes for their students?
 15 A. Not about whether they have textbooks. We
 16 have had plenty of discussions about textbooks and
 17 choosing books, books that we are going to use for
 18 next year. But not about having the number of
 19 textbooks -- that every kid had a textbook in
 20 class, and I haven't had any more discussions about
 21 that.
 22 MR. ROSENBAUM: Your voice is falling at
 23 the end of the sentences.
 24 THE WITNESS: I'll try. I notice she's
 25 about to kiss me, trying to listen so hard. I'll

1 try to speak up.
 2 MS. LHAMON: We are looking forward to
 3 that 4:30 witching hour.
 4 THE WITNESS: She's requiring me to think
 5 as I speak. That's unusual. I have a thoughtless
 6 job.
 7 MS. LHAMON: I notice we did get close to
 8 4:30, and you did say that's the magic hour for
 9 you.
 10 THE WITNESS: But -- we wanted to try to,
 11 but it doesn't look like we are going to even
 12 finish on the 3rd. I'm open. I'll go as long as
 13 Sabrina says we should go.
 14 MS. LHAMON: I'm happy to continue longer,
 15 but I want to make sure that you feel comfortable
 16 still answering the questions. And if you get to a
 17 point where you don't feel like you can answer
 18 them, please let me know.
 19 THE WITNESS: We're not getting close to
 20 4:30.
 21 MS. LHAMON: It's 3:30. I have an hour.
 22 I am jumping us ahead. Still, if you feel like you
 23 can't keep answering questions, please let me know.
 24 THE WITNESS: All right. I'll pull the
 25 plug if I get to that point. I'm almost delirious.

1 No.
 2 MS. STRONG: The witness is laughing
 3 because he's obviously joking.
 4 BY MS. LHAMON:
 5 Q. Is that right, that you are joking?
 6 A. Yes.
 7 Q. Have you had any discussions with students
 8 about whether they have textbooks to use in their
 9 classes without sharing?
 10 A. No.
 11 Q. Have you had any discussion with parents
 12 about whether the parents' children have textbooks
 13 to use without sharing in their classes?
 14 A. I had some discussion with parents at the
 15 beginning of the semesters.
 16 Q. And that's the beginning of the -- of both
 17 semesters in the 2000-2001 school year?
 18 A. Yes.
 19 Q. And which parents did you talk to?
 20 A. I don't remember the names, but I remember
 21 some parents were concerned about when their kids
 22 were going to get the textbooks and why -- why was
 23 it taking so long to issue the textbooks.
 24 Q. And where did these conversations take
 25 place?

1 A. The halls in front of the school,
 2 supervision, and the lunch area, wherever they
 3 could catch me.
 4 Q. Do you remember approximately how many
 5 parents you spoke to --
 6 A. I really don't know how many.
 7 Q. -- for either semester?
 8 A. I don't know.
 9 Q. Do you think it's more than five?
 10 A. Yes.
 11 Q. Both semesters?
 12 A. Uh-huh.
 13 Q. Do you think it's more than 10?
 14 A. Somewhere around 10.
 15 Q. And when you say that, is it somewhere
 16 around 10 each semester?
 17 A. Yes, approximately.
 18 Q. Okay. And what did you tell these
 19 parents?
 20 A. Well, I told them that we were trying to
 21 balance classes and we didn't want to issue the
 22 books before we balanced classes. We were going to
 23 work on balancing classes as soon as possible so
 24 that the books could be issued.
 25 And I testified earlier about how

1 difficult it is at the very beginning of the year
2 to get the classes down to the proper numbers at
3 the very beginning of the school year. And we
4 don't issue classes -- they don't issue books the
5 very first day of school. I would love to, but we
6 don't.

7 Q. Is there a date or a number of days by
8 which Crenshaw routinely does issue textbooks in a
9 given semester?

10 MR. FERNOW: Objection. Speculation.

11 THE WITNESS: I think -- I think it
12 varies. Some years we are closer to balancing
13 classes the first three or four days than others.

14 I just kind of like to leave it up to the
15 department and the teachers that, you know, if you
16 are running 33 kids across the board, go ahead and
17 issue textbooks. But if your classes haven't been
18 balanced, you know, wait until you balance the
19 classes, because you don't want to give those
20 textbooks to the kids and then they leave the room,
21 and there's no accountability. You'll never find a
22 textbook again.

23 So you try to issue the textbook to the
24 kids in the room with -- you know, that's assigned
25 to that teacher, so you can have some chance of

1 both semesters in the 2000-2001 school year.

2 Can you remember anything else that you
3 said to those parents?

4 A. In some cases where parents were very
5 persistent and says, "Look, you know, I want to
6 work with my kid," I have gone on and issued that
7 parent a book and checked it out in my name until
8 the child got a book. And I would write the names
9 down and ask them to return them to me by the time
10 their kid did get a book. I've done that on
11 numerous occasions.

12 Q. Did you do that during the 2000-2001
13 school year?

14 A. I did.

15 Q. Do you know how many parents you issued
16 books to in that process?

17 A. I really don't.

18 Q. Would you say it was 10?

19 A. No, not 10. Maybe three.

20 Q. And are you saying three each semester or
21 three total for the year?

22 A. Three total for the year.

23 I didn't do it for many of them -- for
24 that many people. Just certain parents that really
25 felt that they needed to get going. And I says,

1 getting a textbook back.

2 BY MS. LHAMON:

3 Q. Does there come a time in a semester when
4 you find out whether teachers have assigned
5 textbooks to their students?

6 A. We tried to -- we try to make sure that
7 everything is in place by the third week of a
8 semester. That's kind of an unwritten target date
9 that -- a three-week period of time, everybody
10 should be settled and have their textbooks,
11 approximately. So there's -- it's just kind of an
12 unwritten law.

13 Q. And do you personally get notification by
14 that third week of whether teachers have issued
15 textbooks to their students?

16 A. No, I don't have a process to go and ask
17 teachers if they -- I haven't.

18 Q. Okay. So do you know if teachers in fact
19 do issue textbooks by that third week in the
20 semester?

21 A. I don't have a process to ask teachers if
22 they issue textbooks, no, I don't. I don't know.
23 No, I don't know. I really don't.

24 Q. Okay. I'm going to go back to the parents
25 that you recall speaking to at the beginning of

1 "No problem, let me help you."

2 Q. Where did you go to get those textbooks
3 when you checked them out for the parents?

4 A. The textbook room. We have a textbook
5 room where we house textbooks.

6 Q. And how did you know which textbooks to
7 give to those parents?

8 A. They have the schedule and, you know, the
9 parents and the teachers pretty much know.

10 And sometime, you know, it may not be the
11 exact same textbook that the teacher used. But at
12 least it's a textbook, and they can get started to
13 learning on -- working on some of the concepts.
14 But the fact is that is an age-appropriate,
15 grade-appropriate book.

16 Q. Do you know if anyone in your
17 administrative staff finds out whether, by the
18 third week of school, teachers have assigned books
19 to their students?

20 MS. STRONG: Objection. Vague.

21 THE WITNESS: I have not actually
22 installed a policy for doing that. I think it's a
23 good idea.

24 BY MS. LHAMON:

25 Q. So for the 2000-2001 school year, there

1 wasn't anyone on the administrative staff who would
2 find out whether teachers actually assigned
3 textbooks to their students by the third week of a
4 given semester?

5 MR. FERNOW: Objection. Asked and
6 answered.

7 THE WITNESS: That's correct.

8 BY MS. LHAMON:

9 Q. You said you think that sounds like a good
10 idea to assign someone to find out.

11 A. Yes. I think it's a noteworthy idea, just
12 to check --

13 Q. Why would that be a good idea? I'm sorry,
14 I didn't mean to cut you off.

15 A. Just from your line of questioning.

16 Q. Could you tell me what about my line of
17 questioning made you think it would be a good idea?

18 A. I just feel like I should know.

19 Q. Okay. Have you heard from anyone else on
20 your administrative staff that the other people in
21 your administrative staff have spoken to parents
22 about whether their students have received
23 textbooks during the 2000-2001 school year?

24 MR. FERNOW: Objection. Vague.

25 THE WITNESS: No, I'm not. It hasn't been

1 they asked the teachers what books they have in the
2 class, and that they fill out forms and notify the
3 administration in the school about that.

4 MR. FERNOW: Join.

5 THE WITNESS: Would you repeat the
6 question.

7 BY MS. LHAMON:

8 Q. I asked you if you know if anyone on your
9 administrative staff conducts an inventory to find
10 out whether students have been assigned books in
11 their classes.

12 MR. FERNOW: Same objection.

13 THE WITNESS: No, I don't know of any.

14 BY MS. LHAMON:

15 Q. You've not assigned anyone to conduct such
16 an inventory?

17 A. No.

18 Q. And you've not asked anyone if they've
19 conducted such an inventory?

20 A. No.

21 (Recess.)

22 BY MS. LHAMON:

23 Q. To your knowledge, has there ever been a
24 classroom at Crenshaw, in the three years you have
25 been principal, in which a teacher could not assign

1 a discussion issue among other administrators.

2 BY MS. LHAMON:

3 Q. Do you know if anyone else on your
4 administrative staff has heard from students about
5 whether they received textbooks during the
6 2000-2001 school year?

7 A. I'm not -- no, I don't.

8 Q. Have you asked anyone on your
9 administrative staff about whether they heard from
10 students about whether they received textbooks?

11 A. No, I haven't. Administrators are capable
12 of handling those kind of decisions. They can
13 either go to the textbook room, find out what's
14 going on; they can step up the process. It's not
15 something that they would come and talk to me
16 about. They have the autonomy to solve those kind
17 of problems and issues.

18 Q. Does anyone -- let me strike that.

19 Do you know if anyone on your
20 administrative staff conducts inventory to find out
21 whether students have been assigned textbooks in
22 their classes?

23 MS. STRONG: Objection. Asked and
24 answered.

25 He's already testified to a process where

1 textbooks to students to take home because there
2 were not enough textbooks available at the school
3 for that teacher?

4 MS. STRONG: Asked and answered.

5 THE WITNESS: To my knowledge, were there
6 ever a situation where there were not enough
7 textbooks?

8 BY MS. LHAMON:

9 Q. For a teacher to be able to assign
10 textbooks for the student to take home.

11 A. I'm not sure. I'm not -- I don't
12 remember. I'm not sure.

13 Q. Okay. So it's possible that in the three
14 years that you have been principal at Crenshaw,
15 that there have been classes in which a teacher did
16 not have enough textbooks to be able to assign
17 books for the students to take home?

18 MR. FERNOW: Objection. Calls for
19 speculation. Vague and ambiguous.

20 THE WITNESS: There could have been
21 situations created that could cause that, yes.

22 BY MS. LHAMON:

23 Q. To your knowledge, has there ever been a
24 class at Crenshaw, during the three years that you
25 have been principal, during which students had to

1 share books in class because the teacher did not
 2 have enough books for the students in the class?
 3 MR. FERNOW: Objection. Asked and
 4 answered.
 5 MS. STRONG: Join.
 6 THE WITNESS: I'm not sure.
 7 BY MS. LHAMON:
 8 Q. So it's possible that students have had to
 9 share books, during the three years you have been
 10 principal at Crenshaw, because the teacher did not
 11 have enough books for the students in the class?
 12 MR. FERNOW: Objection. Vague.
 13 THE WITNESS: That's possible.
 14 BY MS. LHAMON:
 15 Q. To your knowledge, have there ever been
 16 any classrooms at Crenshaw, during the three years
 17 you have been principal, in which a student -- in
 18 which the students in the class didn't have any
 19 textbooks at all because the teacher didn't have
 20 enough books?
 21 A. No.
 22 MR. FERNOW: Objection. Vague.
 23 MS. STRONG: Asked and answered.
 24 BY MS. LHAMON:
 25 Q. No, that situation has not existed?

1 A. No, I'm not aware of any situation where
 2 they didn't have any textbooks at all.
 3 Q. Do you visit classrooms to determine
 4 whether students have enough books to use in class?
 5 A. No, I don't visit the classrooms to
 6 determine whether kids have enough books.
 7 Q. Do you visit classrooms for other
 8 purposes?
 9 A. Yes.
 10 MS. STRONG: Asked and answered.
 11 BY MS. LHAMON:
 12 Q. Do you observe whether students have books
 13 when you are in the classrooms?
 14 MR. FERNOW: Objection. Asked and
 15 answered.
 16 THE WITNESS: I do observe, yes. I
 17 observe whether students have books.
 18 BY MS. LHAMON:
 19 Q. When you say you do observe whether
 20 students have books, do you mean you observe in
 21 passing, or do you take notes of whether each
 22 student has a textbook?
 23 A. I observe in passing that books are being
 24 used.
 25 Q. Do you check for each student to see if

1 each student is using a book?
 2 A. No.
 3 Q. During the school year that just ended,
 4 the 2000-2001 school year, did you visit English
 5 classrooms?
 6 A. Yes.
 7 Q. Did you visit every English classroom at
 8 the school?
 9 A. No.
 10 Q. How about economics classrooms?
 11 A. Yes.
 12 Q. Did you visit every economics classroom at
 13 the school?
 14 A. No.
 15 Q. Is there any subject matter taught at the
 16 school in which you visited during the school year,
 17 2000-2001, every classroom teaching that subject
 18 matter at the school?
 19 MS. STRONG: Objection. Vague.
 20 MR. FERNOW: Join.
 21 THE WITNESS: I can't -- I can't think of
 22 maybe one that -- maybe every computer lab.
 23 BY MS. LHAMON:
 24 Q. Because there's three?
 25 A. I would say no, I can't think of any one

1 particular subject where I went to every classroom
 2 that taught that particular class.
 3 Q. Okay. Am I right that Mrs. Cannon is the
 4 assistant principal who is responsible on your
 5 administrative staff for overseeing textbooks at
 6 the school?
 7 A. That is correct.
 8 Q. Do you review district policies regarding
 9 textbooks, to be sure that Mrs. Cannon is complying
 10 with them?
 11 A. I review district policies to see if she's
 12 complying with them, in what sense? That she's
 13 ordering enough books or that she's following the
 14 guidelines and ordering books?
 15 Q. I mean in any sense. Do you --
 16 A. Yes.
 17 Q. And in which senses do you review the
 18 district policies?
 19 MR. FERNOW: Objection. Vague.
 20 THE WITNESS: To determine if she's
 21 ordering the books from the right funding source.
 22 And we discuss, is she filling out all the orders
 23 for the teachers. Is there enough money to buy all
 24 the books that's needed. And we have those
 25 discussions in staff meetings.

1 BY MS. LHAMON:

2 Q. And how do you go about reviewing whether
3 she is using the right sources of funds?

4 A. It's basically by her -- she gives her
5 report. She tells us how much money is in the
6 state textbook funds, what she's ordering, how much
7 money is left, what books are needed, what order
8 requests that she have.

9 And she makes a -- on our report on
10 textbooks, telling items that she's ordering to
11 cover damaged, lost or stolen, and new textbooks.

12 Q. And Mrs. Cannon makes these reports in
13 administrative staff meetings; is that right?

14 A. Yes.

15 Q. Does she make the reports to you in any
16 other context?

17 A. No. We may discuss any concerns that she
18 may be running into, if she's running into any
19 problems. She'll call -- all the discussions about
20 textbooks is not necessarily at a staff meeting.
21 It could be at a basketball game. It could be at a
22 football game. We communicate about issues and
23 concerns at the school.

24 Q. You take your work with you everywhere?

25 A. Yeah.

1 was coming out in, say -- and we were going to
2 order the new books for the following year, and
3 that's why that account was -- had the surplus
4 money in it. Those are the kinds of checks and
5 balances that we run, or I run.

6 Q. You have a pretty detailed review of
7 the -- of whether Mrs. Cannon is using the correct
8 budget source to purchase textbooks for Crenshaw?

9 A. Yes.

10 Q. Do you review district policies regarding
11 textbooks other than the policy for purchase -- for
12 the source of funds to purchase textbooks, to be
13 sure Mrs. Cannon is complying with those district
14 policies?

15 MS. STRONG: Objection. Vague.

16 MR. FERNOW: Join.

17 THE WITNESS: If you are talking about
18 district policies, and issuing textbooks -- I'm not
19 sure there's a district policy in issuing
20 textbooks. It's a district policy in purchasing
21 and in inventorying and collecting and what to
22 charge if a person loses a book.

23 But, yeah, we -- those policies are pretty
24 standard and have been around a long time.

25 BY MS. LHAMON:

1 Q. For the question whether -- strike that.
2 Do you gather your information about
3 whether Mrs. Cannon is using the correct sources of
4 funds to purchase textbooks, from any source other
5 than Mrs. Cannon?

6 A. Well, all budgets come across my desk. So
7 I know where the moneys are. And so we have a --
8 we're on-line. I can get a printout of budgets of
9 everybody at the school. And I monitor the
10 budgets.

11 Approximately once a month, I work with
12 the employee that does all the ordering, and I
13 examine and look at budgets. And I see what
14 purchase was made, how much overtime is paid from
15 here.

16 So it's a kind -- analyze -- analyzation
17 of the budgets. So I kind of know where we stand
18 and where this money is, so that -- from that
19 perspective.

20 And if I see large sums of money from the
21 textbook account, it may trigger me asking her, you
22 know, "What's the deal with this?"

23 An example, we were waiting for our
24 textbook to be on the state-adopted list, and we
25 couldn't spend those monies because the adoption

1 Q. What's your understanding of the
2 Los Angeles Unified School District's policy with
3 respect to availability of textbooks for students
4 at Crenshaw High School?

5 MS. STRONG: Objection. Asked and
6 answered.

7 THE WITNESS: My understanding is that
8 every student should have a textbook to take home.
9 And frankly, they don't care what you do to do
10 that. That's what they want. They want a book in
11 the core subjects for every kid to have a textbook
12 to take home with them, to issue a textbook to
13 every kid. And if you can't do that, then you need
14 to let them know. And the last couple of years,
15 that's what we have been doing.

16 BY MS. LHAMON:

17 Q. And when you say the last couple of years
18 that's what we have been doing, what do you mean by
19 that?

20 A. That we follow the district policies and
21 procedures.

22 Q. To let them know when you don't have
23 books?

24 A. Just to make sure that we purchased the
25 books that's needed.

1 Q. Okay. Do you rely on Mrs. Cannon to
2 follow the district's policies and procedures?

3 A. Yes, I do.

4 Q. Okay. And do you review Mrs. Cannon other
5 than to review whether she used the correct source
6 of funds to purchase the textbooks?

7 MS. STRONG: Objection. Vague.

8 THE WITNESS: We work together. I'm not
9 sure I know what you mean when you say I review or
10 Mrs. Cannon. I'm not sure what you mean by review.

11 Do I oversee her every move that she does
12 as it relates to textbooks? Or do we discuss it?
13 Or when there's problem arise, does she come and
14 talk to me? And the answer is that we communicate
15 about textbooks and textbook procedure.

16 BY MS. LHAMON:

17 Q. Okay. And when you say that you
18 communicate about textbooks and textbook
19 procedures, is that -- is that the most specific
20 that you could be about the way that you oversee or
21 review Mrs. Cannon with respect to textbooks?

22 MR. FERNOW: Objection. Asked and
23 answered.

24 MS. STRONG: And the question is vague.
25 He already said he doesn't understand what you mean

1 MR. FERNOW: Join.

2 THE WITNESS: I don't know. We have a
3 large book room and maybe we haven't needed the
4 space. We converted a shop into a textbook room,
5 so we have a lot of space. And maybe they are just
6 sitting on the shelves. I don't really know.

7 BY MS. LHAMON:

8 Q. Does the district have a policy with
9 respect to discarding outdated textbooks?

10 MR. FERNOW: Objection. Speculation.

11 THE WITNESS: They have a procedure that
12 you must use. But they don't tell you when you
13 have to throw them away or get rid of them, as far
14 as I know.

15 BY MS. LHAMON:

16 Q. Is it your belief that during the
17 2000-2001 school year -- strike that.

18 Did -- to your knowledge, did Crenshaw
19 students suffer a lack of textbooks during the
20 2000-2001 school year?

21 MS. STRONG: Objection. Asked and
22 answered.

23 MR. FERNOW: Vague and ambiguous.

24 THE WITNESS: Suffer a lack of textbooks?

25 MS. LHAMON: Yes.

1 by that.

2 THE WITNESS: I think in the process,
3 through the staff meetings and general
4 conversations, that's the way -- that's the two
5 ways that we communicate. And I'm aware of what's
6 happening with the textbook orders and the
7 procedures in following district policy.

8 BY MS. LHAMON:

9 Q. Okay. Do you review Mrs. Cannon's
10 decisions regarding outdated textbooks?

11 MS. STRONG: Objection. Vague.

12 THE WITNESS: Miss Cannon alone don't make
13 the decision on discarding outdated textbooks.

14 BY MS. LHAMON:

15 Q. Who else makes that decision?

16 A. That's a -- the district sends out a list
17 and a date and -- even though we keep books beyond
18 that date. And to be honest with you, we haven't
19 discarded any books that I'm aware of in the last
20 three years.

21 Q. Why is that it the school has not
22 discarded any books that you are aware of in the
23 last three years?

24 MS. STRONG: Objection. Sorry. Calls for
25 speculation.

1 THE WITNESS: Not to my knowledge.

2 BY MS. LHAMON:

3 Q. To your knowledge, were there any Crenshaw
4 High School students during the 2000-2001 school
5 year who did not have textbooks to use in their
6 classes?

7 MR. FERNOW: Objection. Vague and
8 ambiguous.

9 THE WITNESS: I don't -- I don't have the
10 knowledge of anyone not having textbooks to use in
11 the classroom.

12 BY MS. LHAMON:

13 Q. Is it possible -- strike that.

14 You stated on your first day of the
15 deposition that the school would order textbooks as
16 needed. How would you become aware of textbook
17 needs at the school?

18 MS. STRONG: Objection. Asked and
19 answered.

20 THE WITNESS: Through the request of the
21 teacher by the department chair. It's the
22 teacher's responsibility to request textbooks and
23 let us know how many textbooks they need. In
24 return, the department chair collects the order and
25 submits it to the assistant principal, who orders

1 the textbook.

2 And it's the teacher's responsibility to
3 teach children. And it's the teacher's
4 responsibility to issue the textbooks. And so a
5 professional such as the teacher would be expected
6 to at least request the materials that they need
7 and then to issue the books to the children. Then
8 that's the professionalism that is bestowed upon
9 the teacher.

10 BY MS. LHAMON:

11 Q. The information chain is that a teacher
12 tells the department chair that the teacher needs a
13 textbook. And then the department -- is that the
14 first link in the information chain about a need of
15 textbooks?

16 A. It certainly can go to the department
17 chair, or it can go straight to the assistant
18 principal. But we prefer and we encourage that
19 they go through the department chair so that we
20 don't order 35 books when we need 135.

21 So if they go to the chair, the chair
22 knows who else is teaching the same class, and so
23 that we can get -- if we are going to place an
24 order, we want to place all that -- we want to
25 place that order in bulk so that we'll get a better

1 compensation for being department chairs, above and
2 beyond what they would receive as regular teachers
3 at the school?

4 MS. STRONG: Objection. Calls for
5 speculation.

6 If you know.

7 THE WITNESS: Sometimes we are able to pay
8 the department chairs for training, staff training
9 rates, to prepare documents and prepare
10 presentations for the departments. But that's on
11 an as-needed and if-we-can-afford-it basis. But
12 there is not a set, standard amount of money that
13 just goes to the department chair just for the sake
14 of being a department chair.

15 BY MS. LHAMON:

16 Q. Okay. Were there any department chairs
17 during the 2000-2001 school year who received extra
18 compensation on the as-needed basis?

19 A. I would -- I will answer this question
20 with I don't absolutely know. But I would lean to
21 think that there would be.

22 Q. Okay. Would you lean to think that there
23 would be more than one department chair who
24 receives such extra compensation?

25 MS. STRONG: Objection. He doesn't know

1 price on the books.

2 Q. And how are the department chairs
3 selected?

4 A. They are selected by their peers.

5 Q. So other teachers in the department?

6 A. That's correct.

7 Q. Okay. And then do department chairs have
8 a reduced teaching load in comparison with other
9 teachers in the department?

10 A. Not anymore. Now, if within that
11 department they decide among themselves to take
12 extra kids in their classes to allow this person to
13 have a free period, then they may request that.
14 Very few departments and very few teachers agree to
15 do that.

16 Q. Are there any departments that do that
17 during the 2000-2001 school year?

18 A. No. But there is one case of where
19 teachers have agreed to take extra kids. And that
20 was for the chapter chair, they have a free period.
21 But not for the departments.

22 Q. When you say chapter chair, you mean UTLA
23 chapter chair?

24 A. That's correct.

25 Q. Do department chairs receive extra

1 whether they did it.

2 THE WITNESS: I'm not sure how many or if
3 any, but -- I should say I don't know.

4 BY MS. LHAMON:

5 Q. Okay. Could you tell me why you would
6 lean to think that there might have been at least
7 one?

8 A. Because we did a lot of staff development.
9 And that's a standard procedure. But the years run
10 together, so I -- I -- you know, I can't stand
11 right here and swear to it, and you go tell me to
12 bring a document and I can't find it, and it was
13 the year before. So I'd rather say I'm not sure.
14 Okay?

15 Q. Okay. Makes sense to me.

16 Are there -- strike that.

17 Has the school district, the Los Angeles
18 Unified School District, surveyed Crenshaw this
19 year to determine whether there are enough
20 textbooks for the students to use in class without
21 sharing?

22 MR. FERNOW: Objection. Speculation.

23 MS. STRONG: Objection. Vague.

24 THE WITNESS: No. The district haven't
25 surveyed.

1 BY MS. LHAMON:

2 Q. How do you -- go ahead. I didn't mean to
3 cut you off.

4 A. The district is us.

5 Q. I didn't understand that. What do you
6 mean?

7 A. I mean, we make up the district. If you
8 ask, did the district -- who is the district? Who
9 are you referring to as the district?

10 Q. Thank you for asking me to clarify. I
11 appreciate it.

12 I mean, did anyone employed at the
13 downtown Los Angeles School District office conduct
14 a survey of the availability of textbooks at
15 Crenshaw for 2000-2001 school year?

16 MR. FERNOW: I'll object as to vague.

17 MS. STRONG: Object to survey.

18 MR. FERNOW: Vague and calls for
19 speculation.

20 THE WITNESS: Not that I'm aware of.

21 BY MS. LHAMON:

22 Q. Did anyone employed by the Los Angeles
23 School District's downtown office ask you or anyone
24 on your staff to conduct a survey of the
25 availability of textbooks for the 2000-2001 school

1 MR. FERNOW: Join.

2 THE WITNESS: No one has requested a
3 survey. There's a directive from the district that
4 you are to do this.

5 BY MS. LHAMON:

6 Q. What's the directive from the district?

7 A. That you are to provide a textbook, core
8 subjects, for every kid.

9 Q. And so that's the district's policy about
10 textbooks?

11 MR. FERNOW: Objection. Asked and
12 answered.

13 THE WITNESS: Yes.

14 BY MS. LHAMON:

15 Q. But has anyone at the district asked you
16 to identify, or you or your staff to identify
17 whether every student actually receives a textbook
18 for the 2000-2001 school year?

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

21 MS. STRONG: Join.

22 THE WITNESS: They asked us to certify,
23 yes, that you have purchased a textbook, that you
24 have purchased a textbook for every child.

25 BY MS. LHAMON:

1 year at Crenshaw?

2 MR. FERNOW: Objection. Calls for
3 speculation, and it's vague.

4 MS. STRONG: Also objection. Asked and
5 answered, to the extent that this is going to what
6 Mr. Kiel has already testified to of the district
7 sending out --

8 MR. ROSENBAUM: You are going beyond an
9 objection. Don't coach.

10 MS. STRONG: That's my objection.

11 MR. ROSENBAUM: That's inappropriate.
12 That is inappropriate. You got your objection on
13 the record.

14 THE WITNESS: Okay. Has anyone from the
15 district requested -- came out to the school to --
16 I'm sorry. You have to repeat the question. I
17 forgot.

18 BY MS. LHAMON:

19 Q. I'm asking if anyone employed at the
20 downtown Los Angeles School District office has
21 asked you or anyone on your staff to conduct a
22 survey of the availability of textbooks at Crenshaw
23 High School for the 2000-2001 school year.

24 A. No one has --

25 MS. STRONG: Same objections.

1 Q. But no one at the district has asked you
2 to certify or to -- strike that.

3 No one at the district has asked you to
4 certify that every student actually receives a
5 textbook at Crenshaw for the 2000-2001 school year?

6 MR. FERNOW: Objection. Asked and
7 answered.

8 THE WITNESS: Okay. I promise me I'll
9 answer the question if I know how you want me to
10 answer it.

11 The district has not -- the district has
12 said, sign this line saying that you have purchased
13 a book and issued a book for every kid. Okay?
14 So -- and so that form, we have signed and said
15 that we have purchased a book and that we will
16 issue a book for every kid.

17 BY MS. LHAMON:

18 Q. And the line says you have purchased a
19 book and will issue a book for every kid.

20 A. We will purchase a book and issue a book
21 for every kid.

22 Q. Okay, thank you.

23 We talked earlier today whether
24 Mrs. Cannon uses the appropriate source of funds to
25 purchase textbooks for the schools. What are the

1 names of the categories of funds that a school
 2 could use to purchase textbooks?
 3 MR. FERNOW: Objection. Calls for
 4 speculation.
 5 If you know.
 6 MS. STRONG: Join.
 7 THE WITNESS: I don't know the budget
 8 numbers. I think 2111 is a state textbook account.
 9 I don't know. There are state textbook funds, and
 10 those are the only dollars that's mandated, and
 11 it's all you can do with those funds is buy
 12 textbooks.
 13 BY MS. LHAMON:
 14 Q. Okay. Are there any other sources of
 15 funds that Crenshaw received for the 2000-2001
 16 school year for textbooks?
 17 A. You can buy textbooks out of your
 18 instructional materials account. It won't go very
 19 far, but you try to use that for other things. But
 20 if there was just absolute necessity.
 21 And also, you could buy textbooks out of
 22 your gifted funds if you wanted to buy special
 23 textbooks for your gifted students. And if you
 24 wanted to buy resource books for your special ed
 25 kids, you could buy it out of special ed funds.

1 Title I, you cannot buy the regular textbook, but
 2 you can buy supplemental materials out of your
 3 Title I funds to support the textbook and the
 4 learning process.
 5 But you cannot buy -- you can't use the
 6 categorical funds to buy textbooks.
 7 Q. When you said that you could use the
 8 instructional materials account but it won't go
 9 very far, why won't it go very far?
 10 A. Well, it's not a whole lot of money in it.
 11 Well, I guess a whole lot for some people. About
 12 \$64,000. And \$64,000 to buy instructional
 13 materials won't go very far if you are going to buy
 14 a textbook that costs about 65 or \$70 per book. If
 15 you have to buy 300 textbooks, you wiped that
 16 instructional material account out. So it would
 17 have to be a real emergency to buy textbooks out of
 18 your instructional materials account.
 19 Q. Okay. Are there sources of private
 20 donations that Crenshaw received for textbooks for
 21 the 2000-2001 school year?
 22 MS. STRONG: Calls for speculation.
 23 MR. FERNOW: Join.
 24 THE WITNESS: Yes, we did. We received
 25 money.

1 BY MS. LHAMON:
 2 Q. What private donations did Crenshaw
 3 receive?
 4 A. The Steve Harvey Foundation made a
 5 donation of 35,000 for textbooks. And there was a
 6 couple other smaller checks that came in through
 7 the Steve Harvey -- as a result of Steve Harvey's
 8 program. And I don't know how much it adds up to,
 9 but it was somewhere in the neighborhood of 5- to
 10 7,000. So roughly \$40,000.
 11 Q. Were there any other private donations
 12 that Crenshaw received for textbooks in the
 13 2000-2001 school year? I'm done now.
 14 A. I can't recall any offhand. I can't think
 15 of any right now.
 16 Q. Did Crenshaw use up all of the money that
 17 the Steve Harvey Foundation and the other smaller
 18 checks donated to the school for the 2000-2001
 19 school year?
 20 MS. STRONG: Objection. Calls for
 21 speculation.
 22 MR. FERNOW: Join.
 23 THE WITNESS: No, it has not all been
 24 used. We are in the process of ordering for the
 25 next school year with some of those funds. I don't

1 know the total amount. We did use some.
 2 But we are also using some to ensure that
 3 we open the school year with all -- to fill those
 4 lost books that we know that, history have shown,
 5 that we lose at the end of the year. So we have
 6 that as a backup, to replace and replenish, to
 7 ensure that we have adequate books.
 8 BY MS. LHAMON:
 9 Q. Do you anticipate that the Steve Harvey
 10 Foundation will donate to Crenshaw for next year,
 11 for the 2000-2001 school year, for textbooks?
 12 MS. STRONG: Calls for speculation.
 13 MR. FERNOW: Join.
 14 THE WITNESS: I am truly speculating.
 15 MS. LHAMON: Don't do that.
 16 THE WITNESS: You want to withdraw your
 17 question?
 18 MS. STRONG: She doesn't want you to
 19 speculate.
 20 THE WITNESS: Okay. I don't know.
 21 BY MS. LHAMON:
 22 Q. Have you had any conversations with
 23 anybody at the Steve Harvey Foundation about
 24 whether they might donate again next year?
 25 A. I do know that they are -- Steve Harvey is

1 selling at Targets, and those dollars that go into
2 his foundation. And it's spelled out that those
3 dollars will go towards providing monies for
4 textbooks, but it doesn't necessarily say Crenshaw
5 High School. I don't know if it's going to come to
6 Crenshaw or Compton or go to Dorsey.

7 I don't -- so when I say that, I know they
8 are still raising money, but I don't know who will
9 get it or who will determine how it will be
10 distributed.

11 Q. Are there any private sources -- are there
12 any private sources of funds for textbooks that you
13 do anticipate receiving for the 2001-2002 school
14 year for Crenshaw?

15 MS. STRONG: Calls for speculation.

16 THE WITNESS: No, I don't know of any.

17 BY MS. LHAMON:

18 Q. Okay. The textbook -- of the funds that
19 you listed that were not private, that the school
20 can use for textbooks -- so you listed what you
21 think is the 2111 state textbook account, the
22 gifted funds, special education funds, and the IMA.
23 I'm excluding Title I for supplemental materials.

24 But for the other funds, are those set
25 figures every year, so you know what you are going

1 order and replace those books.

2 Right now we are counting books that we
3 have taken out. We cleaned out the lockers and we
4 collected all the books. We are in the process of
5 counting books now to see where we're short.

6 So instead of waiting, we can go right in
7 now and order books from that fund to replace and
8 restock those books that we know -- we don't
9 know -- that we anticipate that we lose every year.

10 BY MS. LHAMON:

11 Q. I appreciate that. And I'm just trying to
12 find out how you know that at Crenshaw the school
13 has used the funds for those purposes.

14 A. How do I know?

15 Q. Yes.

16 A. I think -- because I have signed at least
17 one purchase order, I think. I'm almost sure of
18 that.

19 Q. Okay. Without those funds from the Steve
20 Harvey Foundation and the checks that came in
21 through the Steve Harvey Foundation, what would
22 Crenshaw have done about the lost books?

23 MR. FERNOW: Objection --

24 MS. STRONG: Objection. Calls for
25 speculation.

1 to get next year?

2 A. Yes.

3 Q. Did it make a difference at Crenshaw for
4 the 2000-2001 school year to receive the privately
5 donated funds?

6 MS. STRONG: Objection. Vague and
7 ambiguous, and it calls for speculation.

8 MR. FERNOW: Join.

9 THE WITNESS: Yes, it made a difference.

10 BY MS. LHAMON:

11 Q. Why?

12 A. Because we were able to replace lost and
13 damaged, stolen textbooks, and we are now able to
14 do that again next year. So we hope that the
15 number of books lost won't be a factor in issuing
16 books in September. So, yes, it helped
17 tremendously.

18 Q. How do you know that it helped so
19 tremendously?

20 MR. FERNOW: Asked and answered.

21 THE WITNESS: How do I know? Because we
22 were able to purchase lost books -- some lost books
23 already, and some books that -- some supplementary
24 books that teachers wanted. We were able to
25 purchase some of those. And we are now able to

1 MR. FERNOW: Vague and ambiguous.

2 THE WITNESS: We would have reported to
3 the district that we don't have enough money to
4 purchase books. And they have a new policy now
5 where they will lend you money to ensure that you
6 have the books. And you just go deeper and deeper
7 in the hole.

8 So I don't know. I'm just thankful that
9 we have it. I'm not going to sit here and say that
10 that's not a problem. It is a problem. I know
11 books are getting more and more expensive, and
12 kids, you know, don't take care of the books and
13 don't turn them in. And we have to replace them.

14 So it's a major source of funds that --
15 just trying to put these books in the hands of kids
16 every year. It's just -- it's going to be an
17 effort on everybody's part to try to get them back,
18 to try to replace the ones that -- that's lost. So
19 it's a major task. Major undertaking.

20 It's not fair for you to show up and not
21 have a book. I understand that. But it's not fair
22 for you to lose the book and don't pay for it. I
23 don't know how you right all the wrongs in society.
24 We have a plan in place. And thanks to the
25 donations and to the assistance that -- we're going

1 to be okay in September.
 2 BY MS. LHAMON:
 3 Q. When you say we have a plan in place, are
 4 you referring to the current school year, or are
 5 you referring to a plan in general?
 6 A. I'm just referring to the current school
 7 year, with the additional funds that we have.
 8 Q. Okay. Would it be helpful for Crenshaw to
 9 receive extra textbook money?
 10 MS. STRONG: Objection.
 11 MR. FERNOW: Okay. Calls for speculation.
 12 Calls for an expert opinion.
 13 MS. STRONG: And also vague as to
 14 "helpful."
 15 MR. FERNOW: Join.
 16 THE WITNESS: I think extra funds
 17 certainly would help, but also those things that I
 18 talked about earlier, kids becoming aware and
 19 maintaining, protecting what we have. If we could
 20 protect what we have, and kids would take the pride
 21 in returning the books, that would help as well.
 22 So there is a number of ways that can help
 23 the situation. And whereas money makes it -- you
 24 know, money can help, but we need to do some other
 25 things, too. We need to work with parents. We

1 need to work with the community. We need to build
 2 that kind of caring within the community that --
 3 that's needed to protect these resources. We need
 4 to protect the resources that we have.
 5 We spend a lot, a lot of money on items
 6 that -- that's created by the constituents that we
 7 serve. And so -- does that generate shortages from
 8 time to time? Yes. And riding a hurricane and
 9 trying to make sure that every -- every door is
 10 locked, every book is ordered, every class is
 11 covered -- it's a difficult task.
 12 You asking me if more money would help.
 13 Yeah, more money would help ease that frustration
 14 and that desire to go out and -- almost go door to
 15 door and bang on the doors and ask for the books
 16 back. And then they move. Transit rate.
 17 So the situation that we serve, more money
 18 would help, yeah. But whose fault is it? I can't
 19 pinpoint it.
 20 BY MS. LHAMON:
 21 Q. Do you know if the state has any standards
 22 with respect to whether students receive textbooks
 23 at Crenshaw High School?
 24 MS. STRONG: Calls for speculation beyond
 25 yes or no. Vague as to "standards."

1 THE WITNESS: I know -- no, I don't know.
 2 I don't know. I know that they send us money and
 3 say, "Buy these books with it." Beyond that, I
 4 don't know. Right now I can't think of it if I do
 5 know it.
 6 MS. STRONG: Can we take a break for just
 7 a minute?
 8 (Recess.)
 9 BY MS. LHAMON:
 10 Q. Do you know how many economics classes are
 11 offered each year at Crenshaw?
 12 A. No, I really don't.
 13 Q. Do you know how many economics classes
 14 were offered during the 2000-2001 school year at
 15 Crenshaw?
 16 A. I don't know how many economics classes
 17 was offered. That's something that I don't just
 18 carry around. I can go check it, but I don't know
 19 that.
 20 Q. Okay. Is economics a required course at
 21 Crenshaw?
 22 A. Yes, it is.
 23 Q. And it's required for all students who go
 24 to Crenshaw, to graduate?
 25 A. It's required by all seniors. They take

1 it their senior year.
 2 Q. So a fourth of the students at the school,
 3 roughly, each year are taking economics at
 4 Crenshaw?
 5 A. I don't know. If you say so. It's the
 6 seniors -- the seniors have to take it to graduate.
 7 They don't all take it. They can take it at summer
 8 school. They can take it in concurrent enrollment.
 9 They can take it at the junior college.
 10 So to answer that question, not
 11 necessarily that they would take it at Crenshaw.
 12 Q. Okay. You testified earlier today that
 13 you don't expect Crenshaw is going to offer Math
 14 Investigations in the fall. Why don't you expect
 15 the school to offer Math Investigations in the
 16 fall?
 17 MS. STRONG: Asked and answered.
 18 THE WITNESS: Because the district has
 19 come out with a new math program, and they have
 20 asked -- they have not asked. They have directed
 21 us to implement the new math program, and it will
 22 be implemented in September.
 23 BY MS. LHAMON:
 24 Q. Math Investigations is not part of the new
 25 math program?

1 A. No.

2 Q. What were the math classes required for
3 graduation during the 2000-2001 school year?

4 MS. STRONG: Objection. Calls for
5 speculation.

6 THE WITNESS: You have to take two years
7 of math, no matter what. To graduate from
8 high school, you had to take two years of math.
9 And now kids, college-bound kids, of course they
10 take more. But to get a high school diploma, you
11 are required to take two years of math.

12 BY MS. LHAMON:

13 Q. It didn't matter which two years of math
14 it was, to graduate from high school?

15 A. Right, just to graduate from high school.

16 Q. For the 2001-2002 school year, it's also
17 not going to matter which two years of math you
18 take to graduate high school?

19 MR. FERNOW: Objection. Calls for
20 speculation.

21 MS. STRONG: Join.

22 THE WITNESS: I know they are going to use
23 the math, the algebra, for elective. I'm not sure
24 it's going to count as your required, because you
25 can't get algebra credit for it. You're just

1 know how many Math Investigation classes was
2 offered.

3 Q. How could I get the information? How easy
4 would it be to get?

5 A. Just a quick phone call, or certainly get
6 it off the board. It's no secret.

7 Q. If you could get it before Tuesday, before
8 we resume the deposition, I'd love that. And I'll
9 ask you again on Tuesday.

10 A. That's fine.

11 Q. Do teachers and staff have access to
12 photocopy machines at Crenshaw?

13 MR. FERNOW: Objection. Calls for
14 speculation.

15 MS. STRONG: Objection. Vague and
16 ambiguous.

17 THE WITNESS: Yes.

18 BY MS. LHAMON:

19 Q. Where are the photocopy machines they have
20 access to?

21 A. Well, we have four locations. One is in
22 the library. One is in the -- one is on the second
23 floor of B wing. There's two on the third floor.
24 The math department -- the science department have
25 one in the storeroom, so I -- there's a number of

1 getting -- you get credit, an elective credit, but
2 you won't get algebra credits for it.

3 So you will still have to have two years
4 of math. But those students who -- but everyone
5 have to take algebra. That's -- that's the new bar
6 that we're saying in Los Angeles Unified School
7 District.

8 BY MS. LHAMON:

9 Q. Do you know how many students 2001-2002
10 school year took Math Investigations?

11 A. I don't know.

12 Q. Do you know how many Math Investigation
13 classes were offered during the 2000-2001 school
14 year?

15 A. I really don't know. I don't know how
16 many.

17 Q. Was it more than one?

18 A. (No response from the witness.)

19 Q. Was it more than one?

20 A. I really don't know. I don't know. And
21 the reason -- well, I don't have to explain why I
22 don't know. I just don't know right now.

23 Q. Okay.

24 A. That's information that's really easy to
25 get, you know. But me standing right here, I don't

1 copy machines. So teachers have access to copy
2 machines.

3 Q. And are these copy machines that teachers
4 can just go use to make copies themselves, or --
5 are these copy machines the teachers can just go
6 use to make copies themselves?

7 A. Yes.

8 Q. Are there other copy machines on campus
9 that someone else uses on staff, that the teachers
10 can direct to make copies for them?

11 A. No.

12 Q. So --

13 A. Yes and no. There are other copy
14 machines; but, no, there's no one standing there to
15 make copies for teachers.

16 Q. Who uses the other copy machines?

17 A. Staff. Classified staff, nurse, deans,
18 coordinators.

19 MS. LHAMON: Mr. Kiel, I'm looking at my
20 watch. I see that it's 4:30, and you told me I had
21 15 minutes when we came back from the break. My
22 15 minutes are up. Shall we stop for today and
23 resume on Tuesday?

24 THE WITNESS: That's fine with me.

25 MS. STRONG: Let's make a stipulation on

1 the record.
 2 (Discussion off the record.)
 3 MS. STRONG: We can make the same
 4 stipulation that we made last time.
 5 MS. LHAMON: So stipulated.
 6 MR. FERNOW: So stipulated.
 7 MS. LHAMON: We can go off the record.
 8 * * *
 9 THE STIPULATION TAKEN FROM THE PRIOR
 10 DEPOSITION OF MR. KIEL, REPORTED ON
 11 MAY, 30, 2001 WAS AS FOLLOWS:
 12 "MR. FERNOW: Can you e-mail the
 13 transcript to me?
 14 "MS. STRONG: We've agreed off the record
 15 that we'll contact Jay Fernow to arrange
 16 a second day for this deposition.
 17 As to the stipulation, we've agreed that
 18 the deponent will have 15 days from the
 19 date of the transmittal letter from the
 20 court reporter to Jay Fernow.
 21 Jay Fernow will let us know of any
 22 changes that are made to the transcript.
 23 If no changes are made and if no
 24 signature is obtained within that amount
 25 of time, we will treat the transcript as

DECLARATION

1
 2
 3
 4 I hereby declare I am the deponent in the
 5 within matter; that I have read the foregoing
 6 deposition and know the contents thereof, and I
 7 declare that the same is true of my knowledge,
 8 except as to the matters which are therein stated
 9 upon my information or belief, and as to those
 10 matters, I believe it to be true.
 11 I declare under the penalties of perjury
 12 of the State of California that the foregoing is
 13 true and correct.
 14 Executed on the _____ day of
 15 _____, 2001.
 16 _____, California.
 17
 18
 19
 20
 21 _____
 22 WITNESS
 23
 24
 25

1 an original, complete signed copy. And
 2 there are no exhibits, so we don't have
 3 to worry about that.
 4 So stipulated?
 5 "MR. ROSENBAUM: That's acceptable.
 6 "MR. FERNOW: So stipulated.
 7 "THE REPORTER: Do you need a copy?
 8 "MS. LHAMON: Yes. And if you can do an
 9 e-mail copy for the draft."
 10
 11 (The deposition was recessed at 4:31 P.M.)
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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 12th day of
 20 July, 2001.
 21
 22 _____
 23 ASHALA TYLOR
 24 CSR No. 2436, RPR, CRR
 25