

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

3
4 ELIEZER WILLIAMS, et al.,) No. 312 236

5 Plaintiffs,)

6 v.)

7 STATE OF CALIFORNIA;)

8 DELAINE EASTIN, State)

9 Superintendent of Public)

10 Instruction; STATE)

11 DEPARTMENT OF EDUCATION;)

12 STATE BOARD OF EDUCATION,) VOLUME IV

13 Defendants.) Pages 685 - 796

14)

15
16
17 DEPOSITION OF:

18 TRAVIS KIEL

19 THURSDAY, JULY 19, 2001

20 9:25 A.M.

21
22 Reported by:

23 C. JANE HARMAN

24 CSR No. 5266

25

1 Deposition of TRAVIS KIEL, the witness,
2 taken on behalf of DEFENDANT STATE OF CALIFORNIA, at
3 9:25 A.M., THURSDAY, JULY 19, 2001, at 400 South
4 Hope Street, Fifteenth Floor, Los Angeles,
5 California, before c. jane harman, CSR No. 5266.

6
7 APPEARANCES OF COUNSEL

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1 INDEX
2 WITNESS EXAMINATION PAGE
3 TRAVIS KIEL
4 BY MS. LHAMON 690
5 BY MS. STRONG 769
6
7
8
9

10 INSTRUCTED NOT TO ANSWER
11 Page 759 Line 6
12
13
14
15

16 INFORMATION REQUESTED
17 (None)
18
19
20
21
22
23
24
25

1 EXHIBITS

2 No. Page Description
3 4 691 Textbook Certification form, 1 page
4 5 693 Map of Crenshaw High School, 1 page
5 6 770 Declaration of Valerie B. Shaw,
6 3 pages
7 7 786 Declaration of Margrit Cheeseboro,
8 2 pages
9
10
11
12
13
14
15
16
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21
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1 LOS ANGELES, CALIFORNIA
2 THURSDAY, JULY 19, 2001
3 9:25 A.M.

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5
6 TRAVIS KIEL,
7 having been first duly sworn, was
8 examined and testified further as follows:
9

10 EXAMINATION RESUMED

11
12 BY MS. LHAMON:

13 Q. And, Mr. Kiel, we just re-swore you because
14 we have a new court reporter here.

15 A. Okay.

16 Q. So good morning.

17 A. Good morning.

18 Q. Thank you for coming back today.

19 During your deposition on June 29th you
20 talked about a textbook certification form that the
21 district asks school principals, including you, to
22 sign off on each year.

23 Do you remember that?

24 A. Yes, I do.

25 MS. LHAMON: I'm going to mark on as

1 talked about this issue, we talked about some
2 substitute teachers. And I'm asking actually about
3 permanent teachers, so teachers who are hired at the
4 school to teach classes for the school year or
5 school semester.

6 And I'm asking whether there are any
7 of those teachers who teach classes outside the
8 subject area in which they have credentials or
9 certification.

10 MS. STRONG: Okay. Objection. Calls for
11 speculation and --

12 THE WITNESS: I can't think --

13 MR. FERNOW: And I'll join in that
14 objection as -- as to being vague.

15 THE WITNESS: I can't think of any
16 permanent teachers at this time.

17 BY MS. LHAMON:

18 Q. Okay. Do any of the Crenshaw teachers
19 teach classes in more than one department? So, for
20 example, teaching in history or in math, or in any
21 other two departments?

22 MS. STRONG: Calls for speculation.

23 THE WITNESS: I know that in ESL they may
24 teach in -- in more than one department. They could
25 teach English and then in the ESL department.

1 Exhibit 4 and show you the textbook certification
2 form from the district.

3 Exhibit 4 is Bates stamped on the bottom
4 DT-LA 01761.

5 (The document referred to was marked by the
6 Reporter as Deposition Exhibit 4 for identification
7 and is attached hereto.)

8 BY MS. LHAMON:

9 Q. Do you recognize Exhibit 4?

10 A. Yes, I do.

11 Q. Is that the certification form that you
12 were referring to in the deposition?

13 A. Yes, it is.

14 Q. Okay. Thank you. That's all I wanted to
15 know about it. I just wanted to make sure I had the
16 right form.

17 Does Crenshaw sometimes have permanent
18 teachers who are not substitutes teaching classes
19 outside the subject area in which they receive
20 certification?

21 MS. STRONG: Objection. Vague.

22 THE WITNESS: I'm sorry. I didn't quite
23 understand your question.

24 BY MS. LHAMON:

25 Q. Okay. I'm asking -- the last time when we

1 BY MS. LHAMON:

2 Q. Okay. And that's the only instance that
3 you can think of right now at Crenshaw in which that
4 would take place?

5 A. That's all I can think of right now.

6 Q. Okay. Thanks.

7 I'll mark as Exhibit 5 a campus map for
8 Crenshaw High School. And Exhibit 5 has no Bates
9 stamp.

10 At the top of the page it says in
11 handwriting "Crenshaw H.S. Restrooms, 2001" -- well,
12 I'm sorry, it does have a Bates stamp, DT-LA 08021.
13 It's midway through the page.

14 (The document referred to was marked by the
15 Reporter as Deposition Exhibit 5 for identification
16 and is attached hereto.)

17 BY MS. LHAMON:

18 Q. Do you recognize this campus map?

19 A. Yes, I do.

20 Q. Is this your handwriting on the map?

21 A. No, it's not.

22 Q. Do you know whose handwriting it is?

23 A. Yes.

24 Q. Who's is it?

25 A. Mr. Pozzo.

1 Q. And that's P O Z Z O?
 2 A. That's correct.
 3 Q. And he is the assistant principal, or one
 4 of them?
 5 A. That's correct.
 6 Q. Could you take a look at the map and see
 7 if it accurately reflects the female and male
 8 bathrooms on campus in Crenshaw.
 9 MR. FERNOW: Objection. Vague.
 10 Do you mean the location, or the size,
 11 or --
 12 MS. LHAMON: Oh, thank you.
 13 Q. I just mean the location. There are --
 14 there's some handwriting on the map that says
 15 "female" and "male," and I'm assuming that refers to
 16 the bathrooms on campus. And I'm asking -- well,
 17 first, does it refer to the bathrooms on campus, the
 18 handwriting?
 19 A. Yes, the handwriting refers to the
 20 bathrooms.
 21 Q. And does -- do the handwritten words
 22 "female" and "male" on the map accurately reflect
 23 the general location of the -- of the bathrooms on
 24 campus?
 25 A. Yes.

1 Q. Does it accurately reflect the number of
 2 female and male student bathrooms on campus?
 3 MS. STRONG: Objection. May call for
 4 speculation.
 5 THE WITNESS: Yes.
 6 BY MS. LHAMON:
 7 Q. And then is it correct that the words
 8 "female" and "male" on this map refer only to
 9 student bathrooms and not to faculty bathrooms?
 10 A. In some instances the faculty bathrooms and
 11 the student bathrooms are the same --
 12 Q. Okay.
 13 A. -- on the same floor, in the same area.
 14 You go through the door, it says -- it says
 15 "faculty" and then "students."
 16 Q. Okay.
 17 MS. STRONG: As a point of clarification,
 18 there are some "Fs" on here and I don't know -- were
 19 you just referring to female -- where it says
 20 "female" for the women's bathrooms as opposed to
 21 where it says "F"?
 22 MS. LHAMON: Well, the top of the map says
 23 "F, faculty."
 24 Q. Is that correct, that "F" is for faculty
 25 bathrooms only?

1 A. Right.
 2 Q. Mr. Kiel, could you tell me which of the
 3 bathrooms identified "female" and "male" on the map
 4 are bathrooms in which there is also a faculty
 5 bathroom if you enter through that door.
 6 And if you like, I'm going to give you
 7 a blue pen and you could write on that map those
 8 bathrooms.
 9 A. Yeah.
 10 Bathrooms that -- that is connecting
 11 students and faculty is usually the ones on the --
 12 in the hallways on the second and third floor in the
 13 200s and 300s.
 14 If you look on the -- what did you -- I'm
 15 sorry, what did you ask me to write on here? Just
 16 indicate?
 17 Q. I just want you to indicate that those are
 18 also faculty bathrooms.
 19 A. Okay.
 20 Q. In any bathroom where that was true.
 21 A. (Drawing.)
 22 Okay.
 23 Q. Thank you.
 24 And am I correct that you've marked all of
 25 the bathrooms -- all the student bathrooms on the

1 second and the third floors at Crenshaw as also
 2 faculty bathrooms?
 3 A. That's correct.
 4 Q. Okay. Thank you.
 5 Can I take my pen back from you?
 6 A. (Drawing.)
 7 Q. Oh, no.
 8 MR. FERNOW: Did you bring an extra pen?
 9 MS. LHAMON: I did.
 10 (Laughter.)
 11 THE WITNESS: (Handing.)
 12 BY MS. LHAMON:
 13 Q. Thank you.
 14 A. I'm sorry. There was one missing on the
 15 second floor. There was one bathroom missing on
 16 the second floor and I -- and I indicated it here
 17 (indicating).
 18 Q. There's -- so you've drawn another bathroom
 19 onto the map; is that correct?
 20 A. Yes.
 21 Q. And was that a faculty bathroom or a
 22 student bathroom?
 23 A. It's a combination.
 24 Q. Okay. So the second floor actually has
 25 three -- three bathrooms that -- each of which is

1 both faculty and student?
 2 A. Right.
 3 MR. FERNOW: Do you -- do you want him to
 4 indicate the male/female?
 5 MS. LHAMON: Yes.
 6 MR. FERNOW: And so it can be consistent
 7 with the other.
 8 MS. LHAMON: Yes, that would be great.
 9 MR. FERNOW: Okay. Why don't you do that.
 10 MS. LHAMON: Thank you.
 11 THE WITNESS: (Drawing.)
 12 Okay. So it was just on the "A" wing it
 13 was missing, that one was missing.
 14 BY MS. LHAMON:
 15 Q. Okay. Thank you.
 16 And there are no other bathrooms that are
 17 missing on campus?
 18 A. I don't see any.
 19 Q. Okay. Thanks.
 20 You testified during your last day of
 21 deposition that there are two bathrooms by the front
 22 entrance to the school and another two bathrooms by
 23 the lunch area that are always open at Crenshaw.
 24 Could you please mark on the map to show me which
 25 bathrooms are the bathrooms that are always open.

1 And I can give you my blue pen back.
 2 (Handing.)
 3 A. Okay.
 4 (Drawing.)
 5 Q. And you've drawn a circle around the
 6 bathrooms that are always open by the front
 7 entrance; is that correct?
 8 A. That is correct.
 9 Q. Thank you.
 10 And then could you also draw a circle
 11 around the bathrooms by the lunch area that are
 12 always open at Crenshaw.
 13 A. (Drawing.)
 14 Q. So now -- so that I understand you
 15 correctly, there's a -- there's a female and a male
 16 bathroom that's always open next to Thompson Hall by
 17 the lunch area?
 18 A. Yes.
 19 Q. Is that correct?
 20 And there's also one female and one male
 21 bathroom that's always open by the front entrance to
 22 the school that you've circled on the map?
 23 A. That's correct.
 24 Q. Okay. Thank you.
 25 Do you know how many stalls there are in

1 the girls' bathrooms that are always open?
 2 MS. STRONG: Calls for speculation.
 3 THE WITNESS: No. No, I don't.
 4 BY MS. LHAMON:
 5 Q. Okay. On the -- I believe you testified
 6 that there are about eight stalls in the open
 7 bathrooms. And I was unclear about whether you
 8 meant that that was a total number, or if that was a
 9 number in a particular bathroom.
 10 MR. FERNOW: Objection. Calls for
 11 speculation.
 12 THE WITNESS: I don't know whether --
 13 whether you're referring to both of the bathrooms
 14 or one of the bathrooms.
 15 BY MS. LHAMON:
 16 Q. I'm asking you, actually, if you know,
 17 how many stalls there are in any one of the four
 18 bathrooms that are always open on Crenshaw's campus.
 19 A. No, I don't.
 20 Q. Okay. And do you know how many total
 21 toilets there are in the four bathrooms that are
 22 always open?
 23 A. No.
 24 Q. Okay. Thank you.
 25 Other than the time that you told us about

1 during your first day of deposition when you heard
 2 that rats had come on campus when the city was
 3 trimming trees in the Crenshaw area, can you think
 4 of any other time when you've heard about rats being
 5 on the campus at Crenshaw?
 6 MS. STRONG: Objection. Asked and
 7 answered.
 8 THE WITNESS: No. No, I don't know of ...
 9 of any other situation with rats.
 10 BY MS. LHAMON:
 11 Q. Okay. And do you know of any other
 12 situation with mice?
 13 A. No.
 14 Q. Okay. Thank you.
 15 And you testified that if there were mice
 16 or rat infestation on campus, you would know about
 17 it; is that right?
 18 MS. STRONG: Objection. Misstates
 19 testimony.
 20 MR. FERNOW: Join.
 21 THE WITNESS: I don't remember saying that
 22 I would know about it. I would say that if it was
 23 reported to me -- it wouldn't necessarily be
 24 reported to me.
 25 /// //

1 BY MS. LHAMON:
 2 Q. Okay.
 3 Okay. Do you make it a point to check in
 4 with the plant manager about the presence of vermin
 5 on campus?
 6 A. Not just necessarily vermin, report with
 7 the -- I do meet with the plant manager and talk
 8 about the plant itself.
 9 Q. So about all of the duties that the plant
 10 manager has; is that correct?
 11 MR. FERNOW: Objection. Asked and
 12 answered.
 13 THE WITNESS: Yes.
 14 BY MS. LHAMON:
 15 Q. Has the plant manager had any conversations
 16 with you about the presence of vermin on campus
 17 during your time as principal at Crenshaw?
 18 MS. STRONG: Objection. Asked and
 19 answered, I believe.
 20 THE WITNESS: I don't recall any.
 21 BY MS. LHAMON:
 22 Q. Okay. Does an exterminator come to the
 23 school on a regular basis?
 24 A. No.
 25 MS. STRONG: Objection. Vague and

1 ambiguous.
 2 MR. FERNOW: And only if you know.
 3 BY MS. LHAMON:
 4 Q. And your answer was "no"; is that right?
 5 A. That's correct.
 6 Q. Does an exterminator come -- strike that.
 7 Do you know if anyone ever called an
 8 exterminator to come to the campus?
 9 A. Yes.
 10 Q. "Yes," you know, and "yes," they do, or ...
 11 A. Yes, I know, and yes, they do.
 12 Q. Do you know what the exterminator does when
 13 called to campus?
 14 MR. FERNOW: Objection. Vague.
 15 THE WITNESS: Well, it depends on what
 16 they're looking for. If they're looking for water
 17 bugs or fleas or ... they spray.
 18 BY MS. LHAMON:
 19 Q. Okay. So there's not a consistent
 20 thing that the exterminator would do every time
 21 the exterminator comes to campus?
 22 MR. FERNOW: Objection. Calls for
 23 speculation.
 24 MS. STRONG: Vague and ambiguous. And may
 25 misstate the prior testimony to the extent you're

1 trying to do that.
 2 MR. FERNOW: Join.
 3 BY MS. LHAMON:
 4 Q. You can answer.
 5 A. No.
 6 Q. Do you know what areas the exterminator
 7 serves on campus when the exterminator does come?
 8 MS. STRONG: Vague and ambiguous.
 9 MR. FERNOW: Join.
 10 THE WITNESS: Usually the areas that is
 11 requested by the plant manager, wherever there is a
 12 problem.
 13 BY MS. LHAMON:
 14 Q. Okay. Does the district offer Crenshaw any
 15 assistance with campus pest problems?
 16 MS. STRONG: Objection. Asked and
 17 answered.
 18 MR. FERNOW: And calls for speculation.
 19 THE WITNESS: We -- the district has its
 20 own maintenance and operations. And so when we
 21 request, I would consider that as support from the
 22 district.
 23 BY MS. LHAMON:
 24 Q. Because you're requesting it from the
 25 district?

1 A. Yes.
 2 Q. And it is the district who sends the
 3 exterminator to campus?
 4 MR. FERNOW: Objection. It calls for
 5 speculation.
 6 THE WITNESS: That's correct.
 7 BY MS. LHAMON:
 8 Q. The plant manager doesn't call the
 9 exterminator himself; is that correct?
 10 MS. STRONG: Objection. Vague and
 11 ambiguous -- is the exterminator the pest control
 12 service that Kiel identified in the prior
 13 deposition? It's vague and ambiguous as to what
 14 we're talking about here.
 15 MR. FERNOW: I think it's asked and
 16 answered, too, from May.
 17 BY MS. LHAMON:
 18 Q. You can answer.
 19 A. The plant manager requests from the
 20 operations any repairs or anything that warrants
 21 repairs, or pests or what ... control.
 22 Q. And "the operations" is the district
 23 operations; is that right?
 24 A. That's correct.
 25 Q. Okay. Thank you.

1 Does the state offer any assistance to
 2 Crenshaw with campus pest problems?
 3 MS. STRONG: Objection. Vague and
 4 ambiguous. Calls for speculation.
 5 MR. FERNOW: Join.
 6 THE WITNESS: I don't know if it's spelled
 7 out in that sense.
 8 MR. FERNOW: If you don't know --
 9 MS. LHAMON: The witness is answering just
 10 fine, you don't need to interrupt him.
 11 MR. FERNOW: He began his answer with "I
 12 don't know."
 13 MS. LHAMON: Okay. That's a fine answer.
 14 He said "I don't know." He can tell me that; that's
 15 his testimony.
 16 MS. STRONG: That's fine, but nobody wants
 17 him to speculate.
 18 BY MS. LHAMON:
 19 Q. And you understand that, Mr. Kiel?
 20 A. Yes.
 21 Q. Do you want to finish your answer.
 22 A. I'm just saying that I know the state gives
 23 funds to the district and I don't know if it's
 24 spelled out for pest control or -- or what.
 25 Q. Or for anything else?

1 A. Right.
 2 Q. Thanks.
 3 Does the state offer any guidance to
 4 schools about how to deal with pest control
 5 problems?
 6 MS. STRONG: Objection. Vague and
 7 ambiguous. Calls for speculation.
 8 MR. FERNOW: Join.
 9 THE WITNESS: Not that I know of.
 10 BY MS. LHAMON:
 11 Q. You haven't seen any?
 12 A. Not that I know of.
 13 Q. Okay. Thanks.
 14 Do all classes take place as Crenshaw
 15 in classrooms that were designed for classroom
 16 instruction?
 17 MS. STRONG: Okay. Vague and ambiguous.
 18 MR. FERNOW: Join.
 19 MS. STRONG: And calls for speculation.
 20 Kiel doesn't know what these classrooms were
 21 designed for, necessarily.
 22 THE WITNESS: All classes -- it's a wide
 23 range, PE classes or science classes or math
 24 classes. I'm not sure which classes you're
 25 referring to,

1 BY MS. LHAMON:
 2 Q. You're make a very good point. The PE
 3 classes probably don't take place in classrooms.
 4 Excluding the PE classes, do all the other
 5 classes at Crenshaw High School take place in
 6 classrooms? And by that I mean distinct from the
 7 cafeteria or auditorium, gymnasium, or some other
 8 facility like that.
 9 A. Yes, currently all the classes take place
 10 in the classroom.
 11 Q. And when you say "currently," are you
 12 referring to summer school, or are you referring to
 13 some other period of time?
 14 A. I'm referring to the school year, the
 15 previous school.
 16 Q. That ended, the 2000/2001 school year?
 17 A. Correct.
 18 Q. Okay. Thank you.
 19 Since you've have been at Crenshaw, have
 20 there been times when classes did not take place in
 21 classrooms? And I'm excluding the PE classes again.
 22 A. None that I recall.
 23 Q. Okay. So you don't recall any time where
 24 there was a class in the cafeteria or the gymnasium
 25 or the library or something like that?

1 MR. FERNOW: Objection. Asked and
 2 answered.
 3 THE WITNESS: Yes, I do.
 4 BY MS. LHAMON:
 5 Q. Okay.
 6 A. I do recall we did have a class meet in the
 7 library for about three weeks.
 8 Q. And when was that?
 9 A. That was in September.
 10 Q. Of the 2000/2001 school year?
 11 A. Yes.
 12 Q. And why was the class meeting in the
 13 library about three weeks then?
 14 A. We were waiting for the bungalows to be
 15 completed.
 16 Q. Do you know what class it was that met in
 17 the library?
 18 A. Yes.
 19 Q. What class was it?
 20 A. It was an English class.
 21 Q. And was it just one class, or it was one
 22 teacher's class, so it was five classes?
 23 A. One teacher.
 24 Q. So approximately five classes?
 25 A. Yes.

1 Q. And it was about three weeks -- the first
2 three weeks of the school year?
3 A. Right.
4 Q. And then after about three weeks a bungalow
5 came to campus and the students moved into that
6 bungalow?
7 A. That's correct.
8 Q. And they stayed in that bungalow for the
9 rest of the 2000/2001 school year?
10 MR. FERNOW: Objection. Speculation.
11 THE WITNESS: Yes, that's correct.
12 BY MS. LHAMON:
13 Q. Do you anticipate that all classes will
14 meet in classrooms for the entire 2001/2002 school
15 year?
16 A. Yes.
17 Q. Okay. Thanks.
18 Other than that class that was meeting --
19 or those five classes that were meeting in the
20 library for about three weeks at the beginning of
21 the 2000/2001 school year, can you think of any
22 other classes that met in a non classroom space
23 since you've been at Crenshaw?
24 A. No.
25 Q. Okay. Thank you.

1 Now I want to ask you a more specific
2 question. For classrooms that -- well, strike that.
3 Do all classes meet in classrooms that are
4 appropriately equipped for the type of instruction
5 to take place in the classroom?
6 And by that I'm asking about, for example,
7 the science classes always meet in laboratory rooms.
8 MS. STRONG: Objection. The question
9 actually as phrased is much broader than what you
10 made it specifically. It sounds like two questions.
11 Compound. And objection, vague and ambiguous as to
12 "appropriately equipped." And it may call for
13 speculation. It may call for expert testimony.
14 MR. FERNOW: Join.
15 BY MS. LHAMON:
16 Q. You can answer.
17 A. As far as I know, we have all the classes
18 aligned with the appropriate -- with the appropriate
19 classroom facility.
20 Q. Okay. So as far as you know, all science
21 classes are meeting in laboratory classrooms?
22 A. Yes.
23 Q. Okay. And has that been true the whole
24 time you've been principal at Crenshaw?
25 MS. STRONG: Objection. Vague and

1 ambiguous.
2 MR. FERNOW: Join.
3 And asked and answered.
4 THE WITNESS: I don't know.
5 BY MS. LHAMON:
6 Q. Okay. Are there any classes at Crenshaw or
7 have there been any classes at Crenshaw since you've
8 been principal for which there are more students
9 than seats in the classroom?
10 MS. STRONG: Objection. Asked and
11 answered.
12 MR. FERNOW: And vague and ambiguous.
13 THE WITNESS: I explained in the early
14 testimony that -- that at the beginning of the
15 school year there may be situations where the number
16 of students may exceed the number of seats, only for
17 a class period or a day, and then that is corrected.
18 BY MS. LHAMON:
19 Q. Okay.
20 A. Other than that, I know of no other.
21 Q. Situation like that?
22 A. That's correct.
23 Q. Okay. And do you check the classrooms
24 yourself to make sure that the situation with the
25 seats have been corrected?

1 MR. FERNOW: Objection. Asked and
2 answered.
3 THE WITNESS: No.
4 BY MS. LHAMON:
5 Q. Okay. You testified on your first day of
6 deposition that the Magnet courses at Crenshaw have
7 class size limits of 28 students; is that correct?
8 A. That's correct.
9 Q. Who sets that limit?
10 MS. STRONG: Objection. Calls for
11 speculation.
12 MR. FERNOW: Join.
13 THE WITNESS: I don't know who. It's --
14 it's written in a mandate or directions from the
15 district. And I can't think of a memo or the
16 bulletin number, but it is written.
17 BY MS. LHAMON:
18 Q. Okay. And it is something that comes from
19 the district?
20 A. Right.
21 Q. I should clarify. When you say it comes
22 from the district, does it come from the big
23 district or the sub district?
24 A. It's coming from the big district.
25 Q. Thanks.

1 MR. FERNOW: Can we take a break?
 2 MS. LHAMON: Sure.
 3 MR. FERNOW: Okay.
 4 (Conference held off the record
 5 between the witness and Mr. Fernow.)
 6 BY MS. LHAMON:
 7 Q. Does Crenshaw always adhere to the
 8 28-student limit in the Magnet courses?
 9 MR. FERNOW: Objection. Calls for
 10 speculation.
 11 MS. STRONG: Join.
 12 THE WITNESS: Yes.
 13 BY MS. LHAMON:
 14 Q. And for how long has that been true?
 15 MR. FERNOW: Objection. Calls for
 16 speculation.
 17 MS. STRONG: Vague and ambiguous.
 18 Overbroad.
 19 MR. FERNOW: Join.
 20 THE WITNESS: As far as I know, we follow
 21 the policy.
 22 BY MS. LHAMON:
 23 Q. So for the whole time you've been principal
 24 that's been true?
 25 A. That's correct.

1 Q. To your knowledge -- well, do you know
 2 if it was true during the time you were assistant
 3 principal, also?
 4 A. As far as I can recall, we've followed that
 5 guideline.
 6 Q. Thank you.
 7 You also testified on day one of your
 8 deposition that the average class size for grades
 9 10 through 12 is 33 students for one teacher.
 10 Is that correct?
 11 A. That's correct.
 12 Q. For how long has that been true?
 13 MS. STRONG: Objection. Calls for
 14 speculation.
 15 MR. FERNOW: Join.
 16 THE WITNESS: I'm not sure, but I remember
 17 the mandate coming down, reading a bulletin of some
 18 nature with the new norm -- new requirements for
 19 class size. And I don't remember exactly when and I
 20 don't know how long.
 21 BY MS. LHAMON:
 22 Q. Okay. And it came from the big district
 23 also, that norm?
 24 A. That's correct.
 25 Q. Okay. Is -- is that class size average,

1 the 33 students in a class for grades 10 through 12,
 2 is that also true for PE classes?
 3 MS. STRONG: Objection. Asked and
 4 answered.
 5 THE WITNESS: No, it's not true for PE
 6 classes. PE classes tend to run a little larger.
 7 BY MS. LHAMON:
 8 Q. Okay. And why is that?
 9 MR. FERNOW: Objection. Calls for
 10 speculation.
 11 MS. STRONG: Join.
 12 THE WITNESS: Because it's a physical
 13 activity and it doesn't require a desk and seats.
 14 And they go out and they perform -- perform -- they
 15 do exercises. And so I just know that the -- that
 16 the norm for PE classes is higher than 33.
 17 BY MS. LHAMON:
 18 Q. Okay. Do you know what the average PE
 19 class size at Crenshaw is?
 20 A. No, I don't.
 21 Q. Okay. Do you know what the size of the
 22 biggest class at Crenshaw during the 2000/2001
 23 school year was?
 24 MR. FERNOW: Objection. Vague and
 25 ambiguous.

1 THE WITNESS: No.
 2 BY MS. LHAMON:
 3 Q. Okay. Are there any classes for which you
 4 know the class size for the 2000/2001 school year at
 5 Crenshaw?
 6 A. Is there any particular class that I know
 7 personally --
 8 Q. Uh-huh.
 9 A. -- the class size?
 10 No.
 11 Q. Okay. You said on your first day that --
 12 and this is a quote -- "we would address any classes
 13 that's over 33 to one." What did you mean by
 14 "address"?
 15 A. Well, we try and balance the classes, and
 16 to make sure that the -- the classes are balanced
 17 at 33 to one. That's what I mean by addressing it,
 18 that we would move students around such that the
 19 classes would be 33 to one.
 20 Q. So you would make sure that there was no
 21 class that had more than 33 students; is that right?
 22 MS. STRONG: Objection. Misstates the
 23 testimony.
 24 MR. FERNOW: Join.
 25 MS. STRONG: And asked and answered. We've

1 been through this before.
 2 MR. FERNOW: Join.
 3 THE WITNESS: There's one clarification on
 4 33 to one, is that if you're a teacher, you have
 5 five classes. At one period you may have 30 kids,
 6 in another class you may have 34, but your average
 7 number for that day and for you as a teacher would
 8 be 33. If you added all your students together and
 9 divided it by five, it should come out to 33.
 10 MS. STRONG: I would just like to know,
 11 I think that the witness is getting somewhat
 12 frustrated because this is his fourth day of
 13 deposition and he's already explained this in
 14 detail. This is information that we covered
 15 explicitly during his first day or so of his
 16 deposition testimony.
 17 MS. LHAMON: And you shouldn't be
 18 testifying. And I don't see the witness becoming
 19 frustrated.
 20 Q. And if you do become frustrated, Mr. Kiel,
 21 I hope you'll tell me and we can address that --
 22 MS. STRONG: That's fine. I'm just trying
 23 to explain that this is covering ground that we've
 24 already covered and --
 25 MS. LHAMON: This is inappropriate,

1 Sabrina. And you've made your objections. Thank
 2 you.
 3 Q. I appreciate you clarifying what you meant
 4 about the 33 to one, and I would like to ask you a
 5 little bit more about what you mean about addressing
 6 the classes that are over 33 to one.
 7 You said that the school would balance the
 8 classes. That means that the school would balance
 9 the classes for a particular teacher to make sure
 10 that that teacher had an average of 33 to one
 11 students, is that correct, of that teacher's
 12 classes?
 13 MR. FERNOW: Objection. Misstates the
 14 testimony.
 15 MS. STRONG: And he's already answered the
 16 question for you.
 17 THE WITNESS: We try to balance all classes
 18 across the board for teachers that -- for classes
 19 that requires 33 to one.
 20 BY MS. LHAMON:
 21 Q. So you're not -- the attempt to balance is
 22 not an attempt to balance for a particular teacher,
 23 it's for all the classes at the school; is that
 24 correct?
 25 A. That's correct.

1 Q. Okay. Would "addressing" ever mean paying
 2 a teacher extra to teach extra students?
 3 A. That's true.
 4 Q. That has happened?
 5 A. Yes.
 6 Q. Did that happen during the 2000/2001 school
 7 year?
 8 A. Yes.
 9 Q. Do you know which classes that happened in?
 10 A. No, I don't.
 11 Q. How do you know that happened during the
 12 2000/2001 school year?
 13 A. We offered teachers auxiliary periods,
 14 auxiliary classes to teach on that conference
 15 period, so we opened up a class. And I happen to
 16 know that we had some auxiliary classes.
 17 Q. Thank you.
 18 You testified on the first day that usually
 19 the balancing process only takes two to three days.
 20 How many classes during the 2000/2001 school year
 21 took more than three days to balance?
 22 A. I don't know.
 23 MS. STRONG: Objection. Calls for
 24 speculation.
 25 THE WITNESS: I don't remember.

1 BY MS. LHAMON:
 2 Q. Okay. Do you visit classrooms at the
 3 beginning of each term to make sure that they have
 4 been balanced?
 5 A. I visit classrooms for a number of reasons,
 6 so ... I don't really walk in and count the kids.
 7 Q. Uh-huh. Okay. Thank you.
 8 Do you check with the school counselors to
 9 be sure that the classes have been balanced at the
 10 beginning of the school term?
 11 A. It is part of the discussion during staff
 12 meetings.
 13 Q. So the counselors would bring it up if
 14 the classrooms hadn't been balanced; is that how
 15 it works?
 16 A. That's correct.
 17 Q. Okay. Do you check with classroom teachers
 18 to be sure that their classes have been balanced at
 19 the beginning of the school term?
 20 A. No, they check with me.
 21 Q. And they come and tell you if they haven't
 22 been?
 23 A. That's correct.
 24 Q. Okay. Did that happen during the 2001 --
 25 I'm sorry, the 2000/2001 school year?

1 A. I can't remember.
 2 Q. Okay. You testified on your first day that
 3 "no one should have to stand in any school that I've
 4 acted as principal in. You just don't stand."
 5 Why is it important that students not be
 6 standing in class?
 7 MS. STRONG: And objection to the extent
 8 it's asking for anything more than Mr. Kiel's
 9 personal opinion testimony. Calls for speculation.
 10 Calls for expert testimony.
 11 MR. FERNOW: Join.
 12 THE WITNESS: I feel that the students
 13 should have a seat to sit down in if they're going
 14 to be instructed properly.
 15 BY MS. LHAMON:
 16 Q. And why is that important?
 17 MS. STRONG: Same objections.
 18 MR. FERNOW: Same -- join.
 19 THE WITNESS: Because it's difficult
 20 writing standing up.
 21 BY MS. LHAMON:
 22 Q. Okay. When you first heard the allegations
 23 in this case that students had to stand in classes
 24 at Crenshaw High School, did -- what did you do?
 25 MR. FERNOW: Objection. Vague and

1 A. Fees?
 2 Q. Uh-huh.
 3 A. School fees?
 4 I don't know. We don't collect many fees
 5 at public schools, so I'm not sure.
 6 Q. Okay. If I use the term to mean collecting
 7 fees or collecting money from students to be able
 8 to participate in school activities, including
 9 extracurricular activities, is that a workable
 10 definition for you?
 11 MS. STRONG: Objection. Incomplete
 12 hypothetical and vague and ambiguous.
 13 MR. FERNOW: Join.
 14 THE WITNESS: I'm not -- I can't think of
 15 where we collect fees.
 16 Well, I take that back. We collect fees
 17 for yearbooks and for caps and gowns. So we do
 18 collect fees for those seniors that are graduating.
 19 And we collect fees for kids who have lost books and
 20 pay their delinquent school fee or textbooks fees --
 21 MS. STRONG: I'm going to --
 22 THE WITNESS: -- not -- only if they lose
 23 the book.
 24 MS. STRONG: I would like to move to strike
 25 as nonresponsive.

1 ambiguous.
 2 MS. STRONG: Join.
 3 THE WITNESS: I don't remember what I
 4 did, but ... I certainly looked at our policy for
 5 balancing classes and for providing seats for
 6 students and teachers.
 7 BY MS. LHAMON:
 8 Q. And did you make any investigation about
 9 whether the students' allegations were accurate?
 10 A. Yes.
 11 Q. And how did you go about that?
 12 A. I just talked to the plant manager,
 13 talked to the assistant principal. I talked to the
 14 coordinator of the various programs to see if there
 15 had been numerous complaints about kids standing up.
 16 And I found that it wasn't.
 17 Q. Did you ask any students?
 18 A. No, I didn't ask any students.
 19 Q. Did you ask any teachers?
 20 A. I don't remember talking to any teachers
 21 about it.
 22 Q. Okay. Did you ask any parents?
 23 A. No, I definitely didn't ask any parents.
 24 Q. Okay. What do you understand the term
 25 "school fees," or "fees" to mean?

1 BY MS. LHAMON:
 2 Q. I will step back, then, and just tell you
 3 the way I use the term "school fees." And I would
 4 like to find out from you if that term works for
 5 you.
 6 I'm going to use the term "school fees" to
 7 mean collection of money from students by the school
 8 or any personnel at the school for participation in
 9 curricular or extracurricular activities.
 10 Will that definition work?
 11 MR. FERNOW: Objection. It's your
 12 definition, Counselor. You can use that definition
 13 if you want, but if it's going to work for him is
 14 not relevant.
 15 MS. STRONG: And same objections as
 16 previously.
 17 THE WITNESS: I don't have a problem with
 18 your definition.
 19 BY MS. LHAMON:
 20 Q. Thank you.
 21 Okay. Using that definition, does Crenshaw
 22 have a policy concerning charging fees to students?
 23 A. No.
 24 Q. There's no policy?
 25 A. No.

1 Q. Okay.

2 MS. STRONG: And objection. Vague and
3 ambiguous. Same objections as previously with
4 respect to the term "school fees."

5 MR. FERNOW: Join

6 BY MS. LHAMON:

7 Q. Do any Crenshaw teachers ask students to
8 pay fees to take classes?

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

11 THE WITNESS: I don't know of any.

12 BY MS. LHAMON:

13 Q. Would it be -- would you be upset as
14 principal if you found out that teachers did ask
15 students to pay fees to take classes?

16 MS. STRONG: Objection. Incomplete
17 hypothetical and calls for -- vague and ambiguous.

18 MR. FERNOW: Join.

19 THE WITNESS: Yes.

20 BY MS. LHAMON:

21 Q. And why is that?

22 A. I can't -- well, I just -- I don't know of
23 any cases in public school where we've charged kids
24 to take a class.

25 Q. Okay. And you don't think they should be

1 go to Africa. If you take the kids to the museum,
2 no, we don't ask kids to pay.

3 BY MS. LHAMON:

4 Q. Okay. I appreciate that clarification.

5 During the school year -- so not summer
6 school and not summertime, but during the regular
7 academic calendar at Crenshaw -- are students asked
8 to pay money to be able to take a field trip as part
9 of any of their classes?

10 MR. FERNOW: Objection. Vague and
11 ambiguous. Calls for speculation. He's already --
12 the problem is with the -- there is no definition of
13 "field trip." If you want to define "field trip"
14 for him so he can answer the question.

15 MS. STRONG: Join.

16 BY MS. LHAMON:

17 Q. You can answer.

18 A. I don't know of any.

19 Q. Okay. Do any Crenshaw staff ask students
20 to pay money to participate in extracurricular
21 activities?

22 MS. STRONG: Objection. Vague and
23 ambiguous.

24 MR. FERNOW: Join.

25 And was this asked and answered.

1 charging kids to take a class; is that right?

2 MS. STRONG: Objection. Calls for
3 speculation. And his personal opinion testimony is
4 not relevant.

5 THE WITNESS: No.

6 BY MS. LHAMON:

7 Q. Do any Crenshaw teachers ask students to
8 purchase materials for class?

9 MR. FERNOW: Objection. Vague and
10 ambiguous and calls for speculation.

11 MS. STRONG: Join.

12 THE WITNESS: I don't know.

13 BY MS. LHAMON:

14 Q. You don't know of any teachers who do,
15 though?

16 A. No.

17 Q. Okay. Does any Crenshaw staff ask students
18 to pay money to be able to take field trips?

19 MR. FERNOW: Same objection.

20 MS. STRONG: Join.

21 THE WITNESS: I'm not sure.

22 And when you say -- definition of field
23 trips, I'll just take a minute to clarify. Kids go
24 to Africa in the summer. Do we consider that a
25 field trip? Then they do have to pay some money to

1 THE WITNESS: There may be some clubs that
2 they have to buy their uniform, but they don't have
3 to pay to participate. But they are asked to
4 purchase their uniform to perform. To be a part of
5 the cheerleaders, for instance, they're asked to buy
6 their uniforms. And that's an option that the child
7 has, if they want to.

8 BY MS. LHAMON:

9 Q. And if the child doesn't want to, what
10 happens?

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

13 MS. STRONG: Join.

14 THE WITNESS: They don't have a uniform.

15 BY MS. LHAMON:

16 Q. But the child can still participate in the
17 activity?

18 MR. FERNOW: Objection. Calls for
19 speculation.

20 MS. STRONG: Join.

21 THE WITNESS: I don't know.

22 (Discussion held off the record.)

23 BY MS. LHAMON:

24 Q. What are the clubs that you're thinking of
25 when you say that there may be clubs that students

1 have to pay for a uniform?
 2 MS. STRONG: Objection. Vague and
 3 ambiguous.
 4 THE WITNESS: Cheerleaders and drill team,
 5 I do know of those two.
 6 BY MS. LHAMON:
 7 Q. And those two students (sic) are asked to
 8 pay for their uniforms; is that right?
 9 A. That's correct.
 10 Q. Do you know how much the uniforms cost for
 11 the cheerleaders?
 12 A. No, I don't.
 13 Q. Okay. Do you know how much the uniforms
 14 cost for the drill team?
 15 A. No.
 16 Q. Do you know if the students are asked to
 17 pay for band uniforms?
 18 A. No.
 19 Q. Okay. Do you know if students are asked to
 20 pay for any other uniforms for any other clubs?
 21 MR. FERNOW: Objection. Vague and
 22 ambiguous.
 23 THE WITNESS: I can't think of any right
 24 now.
 25 /// ///

1 BY MS. LHAMON:
 2 Q. Okay. Thanks.
 3 Does Crenshaw undergo an annual fiscal
 4 audit?
 5 MS. STRONG: Objection. Vague and
 6 ambiguous. Calls for speculation.
 7 MR. FERNOW: Join.
 8 THE WITNESS: No.
 9 BY MS. LHAMON:
 10 Q. Is there -- is there any fiscal audit at
 11 the school, whether annual or not?
 12 MS. STRONG: Objection. Vague and
 13 ambiguous.
 14 MR. FERNOW: Join.
 15 THE WITNESS: I'm not sure what you're
 16 referring to with your definition of physical.
 17 BY MS. LHAMON:
 18 Q. I'm sorry, I meant fiscal, F I S C A L. So
 19 a budgetary audit. So I'm glad you clarified it.
 20 A. Oh.
 21 MS. STRONG: Same objections.
 22 THE WITNESS: There's no annual.
 23 BY MS. LHAMON:
 24 Q. But there's a periodic fiscal audit?
 25 A. Periodic, yes.

1 Q. How -- does the fiscal audit occur on a
 2 regular basis?
 3 A. No.
 4 Q. Okay. So you have no way of knowing when
 5 the audit will take place?
 6 MR. FERNOW: Objection. Calls for
 7 speculation.
 8 MS. STRONG: Join.
 9 THE WITNESS: That's correct, I don't know
 10 when they're going to -- when the audits will take
 11 place.
 12 BY MS. LHAMON:
 13 Q. Okay. Is the audit performed by the
 14 district?
 15 MR. FERNOW: Same objection.
 16 MS. STRONG: Objection. Calls for
 17 speculation.
 18 THE WITNESS: Yes, district personnel.
 19 BY MS. LHAMON:
 20 Q. Okay. Are there any budgetary audits of
 21 Crenshaw High School separate from the audit by the
 22 district personnel?
 23 MS. STRONG: Objection. Vague and
 24 ambiguous. Calls for speculation.
 25 MR. FERNOW: Join.

1 THE WITNESS: Not that I know of at this
 2 time.
 3 BY MS. LHAMON:
 4 Q. Okay. Has there been a fiscal audit of
 5 Crenshaw High School since you've been principal?
 6 MS. STRONG: Objection. Vague and
 7 ambiguous.
 8 THE WITNESS: I'm not sure. I can't -- I
 9 don't remember.
 10 BY MS. LHAMON:
 11 Q. Okay. Has anyone from the state ever
 12 informed you that you were receiving income from
 13 inappropriate sources at Crenshaw High School?
 14 MS. STRONG: Objection. Vague and
 15 ambiguous. Calls for speculation.
 16 THE WITNESS: Not that I know of.
 17 BY MS. LHAMON:
 18 Q. And has anyone from the district ever
 19 informed you that you were receiving income from any
 20 inappropriate sources at Crenshaw High School?
 21 MS. STRONG: Same objections.
 22 MR. FERNOW: Join.
 23 THE WITNESS: Not that I recall.
 24 BY MS. LHAMON:
 25 Q. And when was the last time that Crenshaw

1 was reviewed as a part of the coordinated compliance
 2 review?
 3 MS. STRONG: Objection. Calls for
 4 speculation.
 5 THE WITNESS: This past school year.
 6 BY MS. LHAMON:
 7 Q. The 2000 to 2001 school year?
 8 A. That's correct.
 9 Q. Did you participate in the CCR review in
 10 any way?
 11 A. Yes.
 12 Q. How did you participate?
 13 A. Coordinating the findings, working with
 14 staff to put together the evidence for the state
 15 visit.
 16 Q. And "coordinating the findings" are you
 17 referring to written findings?
 18 A. Yes.
 19 Q. And are those the self review findings that
 20 Crenshaw did?
 21 A. Yes.
 22 Q. Okay. And was the 2000 to 2001 CCR review
 23 the self review, or was that the CCR's external
 24 review?
 25 MS. STRONG: Objection. Vague and

1 ambiguous.
 2 THE WITNESS: Yes.
 3 BY MS. LHAMON:
 4 Q. And what were those areas?
 5 A. Special ed.
 6 Q. And how -- how was special ed. identified
 7 as noncompliant in the self review?
 8 MS. STRONG: Objection. Calls for
 9 speculation.
 10 MR. FERNOW: I'll join.
 11 And it's vague and ambiguous.
 12 THE WITNESS: Maintaining IEPs. Some was
 13 overdue. That's -- that's all I can recall right
 14 now.
 15 BY MS. LHAMON:
 16 Q. Okay.
 17 A. That's been a long time.
 18 Q. And did the CCR review team also find
 19 Crenshaw noncompliant in the special education area?
 20 A. Yes.
 21 Q. Was it also in maintaining the IEPs?
 22 A. That's correct.
 23 Q. Has Crenshaw entered into a plan to correct
 24 that noncompliant issue?
 25 MS. STRONG: Objection. Vague and

1 ambiguous.
 2 THE WITNESS: I guess it was the actual
 3 visit from the state.
 4 BY MS. LHAMON:
 5 Q. Okay. So the -- does that mean that during
 6 the 1999/2000 school year, Crenshaw performed a self
 7 review in preparation for the CCR review by the
 8 state?
 9 A. That's correct.
 10 Q. Okay. Did you have any participation in
 11 the self review?
 12 A. Yes.
 13 Q. What did you do for the self review?
 14 MS. STRONG: Objection. Vague and
 15 ambiguous.
 16 MR. FERNOW: Join.
 17 MS. STRONG: Overbroad.
 18 THE WITNESS: We prepared data and looked
 19 at the information that others had prepared, and we
 20 assisted in writing the report for the state and the
 21 district.
 22 BY MS. LHAMON:
 23 Q. During the self review process, did
 24 Crenshaw identify any areas of noncompliance?
 25 MS. STRONG: Objection. Vague and

1 ambiguous.
 2 MR. FERNOW: Join.
 3 THE WITNESS: Yes, we have.
 4 And actually we have -- the visits have
 5 continued; they've been back out, and we have it
 6 down to one noncompliant item. I don't remember
 7 what it was, but we did remove -- we started out
 8 with 11 and I think it's down to one now.
 9 BY MS. LHAMON:
 10 Q. Were all the 11 noncompliant items in the
 11 areas of special education?
 12 A. Yes.
 13 Q. Okay. And you said that the CCR review
 14 team had been back out. When did -- when did they
 15 come back out?
 16 A. Just for the special ed. They were out
 17 in -- sometime in June.
 18 Q. Have you had any communications from the
 19 CCR review team since that visit in June?
 20 MS. STRONG: Objection. Vague and
 21 ambiguous. And calls -- vague and ambiguous. "You"
 22 Travis Kiel, or "you" Crenshaw?
 23 THE WITNESS: Yes, there was a written
 24 response to their visit. And I was explaining that
 25 they removed the noncompliance items and it's down

1 to one. And I don't remember exactly what that one
2 is.

3 BY MS. LHAMON:

4 Q. And that's a letter that you wrote to the
5 CCR review team, or that's a letter that they wrote
6 to you?

7 A. That's correct.

8 Q. Okay. Thanks.

9 MR. FERNOW: Objection. The previous
10 question was compound.

11 BY MS. LHAMON:

12 Q. All right. You shook your head "no" so
13 actually there were two questions. But to clear it
14 up, did you say "no" to my first question?

15 MS. STRONG: Vague and ambiguous.

16 BY MS. LHAMON:

17 Q. We could read it back and I can tell you
18 what the question was. I want to make sure you
19 know --

20 A. I don't know --

21 Q. -- otherwise I can give you a new question
22 to say "no" to.

23 A. I don't know what -- I don't know what the
24 question was.

25 MS. STRONG: I don't think any of us know

1 A. It was at the end of the year and we'll
2 start working on that in September.

3 Q. Has the CCR review team made Crenshaw
4 aware of what Crenshaw needs to do to resolve the
5 remaining noncompliant item?

6 A. Yes.

7 Q. And what is it that Crenshaw needs to do?

8 A. I just said I didn't read it. I mean --

9 Q. Oh.

10 A. -- I didn't go into details.

11 Q. Right.

12 A. I know I received it and I know that's
13 something in my in-basket that I have to deal with
14 in September, so I don't know -- I don't know the
15 details.

16 Q. Okay. Do you find the CCR review process
17 helpful?

18 MS. STRONG: Objection. Vague and
19 ambiguous. And to the extent it calls for anything
20 beyond Kiel's personal testimony, it's -- it may
21 call for expert testimony. And to the extent it's
22 calling for his personal testimony, it's irrelevant
23 to the case.

24 THE WITNESS: Yes.

25 ///

1 what the question was.

2 MS. LHAMON: Can you read it back.

3 (The record was read as follows:

4 Question: And that's a letter that
5 you wrote to the CCR review team, or
6 that's a letter that they wrote to
7 you?

8 Answer: That's correct.)

9 BY MS. LHAMON:

10 Q. So with respect to the question whether you
11 wrote a letter to the CCR review team identifying
12 one area of noncompliance only in the special
13 education area after the June visit, your answer was
14 "no"; is that right?

15 A. No, I didn't write them a letter.

16 Q. Thank you.

17 Okay. And they did write you a letter?

18 A. That is correct.

19 Q. Thank you.

20 Did that letter from the CCR review team
21 identifying one remaining noncompliant item identify
22 what Crenshaw needs to do to resolve that
23 noncompliant item?

24 A. I can't remember the details of the letter.

25 Q. Okay.

1 BY MS. LHAMON:

2 Q. Why do you find it helpful?

3 A. Well, I think it just allows us to take
4 a look at all the programs at the school and all
5 the -- all the pieces of the puzzle. You get to
6 look at all of the -- the whole school operation,
7 basically.

8 Q. Do you find the self review process in
9 preparation for the CCR review helpful?

10 A. The same. It calls -- it calls the same
11 attention to the school.

12 I mean, you take a look at the school
13 through the eyes of a review rather than just being
14 in the trenches working all the time. You kind of
15 step back and look at the total process of the
16 school and how it is functioning and it's run. So,
17 yes, I -- I think it's helpful. It's painful, but
18 it's helpful.

19 Q. Okay. Thanks.

20 Are there any other state review processes
21 that Crenshaw undergoes?

22 MS. STRONG: Objection. Calls for
23 speculation and vague and ambiguous.

24 MR. FERNOW: Join.

25 THE WITNESS: No, not that I know of and

1 can think of right now.
 2 BY MS. LHAMON:
 3 Q. Okay. Thanks.
 4 We talked about the school accountability
 5 report cards briefly last time. And I just wanted
 6 to ask you: Do you find the school accountability
 7 report card process helpful?
 8 MS. STRONG: Objection. Vague and
 9 ambiguous. And irrelevant to the case, his personal
 10 testimony on this issue.
 11 THE WITNESS: Not really.
 12 BY MS. LHAMON:
 13 Q. Why not?
 14 A. Well, it's more helpful to outsiders, it's
 15 not necessarily helpful to me. It lists a lot of
 16 facts about the school that -- that don't really
 17 help me as a principal, or as a person.
 18 Q. Okay. Do you consider it a useful tool
 19 for the community? Are those the "outsiders" that
 20 you're referring to?
 21 MR. FERNOW: Objection. Calls for
 22 speculation.
 23 MS. STRONG: Join.
 24 And vague and ambiguous.
 25 THE WITNESS: It's my personal feeling

1 paper about this case?
 2 A. Yes.
 3 Q. And what did you think of those articles?
 4 MR. FERNOW: Objection. Vague and
 5 ambiguous.
 6 MS. STRONG: And not relevant.
 7 MR. FERNOW: Join.
 8 THE WITNESS: I didn't think a lot of it
 9 had validity.
 10 BY MS. LHAMON:
 11 Q. A lot that was said about the case?
 12 A. Right.
 13 Q. Okay. Have you had any discussions with
 14 teachers or administrators at Crenshaw about this
 15 case?
 16 MR. FERNOW: Objection. Overbroad.
 17 Calls --
 18 MS. STRONG: With who? I'm sorry.
 19 MS. LHAMON: Teachers or administrators.
 20 MS. STRONG: Vague and ambiguous.
 21 MR. FERNOW: Vague and ambiguous.
 22 Thank you.
 23 THE WITNESS: Yes, I've had discussions
 24 with the administrators.
 25 /// //

1 and opinion is that I think it's helpful for the
 2 community.
 3 BY MS. LHAMON:
 4 Q. Okay. And why is that?
 5 A. Because it gives the data, the information
 6 about the school to help parents chose the school
 7 that they want to chose, that school or that
 8 program, or if they -- they get a feel for what's
 9 happening at the school. I think it gives you a
 10 pretty good picture of the school.
 11 Q. Okay. How did you first hear about this
 12 case?
 13 MR. FERNOW: And I want to object and
 14 instruct him not to answer as -- as to any
 15 conversations that he's -- that he's had with
 16 counsel.
 17 MS. LHAMON: Of course.
 18 MR. FERNOW: So ...
 19 BY MS. LHAMON:
 20 Q. Well, you can tell me if your first
 21 knowledge of the case was from counsel and then you
 22 can tell me any more details than that.
 23 A. I'm not sure if I got a subpoena or read it
 24 in the paper.
 25 Q. Okay. But you have read articles in the

1 BY MS. LHAMON:
 2 Q. With whom?
 3 A. Assistant principals.
 4 Q. With all of them?
 5 A. Yes.
 6 Q. Okay. And what did you talk about with
 7 them?
 8 MS. STRONG: Objection. Overbroad. Vague
 9 and ambiguous.
 10 THE WITNESS: To get all the information
 11 that we had to collect. And we discussed collecting
 12 the information.
 13 BY MS. LHAMON:
 14 Q. Okay. Did you follow up on the allegations
 15 about Crenshaw after you heard about this case?
 16 MS. STRONG: Objection --
 17 MR. FERNOW: Objection.
 18 MS. STRONG: -- vague and ambiguous.
 19 MR. FERNOW: Join.
 20 And asked and answered.
 21 THE WITNESS: I looked into some of the --
 22 some of the allegations.
 23 BY MS. LHAMON:
 24 Q. Which ones did you look into?
 25 A. The seats.

1 Q. Okay. Any others?

2 A. I think the rat -- the story came up at
3 that time, about the city cutting the trees, and ...
4 that's about it.

5 Q. So you investigated the seats in classes
6 and you investigated whether there were rats on
7 campus?

8 A. Yes.

9 Q. And did you investigate any of the other
10 conditions that the complaint alleges about Crenshaw
11 High School?

12 A. I really didn't have any of the other -- I
13 only had the ones -- the ones that I looked into. I
14 didn't find out about the other ones until we
15 started doing the deposition.

16 Q. Okay. And since we've been doing the
17 deposition, have you made any investigation about
18 the other conditions?

19 A. No.

20 Q. Okay.

21 MS. STRONG: Objection. Vague and
22 ambiguous as to the last question.

23 BY MS. LHAMON:

24 Q. After we filed this lawsuit, did you
25 receive any communication from anyone associated

1 BY MS. LHAMON:

2 Q. Thank you.

3 Do you ever communicate with anyone from
4 the State Department of Education about Crenshaw
5 High School?

6 MS. STRONG: Objection. Vague and
7 ambiguous and calls for speculation.

8 MR. FERNOW: Join.

9 And overbroad.

10 THE WITNESS: No,

11 BY MS. LHAMON:

12 Q. Do you ever communicate with anybody from
13 the State Board of Education regarding Crenshaw High
14 School?

15 MS. STRONG: Same objections.

16 MR. FERNOW: Same.

17 THE WITNESS: No.

18 BY MS. LHAMON:

19 Q. Do you ever communicate with anyone from
20 the State Superintendent of Public Instruction
21 regarding Crenshaw High School?

22 MS. STRONG: Same objections.

23 MR. FERNOW: Same.

24 THE WITNESS: No.

25 ///

///

1 with the State Board of Education regarding any of
2 the allegations concerning Crenshaw?

3 MS. STRONG: Objection. Calls for
4 speculation. And vague and ambiguous.

5 MR. FERNOW: Join.

6 THE WITNESS: I don't remember. I don't
7 think so.

8 BY MS. LHAMON:

9 Q. Okay. Did you receive any communication
10 from anyone at the California Department of
11 Education regarding the lawsuit?

12 MS. STRONG: Objection. Vague and
13 ambiguous. Calls for speculation and
14 attorney-client privilege to the -- well, actually
15 leave it at that. I withdraw that last part.

16 MR. FERNOW: I'll join -- join.

17 THE WITNESS: I don't think so.

18 BY MS. LHAMON:

19 Q. Okay. Did you receive any communication
20 from the State Superintendent of Public Instruction
21 regarding this lawsuit?

22 MS. STRONG: Objection. Calls for
23 speculation and vague and ambiguous.

24 THE WITNESS: I don't recall.

25 ///

///

1 BY MS. LHAMON:

2 Q. Why not?

3 MR. FERNOW: Objection. Overbroad. Vague
4 and ambiguous.

5 MS. STRONG: Yeah.

6 MR. FERNOW: I think that's ...

7 MS. STRONG: Join.

8 Vague and ambiguous. Calls for
9 speculation. And when you say "you," are you
10 referring to Crenshaw? I mean, Kiel doesn't know
11 what kind of communications Crenshaw has with the
12 district that maybe relates to the state or ...

13 Overbroad. Vague and ambiguous.

14 MR. FERNOW: And not relevant.

15 THE WITNESS: I follow the chain of
16 command. So I go to my superintendent about any
17 concerns that I may have and the superintendent in
18 turn deals with whomever, the state, federal, Pope.
19 I don't know.

20 BY MS. LHAMON:

21 Q. And your superintendent is the sub district
22 superintendent; is that right?

23 A. Yes.

24 Q. And who is that?

25 A. Renee Jackson.

1 Q. And she's new; is that right?
 2 A. Yeah.
 3 MS. STRONG: Objection. Vague and
 4 ambiguous.
 5 BY MS. LHAMON:
 6 Q. Okay. And before that, who was the
 7 superintendent at the sub district?
 8 A. We had cluster leaders at that time. That
 9 was Dr. Lawson.
 10 Q. And that's L A W S O N ?
 11 A. Right.
 12 Q. Thank you.
 13 Have you ever communicated a need for
 14 teachers to anyone at the state level?
 15 MS. STRONG: Objection. Vague and
 16 ambiguous and calls for speculation.
 17 THE WITNESS: No.
 18 BY MS. LHAMON:
 19 Q. Okay. Do you know if anyone on your staff
 20 has ever communicated a need for teachers to anyone
 21 at the state level?
 22 MS. STRONG: Objection. Vague and
 23 ambiguous and calls for speculation.
 24 THE WITNESS: Not that I know of.
 25 /// ///

1 BY MS. LHAMON:
 2 Q. Have you ever communicated a need for
 3 textbooks to anyone at the state level?
 4 MS. STRONG: Same objections.
 5 MR. FERNOW: Join.
 6 THE WITNESS: No.
 7 BY MS. LHAMON:
 8 Q. Do you know if anyone on your staff has
 9 ever communicated a need for textbooks to anyone at
 10 the state level?
 11 MS. STRONG: Same objections.
 12 MR. FERNOW: Join.
 13 THE WITNESS: No.
 14 BY MS. LHAMON:
 15 Q. What did you do to prepare for your
 16 deposition today?
 17 MR. FERNOW: Objection. Vague and
 18 ambiguous. And to the extent that it calls for
 19 attorney-client privilege, I'll instruct the client
 20 not to answer.
 21 BY MS. LHAMON:
 22 Q. You can answer to the extent it doesn't
 23 call for attorney-client privilege, though. So that
 24 means that you can't tell me what you may or may not
 25 have said to your counsel and what he may or may not

1 have said to you. But you can tell me if you've met
 2 with counsel and you can tell me anything else
 3 you've done to prepare.
 4 MS. STRONG: And I would like to make sure
 5 that you're asking just what he did to prepare for
 6 this deposition specifically.
 7 MS. LHAMON: That's right, that's right.
 8 THE WITNESS: (Inaudible.)
 9 MR. FERNOW: To the extent that we have
 10 had any conversations or it calls for revealing
 11 discussions that we have had, I'm going to instruct
 12 you not to answer the question.
 13 If --
 14 THE WITNESS: Okay.
 15 Yes, I did meet with -- with counsel.
 16 BY MS. LHAMON:
 17 Q. And when you say "counsel," you're
 18 referring to Mr. Fernow?
 19 A. And his firm, other members of his term.
 20 Q. Okay. How many meetings did you have to
 21 prepare for today's deposition with your counsel?
 22 A. None. For today, none.
 23 Q. Okay.
 24 Okay. How many meetings have you had with
 25 your counsel --

1 MR. FERNOW: We're well tuned.
 2 (Laughter.)
 3 BY MS. LHAMON:
 4 Q. How many meetings have you had with your
 5 counsel to prepare for any of the days of your
 6 deposition?
 7 A. One.
 8 Q. Okay. Did you talk to anyone other than
 9 your counsel in preparation for this deposition?
 10 A. Yes.
 11 Q. And who was that?
 12 A. I spoke with --
 13 MS. STRONG: And again, this is just in
 14 preparation for the deposition; is that correct?
 15 MS. LHAMON: That's correct.
 16 THE WITNESS: In preparation for the -- oh.
 17 Oh, in preparation of the deposition, no
 18 one but just my attorney.
 19 BY MS. LHAMON:
 20 Q. Okay. You didn't speak to any
 21 administrators at the school in preparation for
 22 the deposition?
 23 A. No.
 24 Q. You didn't talk to any kids in preparation
 25 for the deposition?

1 A. Absolutely not.
 2 Q. You didn't talk to anyone at
 3 O'Melveny & Myers in preparation for the deposition?
 4 A. No.
 5 Q. Okay. Have you discussed this case with
 6 anyone from O'Melveny & Myers?
 7 MS. STRONG: Objection. To the extent --
 8 MR. FERNOW: Right.
 9 MS. STRONG: You can go ahead.
 10 MR. FERNOW: To the extent that it calls
 11 for privileged information, I'll instruct him not to
 12 answer the question. But I think he can answer this
 13 question.
 14 MS. STRONG: Okay.
 15 THE WITNESS: Yes.
 16 BY MS. LHAMON:
 17 Q. Who at O'Melveny & Myers have you talked to
 18 about this case?
 19 A. Sabrina --
 20 MS. STRONG: Objection. You know, I think
 21 that this is actually privileged, protected
 22 information.
 23 MS. LHAMON: On what basis?
 24 MS. STRONG: It's confidential
 25 communications.

1 MS. LHAMON: Between whom and whom? You're
 2 not his counsel.
 3 MS. STRONG: Can we take a break? Let's go
 4 off the record.
 5 MS. LHAMON: You know, there is a question
 6 pending, actually. We can't take a break.
 7 MS. STRONG: We're going to take a break
 8 and go off the record.
 9 MS. LHAMON: We're not going to take a
 10 break when there's a question pending.
 11 MS. STRONG: Yes, we are, and you've done
 12 it before.
 13 MS. LHAMON: Not when there's a question
 14 pending, I have absolutely not taken a break.
 15 MS. STRONG: We're going off the record.
 16 MS. LHAMON: This is inappropriate. I
 17 have not done that. This is inappropriate behavior
 18 and we're not going off the record. You can leave
 19 the room, but we will stay on the record.
 20 MS. STRONG: No.
 21 MS. LHAMON: Absolutely not. This is my
 22 deposition; we are not taking a break when I have a
 23 question pending. If you have an objection to state
 24 on the record, you are free to state that objection.
 25 He's required to answer the question.

1 MS. STRONG: I think that this is protected
 2 information and I'd like to go off the record. We
 3 can discuss this off the record if you'd like --
 4 MS. LHAMON: You should tell me on what
 5 basis you think it's protected information --
 6 MS. STRONG: Confidential information.
 7 MS. LHAMON: You are not his client (sic).
 8 Information -- conversations that he has had with
 9 attorneys from O'Melveny & Myers are absolutely
 10 discoverable.
 11 MS. STRONG: Not if there is a basis to
 12 protect those conversations. And there's a --
 13 MS. LHAMON: Then you need to tell me what
 14 the basis is.
 15 MS. STRONG: Confidential information.
 16 MS. LHAMON: That's not a basis from
 17 excluding this information from this deposition.
 18 MR. FERNOW: The question pending, I
 19 believe he can answer.
 20 BY MS. LHAMON:
 21 Q. Then you should answer, Mr. Kiel.
 22 MR. FERNOW: Just the question pending.
 23 MS. STRONG: Okay.
 24 THE WITNESS: You know, I don't know the
 25 question.

1 BY MS. LHAMON:
 2 Q. The question was: Who at O'Melveny & Myers
 3 have you spoken to about this case?
 4 A. Sabrina.
 5 Q. And that's separate from your deposition
 6 testimony; is that correct?
 7 A. That's correct.
 8 Q. And that's Sabrina Strong; is that right?
 9 A. That's correct.
 10 Q. Have you spoken to anyone other
 11 than Sabrina Strong about this case, at
 12 O'Melveny & Myers?
 13 A. No.
 14 Q. Okay. And when did you talk to Sabrina
 15 Strong about this case?
 16 MS. STRONG: Excuse me. What's the
 17 question?
 18 MR. FERNOW: When.
 19 BY MS. LHAMON:
 20 Q. When did you talk to Sabrina Strong about
 21 this case?
 22 A. I'm not sure. I think it was in May. I
 23 think it was the month of May.
 24 Q. Of 2001?
 25 A. Yes.

1 Q. Okay. Was it an in-person meeting or on
2 the telephone?
3 A. It was an in-person meeting.
4 Q. Was anyone else present at that meeting?
5 A. Yes.
6 Q. Who else was present at the meeting?
7 A. An attorney from the firm that
8 represents -- that's representing me today.
9 Q. And who was that attorney?
10 A. Denise ...
11 Q. Godfrey?
12 A. Godfrey, yes.
13 Q. How long did that meeting last?
14 A. I can't remember. Maybe two hours,
15 approximately.
16 Q. And was the meeting here at O'Melveny's
17 offices?
18 A. No.
19 Q. Where was the meeting?
20 A. The district, 450 South Grand.
21 Q. Did you bring any documents to that
22 meeting?
23 A. No.
24 Q. Did you receive any documents at that
25 meeting?

1 A. I don't remember.
2 MR. FERNOW: You know -- okay.
3 THE WITNESS: I don't remember whether I
4 received any documents or not.
5 BY MS. LHAMON:
6 Q. Okay. What did you discuss at that
7 meeting.
8 MR. FERNOW: Okay. I'll object and
9 instruct the client not to answer. The -- the
10 content of the meeting is privileged as settlement
11 negotiations.
12 MS. LHAMON: And that's absolutely not
13 privileged in terms of discovery.
14 MR. FERNOW: Okay.
15 MS. LHAMON: It's discoverable information
16 and I'm entitled to ask about it.
17 Q. And you are required to answer.
18 MR. FERNOW: Okay. He's not required to --
19 Okay. I'm going to object and instruct him
20 not to answer the question. We can go round and
21 round about this, but he's not going to answer that
22 question. I'm going to continue to instruct him not
23 to answer the question.
24 MS. LHAMON: And I'm asking what's your
25 basis.

1 MR. FERNOW: And I've told you our basis,
2 that it was part of settlement negotiations.
3 MS. LHAMON: And as you know, settlement
4 negotiations are discoverable and it's not
5 appropriate to --
6 MR. FERNOW: I don't --
7 MS. STRONG: He's stated his basis for the
8 objection and the instruction. I don't know why
9 we're continuing on this. We're wasting time on
10 this, Counsel.
11 MS. LHAMON: You're going to risk Mr. Kiel
12 having to come back. This is information I'm
13 absolutely entitled to have. I'm trying to protect
14 Mr. Kiel's time.
15 MR. FERNOW: Okay. Well, you --
16 MS. STRONG: You've made your objection.
17 MR. FERNOW: I've made my objection, we can
18 move on.
19 BY MS. LHAMON:
20 Q. Okay. Mr. Kiel, you understand there's a
21 virtual certainty that you're going to have to come
22 back to this deposition.
23 Do you understand that?
24 MR. FERNOW: That's not appropriate.
25 MS. STRONG: Please do not try and

1 intimidate the witness --
2 MR. FERNOW: Right, exactly.
3 MS. STRONG: -- that's completely
4 inappropriate.
5 BY MS. LHAMON:
6 Q. I'm not trying to intimidate you,
7 Mr. Kiel --
8 MR. FERNOW: You absolutely are.
9 MS. LHAMON: I'm absolutely not.
10 MR. FERNOW: You are, too.
11 MS. LHAMON: You are preventing the witness
12 from answering questions that I am entitled to have
13 answers to.
14 MR. FERNOW: You believe that you're
15 entitled to have the answer --
16 MS. LHAMON: The case law says I'm entitled
17 to have the answer.
18 MR. FERNOW: Then deal with it later, but
19 don't imply to the witness and try to intimate him
20 and threaten that he has to come back because we
21 don't agree with that position.
22 MS. LHAMON: Well, I'm not implying, I'm
23 stating.
24 Q. There's a virtual certainty that you'll
25 have to come back; I want to know if you understand

1 that, Mr. Kiel.
 2 A. I understand that I may have to come back
 3 anyway.
 4 MS. LHAMON: So that I'm clear, Mr. Fernow,
 5 are you going to instruct Mr. Kiel not to answer any
 6 questions in this line?
 7 MR. FERNOW: Well, that's too broad.
 8 Any questions regarding the content of those
 9 discussions, we will object and instruct the witness
 10 not to answer.
 11 MS. LHAMON: Okay.
 12 Q. Mr. Kiel, have you given a declaration to
 13 anyone in this case?
 14 MR. FERNOW: Objection. Vague and
 15 ambiguous.
 16 BY MS. LHAMON:
 17 Q. Do you know what a declaration is?
 18 A. No.
 19 Q. Okay. A declaration is a document that's
 20 signed and it is a statement from you and it's
 21 declared under penalty of perjury of things that you
 22 believe to be true.
 23 Have you signed any such document in this
 24 case?
 25 A. No, I haven't.

1 Q. Have you given any documents to anyone at
 2 O'Melveny & Myers relevant to this case?
 3 A. No. I didn't give anything to
 4 O'Melveny & Myers. I --
 5 MR. FERNOW: You've answered the question.
 6 THE WITNESS: No
 7 BY MS. LHAMON:
 8 Q. Okay. Thank you.
 9 Do you intend to come back to Crenshaw next
 10 year as principal?
 11 A. No.
 12 Q. You don't?
 13 Where will you be -- will you continue to
 14 be working next year?
 15 A. Yes.
 16 Q. Will you be a principal at another school?
 17 A. It's a possibility. I'm applying for a
 18 number of positions, but it's a possibility that I
 19 will be at another school.
 20 Q. Okay. Have you -- are the other positions
 21 you are applying for, are they all principal
 22 positions?
 23 A. No.
 24 Q. What else are you applying for?
 25 A. Director of instruction for secondary

1 schools.
 2 Q. Okay. Within the district?
 3 A. Yes.
 4 Q. How come you're not coming back to Crenshaw
 5 next year?
 6 MS. STRONG: Objection. Irrelevant. We're
 7 wasting the witness's time.
 8 MR. FERNOW: I join.
 9 THE WITNESS: I don't -- I was ...
 10 You know, it was a transfer. The
 11 superintendent transferred a number of principals
 12 in the local district, and so I was one of the
 13 individuals transferred.
 14 BY MS. LHAMON:
 15 Q. And that's -- the superintendent is Renee
 16 Jackson; is that right?
 17 A. That's correct.
 18 Q. Okay. And did Ms. Jackson tell you where
 19 she's transferring you to?
 20 A. Yes.
 21 Q. And where is she transferring you to?
 22 A. Bret Harte.
 23 Q. I'm sorry?
 24 A. Bret Harte.
 25 Q. And that would be as principal?

1 A. Yes.
 2 Q. And you haven't yet accepted that transfer;
 3 is that right?
 4 A. Yes, I have accepted it.
 5 Q. And in addition, you are applying for other
 6 jobs?
 7 A. Yes.
 8 Q. When did you receive the transfer from
 9 Ms. Jackson?
 10 MR. FERNOW: Objection. I'll -- it's not
 11 relevant to this --
 12 MS. STRONG: I'm going to object to this
 13 whole line of questions as just being irrelevant to
 14 the case, overbroad, and wasting the witness's time
 15 on his fourth day of deposition.
 16 MR. FERNOW: Join.
 17 BY MS. LHAMON:
 18 Q. You can answer.
 19 A. At the conclusion of the school year,
 20 June the 22nd.
 21 Q. That's -- that was the day that you
 22 received the transfer notice?
 23 A. Yes.
 24 Q. Had you -- did you know before then that
 25 you were going to be transferred, or was that the

1 first you heard that you were being transferred?

2 A. Well, she had stated that she was making a
3 number of changes in the district, in her local
4 district, and that there was a possibility that a
5 number of people would be transferred. But she
6 didn't tell me specifically that I was transferred
7 until that time.

8 Q. Okay. Did she tell you why she was
9 transferring you away from Crenshaw?

10 MS. STRONG: Objection. Calls for
11 speculation beyond just the "yes" or "no" answer.

12 THE WITNESS: I'm not a -- she mentioned
13 something about the years of service at a school and
14 she wanted to take a new look at -- take a new
15 direction in her district. So I don't -- she didn't
16 really give me any solid ABC reasons as to why.

17 BY MS. LHAMON:

18 Q. And that's something that she said to you
19 orally?

20 A. Yeah, that's what she said to me.

21 Q. Did the transfer notice indicate any
22 reasons for the transfer?

23 A. No. It was a verbal, it's not a written.

24 Q. Oh, it isn't?

25 A. No.

1 Q. Okay. And have you received any written
2 transfer notice?

3 A. No.

4 Q. Okay. Have you ever -- have you received
5 any written documentation about becoming principal
6 at Bret Harte?

7 A. Nothing written.

8 Q. Have you discussed your leaving with
9 anyone?

10 MS. STRONG: Objection. Vague and
11 ambiguous. And again --

12 MR. FERNOW: Totally irrelevant.

13 MS. STRONG: -- just wasting everyone's
14 time.

15 THE WITNESS: My family.

16 BY MS. LHAMON:

17 Q. Anyone else?

18 MS. STRONG: Same objections.

19 THE WITNESS: Staff members.

20 BY MS. LHAMON:

21 Q. What did you say to staff members?

22 MR. FERNOW: Objection. Irrelevant. Way
23 beyond the scope of what this case is about or the
24 allegations that have been made thereon.

25 THE WITNESS: Yeah.

1 MS. STRONG: Join.

2 THE WITNESS: That I'm being transferred.

3 BY MS. LHAMON:

4 Q. Did anyone say anything to you about it?

5 MS. STRONG: Objection. Vague and
6 ambiguous. And same objections as to wasting the
7 witness's time.

8 MR. FERNOW: Join.

9 THE WITNESS: A lot of people asked why.

10 BY MS. LHAMON:

11 Q. What do you say to them?

12 MS. STRONG: Same objections.

13 MR. FERNOW: Objection.

14 BY MS. LHAMON:

15 Q. I'm sorry, what did you say?

16 A. I don't truly know.

17 Q. That's what you said to them, or you don't
18 truly know?

19 A. That's what I tell them.

20 Q. Okay.

21 A. Yeah.

22 Some of them -- nothing. Don't write that.

23 MS. LHAMON: Okay. Well, that's all the

24 questions I have for today. I can't close this

25 deposition because I haven't finished receiving

1 documents from the school district. But for the
2 time being, that's all the deposition -- that's all
3 the questions I have.

4 MS. STRONG: I would like to take a break.
5 (Recess taken from 10:40 to 11:00.)

6 FURTHER EXAMINATION

7
8
9 BY MS. STRONG:

10 Q. What is it, good morning, good afternoon,
11 Mr. Kiel?

12 A. Yeah.

13 Oh, here's your pen. (Handing.)

14 Q. The blue pen.

15 I just have a few follow-up questions for
16 you.

17 A. Okay.

18 MS. STRONG: I would like to mark as -- I'm
19 sorry, just to go over as a point of clarification.

20 Is there any reason why you're unable to give your
21 best testimony here today?

22 A. No.

23 Q. No, okay.

24 You haven't taken any medication or alcohol
25 or any other substance that would affect your

1 ability to testify or give competent answers to the
 2 questions I'm asking you today?
 3 A. No, I haven't.
 4 MS. STRONG: Okay. Are we on Exhibit 6?
 5 THE REPORTER: Yes.
 6 MS. STRONG: Okay. I would like to mark
 7 as Exhibit 6 what appears to be a declaration of
 8 Valerie B. Shaw with plaintiffs' Bate stamp numbers
 9 01987 through 01989.
 10 (The document referred to was marked by the
 11 Reporter as Deposition Exhibit 6 for identification
 12 and is attached hereto.)
 13 BY MS. STRONG:
 14 Q. Mr. Kiel, do you know a Valerie B. Shaw?
 15 A. Yes, I do.
 16 Q. And how do you know Ms. Shaw?
 17 A. She was a teacher at Crenshaw in the
 18 '99/2000 school year.
 19 Q. Do you know if she taught for any other
 20 time period at Crenshaw other than the '99/2000
 21 school year?
 22 A. No, she didn't, because I think I
 23 interviewed her. I was on the panel that
 24 interviewed her, yes.
 25 Q. Okay. Do you know what class or classes

1 A. No, I don't.
 2 Q. And why is it that you do not believe that
 3 those statements are accurate?
 4 A. Well, in English classes we use the core
 5 literature, we use literature as the guiding force
 6 for teaching English. And we have a number, a
 7 number, of novels and short stories that would have
 8 been used by this teacher if she followed the -- the
 9 normal procedure of teaching English. And so she
 10 would have short stories and novels to send home
 11 with students if need be.
 12 Q. Okay. So it's your understanding during
 13 the 1999/2000 school year that there were more than
 14 sufficient books to accommodate the students in
 15 Ms. Shaw's English classes; is that correct?
 16 A. That's correct.
 17 Q. Do you remember ever receiving a request
 18 from Ms. Shaw for additional textbooks at any time
 19 during the 1999/2000 school year?
 20 A. No, I don't. I did not.
 21 Q. You did not receive a request from her; is
 22 that correct?
 23 A. I do not remember receiving a request from
 24 her --
 25 Q. And --

1 Ms. Shaw taught during the 1999/2000 school year?
 2 A. Yes. She taught English.
 3 Q. Okay. And do you know how many classes of
 4 English she taught during the year?
 5 A. Five, I'm sure.
 6 Q. Okay. You don't know one way or the other,
 7 but you assume she had five classes of English like
 8 most other teachers who would be teaching?
 9 A. Correct.
 10 Q. I'd like to direct your attention to
 11 paragraph three on the first page of Ms. Shaw's
 12 declaration, which states, in part:
 13 "For my four tenth-grade English
 14 classes at Crenshaw, I had only one
 15 class set of approximately 40 books
 16 for a total of over 150 students to
 17 share. I could not send the kids home
 18 with books for homework because I
 19 simply did not have enough books for
 20 all my students."
 21 Do you see where it says that in this
 22 declaration?
 23 A. Yes, I do.
 24 Q. And do you believe that that -- or those
 25 statements are accurate?

1 A. -- at all.
 2 Q. Okay. And do you remember anyone on your
 3 staff having received a request from Ms. Shaw for
 4 additional textbooks during the 1999/2000 school
 5 year?
 6 MR. FERNOW: Objection. Calls for
 7 speculation.
 8 THE WITNESS: I don't know of any.
 9 BY MS. STRONG:
 10 Q. Okay. I'd like to direct your attention to
 11 paragraph six of Ms. Shaw's declaration, which is on
 12 the second page of the declaration. And
 13 paragraph six states in part:
 14 "Because I taught on an emergency
 15 credential" -- or "emergency teaching
 16 credential, I had to attend
 17 district-run pre-internship classes
 18 for teachers. These classes were
 19 totally irrelevant; they did not deal
 20 with any of the issues we dealt with
 21 in our classrooms."
 22 Do you see where it says that in Ms. Shaw's
 23 declaration?
 24 A. Yes, I do.
 25 Q. And do you believe that those statements

1 are accurate, Mr. Kiel?

2 A. No.

3 Q. Why is it that you do not agree with the
4 statements of Ms. Shaw?

5 A. Well, because I have actually sat in on
6 some of the district intern classes and it deals a
7 great deal with classroom management. And every
8 teacher can use classroom management skills and
9 techniques.

10 It also talked about how to use the
11 standard in preparing the lessons. And so I can't
12 imagine how it could be totally irrelevant for her.

13 Q. Okay.

14 All right. And just for a point of
15 clarification. The first sentence which says she
16 taught on a emergency credential and she had to
17 attend the district-run, pre-internship classes,
18 that part is correct; is that true?

19 Or do you know one way or the other?

20 A. If -- if -- it's not mandatory --

21 Q. I see.

22 A. -- that you -- you go to the district
23 intern. If she was in it -- if she was in the
24 pre-intern program, it means she was wanting to
25 be -- she wanted to go into that program eventually,

1 her question.

2 THE WITNESS: Okay.

3 BY MS. STRONG:

4 Q. Okay. Are there more than one set of
5 bungalows or a location -- is there more than one
6 location for the bungalows on the campus at
7 Crenshaw?

8 A. Yes, it is.

9 Q. Okay. So if -- can you identify for me
10 some characteristics about where these bungalows
11 were located that could help us identify which
12 bungalow Ms. Shaw taught in?

13 A. The --

14 Q. You know, and I'll give you Exhibit 5 which
15 was marked previously during today's deposition
16 which appears to be a map of the school.

17 Will that help you?

18 A. Sure.

19 Q. Okay. (Handing.)

20 A. It's charted right here (indicating).
21 These are the T bungalows. And we actually added it
22 in with these lines, that's what this represent here
23 (indicating). Her bungalow was here at the T where
24 it says "T."

25 Q. Okay.

1 into the intern program, so that once you come out,
2 you get a full credential.

3 So those classes are not mandatory once you
4 start teaching. It is a 40-hour block that you have
5 to take prior to teaching. But after the 40 hours,
6 you have an option, if you want to go into the
7 pre-intern program, then it leads you into the
8 intern program.

9 Q. Okay. And -- and the part that you were
10 explaining before as to why you disagreed with the
11 statement, is that you found the classes to be quite
12 relevant to what teachers have to deal with in their
13 classrooms at Crenshaw; is that correct?

14 A. That is correct.

15 Q. Do you know where Ms. Shaw's classroom was
16 located during the 1999/2000 school year?

17 A. Yes.

18 Q. Okay. Can you tell me where it was located
19 on the campus of Crenshaw?

20 A. It was in the bungalows. And these
21 bungalows was in what was originally known as the
22 student parking lot.

23 Q. Okay.

24 A. And --

25 MR. FERNOW: I think you've answered it,

1 A. And the T bungalows here (indicating).

2 Q. Okay. So it's --

3 A. And this the adult school parking lot
4 (indicating). This is the PE area (indicating).

5 MS. STRONG: Okay. So just to make sure
6 the record is clear, Mr. Kiel has identified on
7 Exhibit 5 the area which is marked T-1 -- T-1, T-6
8 T-11 and T-7, which is near the adult school parking
9 and student parking, marked approximately on the
10 middle of the page of Exhibit 5.

11 Q. Is that correct, Mr. Kiel?

12 A. That is correct.

13 Q. Mr. Kiel, can you identify for me the
14 closest restroom to that area of bungalows?

15 A. Well, the closest restroom is right here
16 (indicating).

17 Well, this is the closest restroom
18 (indicating).

19 Q. You are -- Mr. Kiel, you seem to be
20 hesitating between the girls' PE restroom and then
21 the restroom near -- I can't read this --
22 Thompson Hall.

23 A. Okay. Well, the girls' PE, it just dawned
24 on me that the girls' PE restroom is there, but that
25 is relatively close. But the students actually have

1 access to this bathroom here (indicating).
 2 Q. Okay. The one closer to Thompson Hall?
 3 A. Right.
 4 Q. Now, do you know the distance between the
 5 bungalow location in the T-1, T-6 area that you've
 6 described on Exhibit 5 and the restrooms at
 7 Thompson Hall that you've identified?
 8 MR. FERNOW: And I'll object that it calls
 9 for speculation.
 10 THE WITNESS: That's approximately 50
 11 yards --
 12 BY MS. STRONG:
 13 Q. Fifty yards.
 14 And --
 15 A. -- from here (indicating) to here
 16 (indicating).
 17 Q. And the restrooms at Thompson Hall that
 18 you've identified that are approximately 50 yards
 19 from the bungalow area, those are restrooms that you
 20 identified as being open throughout the entire
 21 school day; is that correct?
 22 A. Yes.
 23 Q. And if you know, have you ever walked that
 24 distance between the bungalows and the Thompson Hall
 25 restrooms?

1 A. Yes, I've walked it. I didn't count it
 2 off. But my -- my yardage is -- I've had a lot of
 3 experience in estimating yards.
 4 Q. Okay. And I'm just curious to know if you
 5 have a sense of how long it would take to walk from
 6 the bungalow -- bungalows that you've identified
 7 where Ms. Shaw taught her class during the 1999/2000
 8 school year to the restrooms located at
 9 Thompson Hall?
 10 MR. FERNOW: And I'll just object -- object
 11 to the extent that it calls for speculation.
 12 MS. STRONG: Uh-huh.
 13 THE WITNESS: I -- I don't know. Not more
 14 than a minute to two.
 15 BY MS. STRONG:
 16 Q. Not more than a minute or two?
 17 A. Right.
 18 Q. Okay. I would like to direct your
 19 attention to paragraph seven of Ms. Shaw's
 20 declaration, which states in part:
 21 "If one of my students needed to
 22 go to the bathroom during class time
 23 out of the bungalows, the student had
 24 to leave the bungalow area and go all
 25 the way to the main campus. I was

1 lucky if I saw that student again for
 2 the rest of the class period because
 3 the main campus was so far away."
 4 MS. LHAMON: I'm going to object, you
 5 misspoke. It's "out on the bungalows" not "out of
 6 the bungalows."
 7 MS. STRONG: I'm sorry. Thank you for
 8 that clarification, "out on the bungalows."
 9 Q. Do you see where it says that on Ms. Shaw's
 10 declaration at paragraph seven?
 11 A. Yes, I do.
 12 Q. And do you agree with that statement made
 13 by Ms. Shaw?
 14 MS. LHAMON: Well, it calls for speculation
 15 because she's testifying as to what she saw.
 16 BY MS. STRONG:
 17 Q. Go ahead.
 18 A. Okay. Well, you know, if you talk about
 19 off the campus, when she refers over to the main
 20 campus, I -- I'm -- I don't -- I don't interpret
 21 that as being off the campus from that -- from that
 22 distance even to -- into the building. So I'm
 23 not -- I don't agree with that, I guess that's what
 24 I'm saying.
 25 Q. Okay. And why is it that you don't agree

1 with it?
 2 A. Because it's her characterization of her
 3 describing off the campus -- onto the main building,
 4 it appears that it's a long ways away when it's not
 5 that far.
 6 Q. Okay. And just for clarification. Is
 7 Thompson Hall, the Thompson Hall area, the restrooms
 8 you identified for me in the Thompson Hall area, is
 9 that considered the main campus?
 10 A. Yes, that's the main campus.
 11 Now, the main building is the three-story
 12 building (indicating).
 13 Q. Okay. And -- so it's unclear if Ms. Shaw
 14 is referring to the Thompson Hall restrooms or some
 15 restrooms in the main building; is that --
 16 MS. LHAMON: Objection --
 17 BY MS. STRONG:
 18 Q. From your reading of this declaration, is
 19 that unclear to you?
 20 MR. FERNOW: And --
 21 MS. LHAMON: Objection. The declaration
 22 speaks for itself and the words are consistent with
 23 the words that Mr. Kiel has already testified to.
 24 MR. FERNOW: I'll object that the document
 25 speaks for itself.

1 MS. STRONG: Okay.
 2 Q. In -- and I'll just -- to clarify let me
 3 restate the question.
 4 In your opinion, then, is it unclear the
 5 way Ms. Shaw uses the term "the main campus" at this
 6 portion of her declaration?
 7 MS. LHAMON: Same objection.
 8 MR. FERNOW: Same objection.
 9 BY MS. STRONG:
 10 Q. Go ahead.
 11 A. It is true. That's true.
 12 Q. Okay. And do you -- have you ever walked
 13 the distance between the bungalow area where you've
 14 identified Ms. Shaw's class to be located, and the
 15 main three-story building on campus?
 16 A. Yes, I have.
 17 Q. Okay. And do you have a sense as to how
 18 far the distance -- well, I -- strike that.
 19 Do you have a sense as to how far it is
 20 from Ms. Shaw's bungalow to the other restrooms
 21 that you identified on the first floor of the main
 22 building that are open throughout the entire school
 23 day?
 24 A. Yes.
 25 Q. Okay. Can you describe to me that

1 distance, either in yards or timing, in terms of
 2 walking from one location to the next?
 3 A. Probably better in timing because it goes
 4 up and you have to go back --
 5 Q. Okay.
 6 A. -- and there's a little zigzag.
 7 I would say -- first of all, we timed the
 8 locations from any classroom from point A to point B
 9 on the school at any point as six -- the maximum is
 10 five minutes --
 11 Q. Okay.
 12 A. -- to walk to any point on the campus.
 13 Q. So that would be the two farthest
 14 distance -- the two farthest locations you can find
 15 on the campus, it would take a maximum of how many
 16 minutes?
 17 A. Five minutes, okay?
 18 So from that point to the bathroom point, I
 19 would estimate that as about four minutes.
 20 Q. Okay.
 21 A. And so is it accurate to say, then,
 22 Mr. Kiel, that the students who attended classes in
 23 the bungalow area where Ms. Shaw held her classes in
 24 the 1999/2000 school year had access to restrooms
 25 that were within approximately one minute of their

1 classroom that were open throughout the entire
 2 school day.
 3 Is that correct?
 4 MR. FERNOW: Objection. Calls for
 5 speculation.
 6 THE WITNESS: To my knowledge, yes.
 7 BY MS. STRONG:
 8 Q. Okay. And if for any reason the students
 9 were unable to use the restrooms at Thompson Hall
 10 while they were attending class in the bungalow area
 11 where Ms. Shaw taught her class, they then would
 12 have to walk approximately four minutes to reach the
 13 other restrooms that are open all day on the campus.
 14 Is that correct?
 15 A. That is correct.
 16 Q. And have you ever had an opportunity to
 17 read Mr. Shaw's declaration in entirety, Mr. Kiel?
 18 MR. FERNOW: Ms. Shaw.
 19 MS. STRONG: I'm sorry.
 20 Q. Ms. Shaw's declaration in entirety?
 21 A. Yes.
 22 Q. Okay. And is there anything else -- I know
 23 you -- when was the -- understanding that you may
 24 not have had a long period of time to review this
 25 declaration, is there anything else that strikes you

1 as being completely inaccurate based on your review
 2 of this document?
 3 MS. LHAMON: Well, vague -- objection.
 4 "Else" suggests that there was something before that
 5 that he thought was completely inaccurate and he
 6 hasn't testified to that.
 7 MS. STRONG: Well, he's actually already
 8 identified that there were some inaccuracies
 9 identified in this declaration.
 10 Q. So go ahead, Mr. Kiel.
 11 MS. LHAMON: He didn't say it was
 12 completely inaccurate.
 13 THE WITNESS: Well, I disagree with the
 14 trash and the cleaning of the room.
 15 BY MS. STRONG:
 16 Q. Okay. Is that in paragraph eight,
 17 Mr. Kiel?
 18 A. Well, yes. Yeah, cleaning.
 19 And the -- the mopping of the classroom,
 20 which is -- would be a little difficult to do
 21 because it's carpet in the classroom. So I don't
 22 know how the teacher mopped the floor.
 23 Q. Wait. Ms. Shaw's classroom is carpeted?
 24 A. Yes.
 25 Q. Or was carpeted, I should say?

1 A. Yes.
 2 Q. Okay. Is there anything else that you can
 3 think of after having reviewed this declaration --
 4 A. No, not at this time.
 5 Q. -- that you can identify immediately as
 6 being inaccurate?
 7 A. No.
 8 MS. STRONG: Okay. I'd like to mark as
 9 Exhibit 7 a declaration of Margrit Cheeseboro. It's
 10 spelled M A R G R I T, C H E E S E B O R O.
 11 (The document referred to was marked by the
 12 Reporter as Deposition Exhibit 7 for identification
 13 and is attached hereto.)
 14 BY MS. STRONG:
 15 Q. Do you know a Margrit Cheeseboro, Mr. Kiel?
 16 A. Yes, I do.
 17 Q. And how do you know Margrit Cheeseboro?
 18 A. She's a teacher at Crenshaw High School.
 19 Q. Do you know how long Margrit has taught at
 20 Crenshaw High School?
 21 A. No, I don't.
 22 Q. Okay. And has she taught at Crenshaw for
 23 the three years that you were principal there?
 24 A. Yes.
 25 Q. I would like to direct your attention to

1 paragraph four of Margrit Cheeseboro's declaration,
 2 which states in part:
 3 "But I know that some teachers
 4 have huge classes at the beginning of
 5 the school year and these teachers do
 6 not have enough seats for all the
 7 students in their classes. It takes
 8 about five weeks to even out all of
 9 the classes at the school because of
 10 the incompetence of our
 11 administration."
 12 Do you see where it says that in her
 13 declaration?
 14 A. Yes.
 15 MS. LHAMON: Objection. It misstates it
 16 a little bit. It says "even out all," without an
 17 "of," "the classes at the school."
 18 MS. STRONG: Thanks.
 19 THE WITNESS: Yes, I see that.
 20 BY MS. STRONG:
 21 Q. I may not have stated it exactly
 22 accurately, but you can see where it says that in
 23 the declaration; right?
 24 A. Yes, I can.
 25 Q. And you've already explained to us,

1 Mr. Kiel, the process that Crenshaw goes through
 2 to even out classes each year; is that correct?
 3 A. That is correct.
 4 Q. And do you believe that Ms. Cheeseboro's
 5 statements that I just read from her declaration in
 6 paragraph four are accurate?
 7 A. I think some parts of it is accurate, but
 8 some of it is misleading.
 9 Q. Okay. And can you explain to me what you
 10 by mean that.
 11 A. Where she says, "I know some teachers have
 12 huge classes at the beginning of the school year and
 13 those teachers do not have enough seats for all the
 14 students in the class."
 15 Q. Okay.
 16 A. That's correct. The very first day --
 17 first couple of days of the school year, that is
 18 correct.
 19 Q. Uh-huh.
 20 A. Where it says it takes five weeks to even
 21 out all of the classes at the school because of
 22 the incompetence of the administrators, well,
 23 incompetent or not, I think that she's referring to
 24 five weeks to completely balance the classes to 33
 25 to one, but certainly not the overcrowd -- the

1 "crowdedness" of kids without seats.
 2 And so I disagree with those -- what
 3 that -- with those -- with the fact that it takes
 4 the five weeks to do that. It does not take five
 5 weeks to complete.
 6 Q. And so you're saying it doesn't take five
 7 weeks to make sure that there are enough seats in
 8 the classrooms for the -- for the students; is that
 9 correct?
 10 A. That is correct.
 11 Q. And I believe you testified to this
 12 previously, but approximately how long do you think
 13 it takes to make sure that there are sufficient
 14 seats in the classrooms for the number of students
 15 in the classrooms at the beginning of the school
 16 year or at the beginning of each class period?
 17 MS. LHAMON: Asked and answered.
 18 MR. FERNOW: Join.
 19 THE WITNESS: Okay. I'm -- we fill -- we
 20 fill the required number of seats with teacher
 21 requests. The teacher requests that I need
 22 additional seats, we will provide those seats.
 23 BY MS. STRONG:
 24 Q. Okay. And I'm sorry if you've already
 25 testified to this, but it could be as quick as

1 within that same class period that the problem is
 2 rectified; is that correct?
 3 A. It could be.
 4 MS. LHAMON: Asked and answered.
 5 MR. FERNOW: Same. Join.
 6 THE WITNESS: Yes, it could be within the
 7 same class period. Certainly within the next day,
 8 within -- or overnight.
 9 BY MS. STRONG:
 10 Q. Okay.
 11 A. The next meeting.
 12 Q. Okay.
 13 A. Next class meeting, I'm sorry.
 14 Q. Okay. And it states in her declaration at
 15 paragraph four, also, that it's, quote:
 16 "I always have enough seats for
 17 my students because I have 25 to 30
 18 students in my classes only."
 19 Do you see where it says that in her
 20 declaration?
 21 A. Yes.
 22 Q. And I just want to make sure, Mr. Kiel, you
 23 have never received a complaint from Ms. Cheeseboro
 24 about having sufficient chairs or seats for the
 25 students in her classroom; is that correct?

1 A. That is correct.
 2 Q. Have you ever received a complaint from
 3 Ms. Cheeseboro as to having enough chairs in the
 4 classrooms of any other teachers?
 5 MR. FERNOW: Objection. Vague.
 6 THE WITNESS: Well, I can't --
 7 BY MS. STRONG:
 8 Q. Do you understand the question?
 9 A. No, I didn't quite get that one.
 10 Q. Have you -- have you ever received a
 11 complaint from Ms. Cheeseboro regarding any other
 12 teacher not having enough chairs for their students
 13 in their classrooms?
 14 A. No, I have not.
 15 Q. Okay. And do you know if anyone in your
 16 administration has received a complaint of that
 17 nature from Ms. Cheeseboro?
 18 A. No, I don't.
 19 MR. FERNOW: Can I just ask, has this been
 20 marked as an exhibit?
 21 THE REPORTER: Yes.
 22 MS. LHAMON: It's seven.
 23 BY MS. STRONG:
 24 Q. And, Mr. Kiel, have you ever received a
 25 complaint from Ms. Cheeseboro about the number of

1 textbooks she has available to give to her students
 2 in her classes?
 3 A. No, I haven't.
 4 Q. And do you have any reason to believe
 5 that Ms. Cheeseboro has not had adequate textbooks
 6 available to her to give to each of her students in
 7 her classroom?
 8 A. I have no knowledge of her not having
 9 enough textbooks.
 10 Q. And based on your experience with the
 11 school, do you believe that she should have had
 12 sufficient textbooks for her students in each of her
 13 classes?
 14 MS. LHAMON: Calls for speculation.
 15 MR. FERNOW: Join.
 16 THE WITNESS: I truly believe that she
 17 has -- there would be no reason for her not to have
 18 an adequate number of books.
 19 BY MS. STRONG:
 20 Q. And that's for her students to use in class
 21 and take home; is that correct?
 22 A. That is correct.
 23 Q. And would that apply to the three years
 24 that you served as principal at Crenshaw, Mr. Kiel?
 25 A. Yes, it would.

1 Q. And I just want to make sure of one other
 2 thing, Mr. Kiel. Is it your understanding that if a
 3 teacher doesn't have sufficient textbooks in his or
 4 her mind for the classes that he or she is teaching,
 5 it is that teacher's responsibility to raise the
 6 issue with someone in the administration at
 7 Crenshaw?
 8 MS. LHAMON: Vague as to "in his or her
 9 mind."
 10 BY MS. STRONG:
 11 Q. Go ahead.
 12 A. That is true. That's the responsibility of
 13 the teacher to let us know if they have a shortage
 14 of books in their classroom.
 15 MS. STRONG: Okay. I think I have no
 16 further questions at the time. At this time.
 17 MR. FERNOW: I don't have any.
 18 MS. LHAMON: Well, should we make our
 19 stipulations?
 20 MR. FERNOW: Surely.
 21 MS. LHAMON: Can we go off the record for a
 22 second?
 23 (Discussion held off the record.)
 24 MS. STRONG: All right. So we agree that
 25 we will use the same stipulation as we have used in

1 the previous three days of Mr. Kiel's deposition.
 2 Is that correct?
 3 MR. FERNOW: Correct.
 4 MS. LHAMON: So stipulated.
 5 THE REPORTER: Counsel, are you ordering a
 6 copy of this?
 7 MR. FERNOW: (Nods head.)
 8 (Whereupon, at 11:30 a.m.,
 9 the deposition of TRAVIS KIEL
 10 was concluded.)
 11 -oOo-

1 STATE OF CALIFORNIA)
 2 COUNTY OF LOS ANGELES) ss.
 3
 4 I, c. jane harman, C.S.R. No. 5266, in
 5 and for the State of California, do hereby certify:
 6 That, prior to being examined, the
 7 witness named in the foregoing deposition, to wit,
 8 TRAVIS KIEL, was by me duly sworn to testify to the
 9 truth, the whole truth and nothing but the truth;
 10 That said deposition was taken down by me
 11 in shorthand at the time and place therein named,
 12 and thereafter reduced to typewriting under my
 13 direction, and the same is a true, correct and
 14 complete transcript of said proceedings;
 15 I further certify that I am not
 16 interested in the event of the action.
 17 WITNESS MY HAND this 23RD day of JULY,
 18 2001.
 19
 20
 21 _____
 22
 23 Certified Shorthand
 24 Reporter for the
 25 State of California

1 STATE OF CALIFORNIA)
 2 COUNTY OF LOS ANGELES) ss.
 3
 4
 5 I, TRAVIS KIEL, hereby certify declare
 6 under penalty of perjury under the laws of the State
 7 of California that the foregoing is true and
 8 correct.
 9
 10 Executed this day of
 11 , 2001, at ,
 12 California.
 13
 14
 15
 16 _____
 17 TRAVIS KIEL
 18
 19
 20
 21
 22
 23
 24
 25