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

--oOo--

ELIEZER WILLIAMS, a minor, by)
Sweetie Williams, his guardian)
ad litem, et al.,)

Plaintiff,) Case No. 312236

vs.)

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

Defendants.)
-----)

DEPOSITION OF
NICOL LACAVA

Saturday, January 12, 2002
(Pages 1 - 132)

REPORTED BY: MICHELLE L. GIACHINO, CSR 11028

I N D E X

EXAMINATION BY:	PAGE
MS. VANSE.....	4, 128
MS. MAJD.....	125

DEFENDANTS' EXHIBITS MARKED FOR IDENTIFICATION

No.	Description	Page
1	Declaration of Nicol LaCava, Bates.....	66
	Nos. PLTF 01770 through 01772	
	--oOo--	

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BOARD OF EDUCATION,)
))
Defendants.)

--oOo--

BE IT REMEMBERED that, pursuant to Notice, and
on Saturday, January 12, 2002 commencing at 9:40 a.m.
thereof at 275 Battery Street, Suite 2600, San
Francisco, California before me, Michelle L. Giachino, a
Certified Shorthand Reporter, personally appeared
NICOLLACAVA

called as a witness by the Defendant, who having been
first duly sworn, was examined and testified as follows:

--oOo--

AMERICAN CIVIL LIBERTIES UNION OF NORTHERN

CALIFORNIA, 1663 Mission Street, Suite 460, San
Francisco, California 94103, represented by KATAYOON
MAJD, Attorney at Law, appeared as counsel on behalf of
the Plaintiffs.

THE LUCAS LAW FIRM, 1700 California Street,
Suite 370, San Francisco, California 94109, represented
by KATHLEEN M. LUCAS, Attorney at Law, appeared as
counsel on behalf of the Plaintiffs.

OMELVENY & MYERS LLP, 400 South Hope Street,
Los Angeles, California 90071-2899, represented by
JENNIFER VANSE, Attorney at Law, appeared as counsel on
behalf of the Defendants.

--oOo--

EXAMINATION BY MS. VANSE

MS. VANSE: Q. Good morning, Ms. LaCava. My
name is Jennifer Vanse. I'm an attorney with O'Melveny
& Myers and we represent the State of California in this
matter. I'm sure -- well, actually let me ask you this
first. Have you ever had your deposition taken before?

A. No.

Q. Your attorney may have described a little bit
to you the process that we're going to go through today,
and I'm just going to give you some of the ground rules.

As you can see, the reporter is transcribing
everything that we're saying, so it's important that you

and I don't try and talk over each other, and I will do
my best not to interrupt you and let you finish your
answer, and I would ask that you do the same for me.

Also, it's important that you give a yes or no
answer instead of saying uh-huh or huh-uh or shaking
your head.

Do you understand that?

A. Uh-huh. Yes, I do.

Q. And in a few weeks, when we're done here,
you'll receive a copy of everything that was said and
you'll have a chance to review that and look over it and
make any changes at that time. Although, I do want to
point out, if you do have any changes either I or any of
the attorneys working on this matter can comment on
those changes.

Do you understand that?

A. Yes.

Q. You are under oath. Even though this is
informal and it's a Saturday, your testimony that you
are giving today will have the same force and effect as
if we were in a courtroom in front of a judge.

Do you understand that?

A. Yes.

Q. I want you to listen and try to understand my
questions to the best that you can. If you don't

1 understand, please let me know and I'll rephrase it, if
 2 I can, if that's what you need. If you don't indicate
 3 that you haven't understood what I have asked, I'm going
 4 to assume that you have.
 5 Do you understand that?
 6 A. Yes.
 7 Q. If you need a break at any time for any reason,
 8 let me know or let your counsel know and we'll go ahead
 9 and take one. I would ask that you wait until you've
 10 answered a question before taking a break, but other
 11 than that, I don't think we should have any problems.
 12 Do you understand that?
 13 A. Yes.
 14 Q. If you remember something later in the day that
 15 we talked about earlier and you want to go back and
 16 supplement your answer or change something or something
 17 new pops into your head, please let me know and we can
 18 revisit that at any time today.
 19 Do you understand that?
 20 A. Yes.
 21 Q. And do you understand the ground rules as I've
 22 just explained them?
 23 A. Yes, I do.
 24 Q. Do you have any questions?
 25 A. No.

1 Q. Okay. And, Ms. LaCava, are you represented by
 2 counsel today?
 3 A. Yes, I am.
 4 Q. Who is that?
 5 A. Katayoon Majd from the ACLU.
 6 Q. When did she become your counsel?
 7 A. I believe that we discussed the fact that I
 8 would need to be deposed probably in the beginning of
 9 September.
 10 Q. That's September 2001?
 11 MS. MAJD: Nicol, I just want to remind you not
 12 to disclose anything we have discussed, but you can
 13 answer the question.
 14 MS. VANSE: Q. And did you do anything to
 15 prepare for your deposition today?
 16 A. I read over my declaration that I had made way
 17 back in March of 2001.
 18 Q. Did you do anything else?
 19 A. No, I just met with Katayoon and she went over
 20 some of the ground --
 21 MS. MAJD: Don't say anything.
 22 MS. VANSE: Q. You don't need to tell me
 23 anything you talked about with your counsel.
 24 Other than your attorney, did you speak to
 25 anyone else about your deposition today?

1 A. No.
 2 Q. And when you reviewed your declaration, did you
 3 find anything written in it had changed?
 4 MS. MAJD: Objection. Vague.
 5 THE WITNESS: No.
 6 MS. VANSE: Q. I'm just going to ask you now a
 7 few questions about your background. I promise I won't
 8 get into anything too detailed. Did you graduate from
 9 college?
 10 A. Yes, I did.
 11 Q. And where did you graduate from?
 12 A. University of San Diego.
 13 Q. What year was that?
 14 A. 1993.
 15 Q. And after you graduated from the University of
 16 San Diego, did you attend any other college or
 17 university?
 18 A. I attended the University of San Francisco and
 19 John F. Kennedy University.
 20 Q. And did you get a degree from the University of
 21 San Francisco?
 22 A. Yes, I got my master's in educational
 23 counseling.
 24 Q. And what year was that?
 25 A. That's a tough question. That would be

1 probably in 1996.
 2 Q. And at John F. Kennedy University, did you
 3 obtain a degree from that?
 4 A. Yes, I got my teaching credential.
 5 Q. And do you remember what year that was?
 6 A. Either 1998 or 1999.
 7 Q. And when you say you obtained your teaching
 8 credential, what credential is that?
 9 A. The California State Teaching Credential for
 10 multiple subjects.
 11 Q. And before obtaining your credential from JFK
 12 University, did you have any other type of credential
 13 with the State of California?
 14 MS. MAJD: Objection. Vague.
 15 THE WITNESS: I had my -- through the
 16 University of San Francisco through the counseling
 17 program, I received a PPS credential, which is pupil
 18 and personal services, and I also had an emergency teaching
 19 credential.
 20 MS. VANSE: Q. And what is a pupil and
 21 personal services credential?
 22 A. It allows you to work as a counselor in
 23 schools, mostly doing guidance counseling and academic
 24 counseling. And it also allows you to do scheduling of
 25 classes like in middle school and high school to help

1 children figure out what classes they need to graduate.
 2 Q. Did you obtain that credential at the same time
 3 that you graduated in 1996?
 4 A. Yes.
 5 Q. And when did you obtain your emergency
 6 credential?
 7 A. In between going to the University of San
 8 Francisco and JFK, I obtained the emergency credential
 9 so I could substitute in Alameda public schools.
 10 Q. And before you obtained your emergency
 11 credential, had you worked in any public schools before?
 12 A. In my -- I hadn't officially worked as an
 13 employee, but in my counseling program I had to do
 14 service hours, internships at public schools as a
 15 counselor.
 16 Q. Have you ever worked in any private schools?
 17 A. No, but I went to private schools my whole life.
 18 Q. I just didn't know if I wanted to restrict my
 19 questions to public schools or what.
 20 A. No.
 21 Q. Any other work in public schools before you
 22 obtained your emergency credential?
 23 A. I don't know of the exact date of this, but
 24 while I was getting my degree at USF, I worked for an
 25 organization called Seneca Center. And part of my work

1 for six months was working in a special ed classroom, an
 2 SDC classroom, but I was not employed by the district; I
 3 was employed by this private organization.
 4 Q. Is Seneca an acronym? Is it S-E-N --
 5 A. S-E-N-E-C-A. It's not an acronym; it's just a
 6 word.
 7 Q. I won't ask you what it means. Any other work
 8 in public school before obtaining your emergency
 9 credential?
 10 A. Not that I can think of.
 11 Q. And now taking the time period between when you
 12 obtained your emergency credential and you obtained your
 13 full credential from JFK University, did you work in any
 14 public schools?
 15 A. I have substituted maybe once or twice in a
 16 classroom with my emergency credential, but I didn't end
 17 up using it to what I thought I was going to use it
 18 for.
 19 Q. And what did you think you would use it for?
 20 A. I thought I was going to, for a while, do some
 21 subbing like on a regular basis, but I ended up not
 22 being able to because of my studies.
 23 Q. And those were studies at JFK?
 24 A. Right.
 25 Q. So in between that time you obtained your

1 emergency credential and you obtained your full and
 2 multiple subject credential. Any other work that you
 3 did in public schools?
 4 A. Just my student teaching.
 5 Q. And where did you do your student teaching?
 6 A. At Hawthorne.
 7 Q. Any other location besides Hawthorne?
 8 A. No.
 9 Q. And what school year was that?
 10 A. That was the 1998 to 1999 school year.
 11 Q. And did you -- were you a student teacher for
 12 the entire school year?
 13 A. Yes.
 14 Q. Were you in one classroom the entire time for
 15 your student teaching?
 16 A. No, I was in two different classrooms.
 17 Q. And what were those classrooms?
 18 A. For the fall starting in around September I was
 19 in a fourth and fifth grade classroom, and then for the
 20 winter and the spring I was in a first grade classroom.
 21 Q. So then at the end of your student teaching,
 22 you obtained your full credential from JFK?
 23 A. Correct.
 24 Q. And after you obtained your credential from
 25 JFK, did you have any employment in public schools?

1 A. Well, I received my credential in May or June
 2 and then in July I was hired by Hawthorne to take over a
 3 classroom for the last two months of school for a
 4 teacher who had left, and then they kept me on as a
 5 permanent teacher.
 6 Q. And so that would be July of '99?
 7 A. Right, but it was still the same school year
 8 because they were year-round.
 9 Q. Just for my clarification, what does -- the
 10 school year in Hawthorne, is it August/September to
 11 September?
 12 A. It was -- at that time it was August -- no, it
 13 was September to August.
 14 Q. So you were hired for the July and August
 15 finishing up?
 16 A. Right.
 17 Q. And what class did you teach for those two
 18 months in August -- or July and August of '99 at
 19 Hawthorne?
 20 A. I taught a second grade sheltered classroom.
 21 Q. And what is a sheltered classroom?
 22 A. A sheltered classroom is made up of students
 23 who are English language learners but their parents have
 24 chose them to have them in a classroom where it's not
 25 bilingual. So I taught in English all day long, but I

1 also have been trained to shelter the experiences in a
 2 way that they're gaining access.
 3 So we use a lot of pictures and a lot of kinds
 4 of song and dance to teach them new vocabulary and new
 5 concepts because it's all new language to them.
 6 Q. And did you -- I think you said that you
 7 received training specific to sheltered classrooms; is
 8 that correct?
 9 A. Yes.
 10 Q. Where did you receive that training from?
 11 A. At JFK; it was with my credential program.
 12 Q. Do you know if that's part of the general
 13 credential program for all people trying to get a
 14 multiple subject credential?
 15 MS. MAJD: Calls for speculation.
 16 THE WITNESS: I think that programs vary from
 17 school to school. My -- in my program, it was all as
 18 one, but a lot of people don't have it. A lot of
 19 schools don't have it that way.
 20 MS. VANSE: Q. Then you said you were hired by
 21 Hawthorne for the following school year; that would be
 22 the '99/2000 school year? And what were you hired as?
 23 A. Well, I just stayed on as that second grade
 24 sheltered position.
 25 Q. And are you still employed by Hawthorne?

1 A. No, I'm not.
 2 Q. Where are you at now?
 3 A. I'm at International Community School.
 4 Q. And when did you leave your employment with
 5 Hawthorne?
 6 A. At the end of the last school year. It was
 7 2000/2001.
 8 Q. Did you still teach at Hawthorne for the
 9 2000/2001 school year?
 10 A. Yes.
 11 Q. In the same position?
 12 A. Yes.
 13 Q. I'm going to take just a quick step back and
 14 ask you some questions about how you learned about this
 15 lawsuit.
 16 A. Okay.
 17 Q. How did you learn about this lawsuit?
 18 A. During the 2000/2001 school year I was involved
 19 with a group of teachers in developing a proposal for a
 20 new school that would be opening the following year, and
 21 they were -- they had knowledge of the lawsuit and they
 22 said that there was going to be this meeting at a coffee
 23 shop where we were going to be meeting with Katayoon and
 24 some people from the ACLU and talk about some conditions
 25 that we had some concerns about at Hawthorne School. So

1 it was word of mouth.
 2 Q. And these were other employees at Hawthorne
 3 that told you about the meeting?
 4 A. Yes.
 5 Q. And did you go to that meeting? I'm sorry, let
 6 me back up for a second.
 7 Do you recall what time frame that was?
 8 A. It was within the week that the meeting was. I
 9 believe the meeting was in March.
 10 Q. So would this be March 2001?
 11 A. 2001.
 12 Q. Okay. And you attended that meeting?
 13 A. Yes.
 14 Q. And what happened at the meeting?
 15 MS. MAJD: Objection. Vague. Calls for a
 16 narrative.
 17 THE WITNESS: We just talked about the
 18 conditions that we had seen in Hawthorne for the times
 19 that we had been there. Some teachers had been there
 20 longer, but I just talked about what I had seen going
 21 on.
 22 MS. VANSE: Q. Anything else?
 23 A. Do you want the specifics of what we talked
 24 about or ...
 25 Q. Well, I'm just trying to get a sense of what

1 happened. You went in, and were you talking to someone
 2 about the conditions at Hawthorne or was someone asking
 3 you questions? If you could just describe a little bit
 4 to me what happened at that meeting.
 5 A. For a while we were talking, I believe, just as
 6 a group. I believe Katayoon and a colleague of hers was
 7 talking individually to people, writing down what we
 8 said, and taking notes and asking questions.
 9 Q. Do you know if that's where your declaration
 10 was drafted?
 11 A. Yes.
 12 MS. MAJD: Objection. Calls for speculation.
 13 MS. VANSE: Q. Did you actually draft your
 14 declaration or did someone do that for you?
 15 MS. MAJD: Objection. Vague. Calls for
 16 speculation.
 17 THE WITNESS: Someone did it for me.
 18 MS. VANSE: Q. Did you review the declaration
 19 once it had been drafted?
 20 A. Yes.
 21 Q. Did you have any changes to the declaration?
 22 A. No.
 23 Q. About how soon after that meeting did you sign
 24 your declaration?
 25 A. I signed it in April.

1 Q. And did you have any other contact with the
2 ACLU after you signed your declaration? And let me just
3 state this to you: In between the time you signed your
4 declaration and you prepared for this deposition today?

5 MS. MAJD: Objection. Vague.

6 MS. VANSE: Q. I'm going to strike that and
7 just ask you a different question because I'm not even
8 sure I want to ask it anymore.

9 When did you first decide that you were going
10 to have your deposition taken in this lawsuit?

11 MS. MAJD: Objection. Assumes facts not in
12 evidence.

13 THE WITNESS: I believe I was called around
14 September saying that --

15 MS. MAJD: I'm going to instruct you not to
16 answer anything that reveals our conversations after we
17 became -- we decided to represent you. Can you read her
18 the question back?

19 MS. VANSE: I think it was a bad question.
20 I'll ask it again.

21 Q. Did you at some point -- did someone ask you at
22 some point if you would be willing to have your
23 deposition taken in this lawsuit?

24 A. Yes.

25 Q. And was this someone from the ACLU?

1 students, were those students at Hawthorne or just
2 students in general?

3 A. Just students in general; the plaintiffs in
4 this case.

5 Q. You mentioned that -- could we go off the
6 record for a second?

7 (Discussion was held off the record.)

8 MS. VANSE: Q. You mentioned at this meeting
9 at a coffee shop with the ACLU that you talked about
10 some conditions you had some concerns with at
11 Hawthorne. And can you just give me a list of all the
12 conditions at Hawthorne that you had concerns about or
13 have concerns about?

14 MS. MAJD: Objection. Vague as to time and
15 overbroad. Are you talking about the specific
16 conditions she talked about in that meeting?

17 MS. VANSE: Q. I'm just talking about -- and I
18 don't want to get into a whole like definition of what
19 your concerns or what a condition is.

20 As you're saying you had some concerns about
21 conditions, I'm just interested as of right now what are
22 the concerns about conditions you have, either that
23 exist at Hawthorne now or existed at the time you taught
24 there? If you want to just give me a list of the
25 conditions you had concerns with --

1 A. Yes.

2 Q. When was that?

3 A. I'm not exactly sure.

4 Q. Do you recall if it was -- well, you're not
5 sure.

6 In between that time when someone contacted you
7 about potentially having your deposition taken in this
8 case and the time you signed your declaration in April,
9 did you have any other contact with the ACLU regarding
10 this lawsuit?

11 A. No.

12 Q. And then you obviously decided that you would
13 be okay with having your deposition taken?

14 A. Yes.

15 Q. Can you tell me why you decided you would be
16 willing to have your deposition taken?

17 MS. MAJD: Again, I just want to remind you not
18 to talk about anything that we discussed.

19 THE WITNESS: I feel that the lawsuit has a lot
20 of merit. And I also, in my readings in the newspaper
21 about what I've seen going on with the lawsuit, I really
22 feel a sense of pride in the students who have gone
23 forward with this, and as a teacher I feel it's really
24 important to support them and what they do.

25 MS. VANSE: Q. And when you referred to

1 MS. MAJD: I mean, that's overbroad because
2 it's vague as to time and it also calls for speculation
3 since she's no longer at Hawthorne.

4 THE WITNESS: Do you mean ones that directly
5 affected me or even ones that I observed because I was
6 part of the school community?

7 MS. VANSE: Q. I mean all of them.

8 A. Okay. The facilities were poor. The buildings
9 were way too old. Mold. Overcrowding. Not enough
10 classrooms for all of the teachers and students.
11 Roving. Bathroom facilities: not enough of them and in
12 poor quality. The cleanliness of the school.

13 Q. Anything else?

14 A. The multitrack year-round schedule. Did I say
15 roving?

16 Q. Yes, you did.

17 A. I think that's it for now that I can remember.

18 Q. And if you think of any later in the day,
19 please feel free to come back and supplement the list.

20 A. Okay.

21 Q. And your concern about facilities, what was
22 your concern at Hawthorne?

23 MS. MAJD: Vague as to time.

24 MS. VANSE: Q. Let me just ask you this first:
25 Since you left Hawthorne to go to the International --

1 A. Community School.

2 Q. -- Community School, have you been back to the
3 Hawthorne site?

4 A. No, I have not.

5 Q. Have you talked to anyone that's still at
6 Hawthorne regarding the conditions at the school that
7 you had concerns about?

8 A. I have not specifically talked to people, but
9 I've heard things from other people who have talked to
10 people.

11 Q. And so let me just ask you this: During the
12 time frame you were at Hawthorne, what were your
13 concerns about the facilities?

14 A. There was approximately 15 to 18 portables that
15 were over 35 years old and they were basically in
16 disrepair. They no longer had good paint. They didn't
17 have good ventilation. They smelled musty or possibly
18 moldy; although, I don't think they were ever tested.
19 They were just dusty and dirty.

20 They were never properly cleaned at the end of
21 each year because as a year-round school we don't have a
22 summer vacation. We don't have three months where the
23 cleaning crew can come in and do a deep cleaning. So
24 they were just kind of dirty and rundown. That was just
25 the -- that was just the portables.

1 Q. Any other concerns you had about the facilities
2 at Hawthorne while you were teaching there?

3 A. Not that I can think of.

4 Q. And I think you just mentioned, talked about --
5 a little bit about why the portables were there because
6 the school kept growing. Was that something you learned
7 from someone else or you just formed your own opinion?

8 A. That's what I learned through the history of
9 the school.

10 Q. Did you read that somewhere or did someone tell
11 that to you?

12 A. No, it was word of mouth.

13 Q. Do you know if there is still portables at
14 Hawthorne?

15 MS. MAJD: Calls for speculation.

16 THE WITNESS: There are a few, I believe, but
17 they demolished them at the end of the last school
18 year.

19 MS. VANSE: Q. Do you know why they demolished
20 some of them at the last school year?

21 A. Because they condemn them unsuitable to
22 habitat.

23 Q. And you mentioned there was a mold problem with
24 the DCH building?

25 A. Yes.

1 Then there was this other building called the
2 DCH building, which had a mold problem. There was an
3 actual report written up about it. And the bathrooms
4 kind of go in the facilities one also. The bathrooms
5 that we did have, you know, the pipes were very, very
6 old and so the toilets would get overflowed quite often,
7 and there wasn't enough bathrooms to service 1400
8 students in a sanitary way.

9 Q. Any other concerns you had about the facilities
10 at Hawthorne?

11 MS. MAJD: Vague as to time again.

12 MS. VANSE: Q. And this is just while you were
13 a teacher there.

14 A. Okay. Well, as a school -- I mean, I think way
15 back at the beginning of schools it was never expected
16 that there was going to be portables in schools, and so
17 as the school got bigger and bigger they had to put more
18 classrooms, so they put portables. So the only place
19 you could put a portable is on the playground.

20 So the teachers who have their classes in
21 portables had to endure the noise of recess and lunch
22 recess every day. That meant yelling and screaming.
23 That meant balls bouncing all over the place on your
24 walls. Kids running on your porch and stuff because
25 you're right there on the playground.

1 Q. And was that problem ever fixed?

2 MS. MAJD: Calls for speculation.

3 THE WITNESS: They demolished the building.

4 MS. VANSE: Q. Do you recall when that was?

5 A. I believe it was in the spring of the -- the
6 spring or the summer of 1999/2000 school year. Probably
7 closer to the summer.

8 Q. Do you know if the mold problem in the DCH
9 building was new?

10 MS. MAJD: Objection. Vague.

11 THE WITNESS: I have no idea.

12 MS. VANSE: Q. Did you work in the DCH
13 building?

14 A. My classroom was not in the DCH building, but I
15 was often in there collaborating with teachers during
16 meetings.

17 Q. You mentioned that another one of your concerns
18 about Hawthorne was that it was an old building; is that
19 correct?

20 A. Parts of it were.

21 Q. And what was your concern?

22 MS. MAJD: Objection. Vague. It's also
23 overbroad. Assumes there's only one building at
24 Hawthorne.

25 THE WITNESS: I think that with old buildings

1 that aren't renovated on a consistent basis, the pipes
2 were extremely old and do not handle the overuse of
3 them, especially in the bathrooms.

4 MS. VANSE: Q. Any other concerns that you had
5 regarding parts of Hawthorne being old buildings?

6 A. Well, with the portables being old, I think
7 there is a difference between the permanent buildings
8 and the portables, because the main building was okay.
9 It was built as a huge concrete structure, and it was
10 built to last a long time. But the portables, I mean, I
11 don't believe are built to last more than 10 or 15
12 years. So they had just outlived their prime and they
13 were very dirty and musty smelling and there was no
14 ventilation. The portable I was in had two windows that
15 were about that big (indicating.)

16 MS. MAJD: Can you try to describe that for the
17 court reporter because she can't take it down?

18 THE WITNESS: My window was a foot-and-a-half
19 by a foot wide, probably two windows, that did not
20 open. So the only sunlight that entered my classroom is
21 if I had the doors open. And they were just dusty and
22 dirty.

23 MS. VANSE: Q. And you're referring
24 specifically to the portables right now?

25 A. Yes.

1 A. I believe only the DCH building was tested.

2 Q. Did you ever inquire as to whether other
3 buildings at Hawthorne had been investigated for mold at
4 the time the DCH building had been?

5 A. I asked my principal if the portables in my
6 area could also be tested, but there was never any
7 follow-up from her on that.

8 Q. Any other concerns that you had about certain
9 buildings at Hawthorne being old buildings?

10 A. Not necessarily a concern about them being old,
11 no, but I have other concerns about the portables
12 themselves.

13 Q. And what were some of your other concerns about
14 the portables?

15 A. The lack of air and ventilation. Some of the
16 portables that were on the playground were in a really
17 bad direct sunlight, and so during hot weather,
18 especially in the summer months, they would get in
19 excess of 85 to 90 degrees inside with no
20 air-conditioning available.

21 Q. Any other concerns you had about the portables
22 themselves?

23 MS. MAJD: We're limiting this to the time --

24 MS. VANSE: Q. Yes, just the time you were a
25 teacher.

1 Q. Being dusty and dirty?

2 A. Yes.

3 Q. Any other concerns you had about the -- certain
4 buildings at Hawthorne being old buildings?

5 A. There's always the concern, although nobody
6 ever investigated it, that with buildings that are 35,
7 40 years old, what kind of building materials were used
8 back then? And the mold was always a concern; although,
9 they never investigated the portables for it. They just
10 investigated that DCH building. And peeling paint was
11 always a problem.

12 Q. Do you know why the DCH building was
13 investigated for mold?

14 MS. MAJD: Calls for speculation.

15 THE WITNESS: I'm not exactly sure of the exact
16 sequence of events that put that in motion, no.

17 MS. VANSE: Q. Are you aware generally of why
18 it was investigated for mold?

19 A. I believe that visually people could see
20 something that they thought might be mold, and so the
21 district had ordered the EPA or somebody to come out and
22 test the building.

23 Q. Do you know if other buildings at Hawthorne
24 were investigated or tested for mold at the same time
25 that the DCH building was?

1 A. I don't believe so at this time.

2 Q. You also mentioned that one of the concerns you
3 had about Hawthorne was the mold. Was that what we've
4 already discussed with the DCH building?

5 A. Yes.

6 Q. Were there any concerns you had about mold
7 other than the DCH building? I think you mentioned you
8 had also asked about your particular classroom.

9 A. Yeah, me and some of the people who had
10 classrooms that were similar to mine, I just noticed
11 that there was always a musty smell and I just -- it's
12 just better to be safe than sorry. I just really wanted
13 somebody to tell me yes or no whether the building had
14 mold or if it was just old smelling.

15 Q. You said you spoke to your principal about
16 getting your classroom tested, right?

17 A. Yes.

18 Q. And did you speak to your principal on multiple
19 occasions about having your classroom tested for mold?

20 A. I don't know if multiple occasions. Maybe once
21 or twice.

22 Q. I think you said your principal never followed
23 up with you on having your room tested; is that correct?

24 MS. MAJD: Mischaracterizes testimony.

25 THE WITNESS: I think I said that it was never

1 followed up on in the sense that my portable was never
2 tested, so maybe I should have said followed through on.

3 MS. VANSE: Q. Did your principal ever tell
4 you why your portable had not been tested?

5 A. No.

6 Q. Did you speak to anyone else other than your
7 principal about having your portable tested for mold?

8 A. You mean requesting from somebody else?

9 Q. Yeah, do a request.

10 A. No, I never requested from anybody else.

11 Q. Any other concerns you had about mold at
12 Hawthorne?

13 A. No.

14 Q. Another concern you mentioned that you had
15 regarding Hawthorne was overcrowding. And what were
16 your concerns about overcrowding?

17 A. Well, the school had approximately 1400
18 students and, first, there was just not enough bathrooms
19 to support 1400 students. And the other thing was that
20 with 1400 students there was not enough classrooms for
21 all of them, so some teachers did not have a permanent
22 classroom for their students. They would have to move
23 every month to a different room, which was roving.

24 Which was one of my other concerns.

25 Q. Any other concerns you had about overcrowding

1 doesn't allow them to be a part of a community, which I
2 think also led to a lot of discipline problems. I think
3 it's hard when there's 63 teachers and 1400 students for
4 a teacher to get to know any number of students and for
5 children to feel that they know the people around them
6 to feel safe. And I don't think that it was a safe
7 place in that emotional sense or in the physical sense
8 because of the playground chaos.

9 Q. Any other concerns about overcrowding at
10 Hawthorne?

11 A. Because of the overcrowding and the fact that
12 we didn't have enough classrooms for all the students,
13 we were on a multitrack schedule. So not only were we
14 year-round, we were also multitracked.

15 Q. And do you have concerns about multitracked
16 schedules for education?

17 A. Yes.

18 Q. Before I get to that, any other concerns that
19 you had about overcrowding at Hawthorne?

20 A. No, because I think they'll fall under the
21 multitrack.

22 Q. And what are your concerns about multitrack
23 schedules at Hawthorne?

24 MS. MAJD: Objection. It assumes facts not in
25 evidence. Well, it's vague as to time.

1 at Hawthorne?

2 A. The playground was not adequate space to have
3 between 900 and 1000 students out there at any given
4 time. Basically, it was just a sea of children who were
5 tumbling all over each other. There was hardly enough
6 space for them to run around let alone to get a
7 structured game going to keep themselves occupied, and
8 there was a lot of fights and chaos and it just -- the
9 playground was really horrible for the kids.

10 Q. Any other concerns about overcrowding at
11 Hawthorne?

12 A. Because there was so many students, we had
13 to -- there was only two cafeterias, and in order to get
14 everybody to eat lunch, lunches were started at about
15 11:00 o'clock, and lunch hour ran from about 11:00
16 o'clock to about 1:00 o'clock, which meant that, one,
17 the cafeteria was always crowded, but also from 11:00
18 o'clock to 1:00 o'clock there was students on the
19 playground which meant that if you had a classroom on
20 the playground you had a lot of noise for that
21 significant amount of time, except for the 30 minutes
22 your own kids were at lunch.

23 Q. Any other concerns you had about overcrowding
24 at Hawthorne?

25 A. I think having that many students in a school

1 MS. VANSE: Q. Again, all these questions are
2 just during the time you were employed at Hawthorne.

3 A. Well, with a multitrack schedule, there was
4 one-fourth of the school because we had four tracks: A,
5 B, C, and D. So one quarter of the school was on
6 vacation at any given time. So even though a quarter of
7 your school is gone, school is still going on and
8 teachers are meeting and teachers are planning, but
9 there's certain teachers who are not there. And then
10 when they come back, there's a lot of having to catch
11 people up and whatnot.

12 And for the students -- I mean, I know I felt
13 kind of weird leaving knowing that decisions are being
14 made at my school when I'm on vacation, and students
15 would come back and there would be new rules about the
16 playground made and just -- there was not a continuity
17 of stuff going on because so many things could change in
18 a month at the school while you're gone.

19 And it also made it hard for teachers to
20 collaborate together because as a second grade circuit
21 we would try and meet together to kind of make our
22 program -- to collaborate to make sure we're all
23 teaching the same things at the same time to give some
24 continuity, but with a quarter of us always gone and
25 always coming back, it really hampered the communication

1 to provide a continuous, good education.
 2 And then having to collaborate then with the
 3 first grade teachers below us and the third grade
 4 teachers above us to really stretch out that continuum
 5 to make sure we're following through grade through grade
 6 was really difficult.

7 Q. Any other concerns you had about multitrack at
 8 Hawthorne?

9 A. No, just mostly the lack of consistency.

10 MS. VANSE: Let's go off the record and take a
 11 break.

12 (Whereupon, a recess was taken.)

13 MS. VANSE: Q. Could you repeat the last
 14 question and answer, please.

15 (Record read by the reporter as follows:

16 "Q. Any other concerns you had about
 17 multitrack at Hawthorne?

18 "A. No, just mostly the lack of
 19 consistency.")

20 MS. VANSE: Q. Another concern that you
 21 mentioned that you had about Hawthorne was not having
 22 enough classrooms; is that correct?

23 A. Yes.

24 Q. And what were your concerns about not having
 25 enough classrooms at Hawthorne?

1 A. Well, because there wasn't enough classrooms,
 2 certain teachers did not have a classroom, and so what
 3 they would do is, it's called roving. And because there
 4 was always people going out on vacation, there would be
 5 empty classrooms for one month. So the teachers would
 6 move from classroom to classroom to classroom every
 7 month. And so they'd have to pack up all their stuff,
 8 move all their stuff, and unpack all of their stuff in a
 9 classroom that's basically still really filled with
 10 stuff of the vacationing teacher.

11 And then at the end of the month, or three
 12 weeks sometimes, they would repack up all their stuff
 13 and then move on to the next classroom, which created a
 14 sense of chaos for the students because I think students
 15 really need a place to call their own where their own
 16 artwork is on the walls and they know where everything
 17 is. And they're told not to touch things because you
 18 can't touch the other teacher's materials and stuff.

19 It's just another thing that added to the sense
 20 of a lack of community for the students. If you see all
 21 the other students have a classroom to call their own
 22 but you don't have one, it just doesn't make you feel a
 23 part of the community. And for the teacher, I mean,
 24 having to pack and unpack, repack and pack, just adds
 25 to -- just adds more chaos. When you're trying to do

1 lesson plans and plan for your children, you have to
 2 worry about moving all your stuff which takes quite a
 3 bit of time and effort. There was loss of instruction
 4 time because of packing and unpacking.

5 Q. Any other concerns you had about not having
 6 enough classrooms at Hawthorne?

7 A. There was a rule at Hawthorne that a teacher
 8 would only have to rove one time in their career there,
 9 and so at the end of the year when the names were being
 10 drawn out of the hat who would rove the next year, then
 11 people who roved the year before wouldn't be eligible.

12 There was never a rule set up for students like
 13 only one class will only have to rove once, so there
 14 could be students at Hawthorne from kindergarten through
 15 fifth grade there that could have roved three times in
 16 their whole career. One year is bad enough, but have to
 17 do that more than once through your whole career is just
 18 unacceptable.

19 Q. Do you know of any particular instances that
 20 that happened to a student that they were in a roving
 21 classroom for more than one year?

22 MS. MAJD: Calls for speculation.

23 THE WITNESS: I remember talking to a teacher
 24 about this and I made that comment one time to a teacher
 25 and that teacher had recalled, oh yeah, there was a

1 student who had roved last year and had roved again
 2 because he just happened to go to a teacher who had to
 3 rove.

4 MS. VANSE: Q. Other than talking to that one
 5 teacher, were you ever personally aware of a student
 6 that had to rove more than one time at Hawthorne?

7 A. No.

8 Q. Any other concerns you had about not having
 9 enough classrooms at Hawthorne?

10 A. I think that the roving factor really disrupted
 11 a teacher's, kind of their, flow. You know, you get in
 12 your rules and your routines and you have your own
 13 space, you have your own desk, you know where everything
 14 is in your classroom, and then all of a sudden you don't
 15 have that anymore and you're living out of boxes.

16 I know. I had to rove for three months, and I
 17 never knew where anything was. I was constantly looking
 18 for things and it just really disrupted my ability to
 19 focus on the planning for the children because I
 20 couldn't find things and I didn't know where things
 21 were, which really impacted the learning program for my
 22 students.

23 Q. Any other concerns you had about not having
 24 enough classrooms at Hawthorne?

25 A. I think that the teachers who had to rove for a

1 year, they -- because they were always in a sense of
2 chaos, they weren't as present at meetings and
3 collaboration times. And so I think that it not only
4 disrupted them in their classrooms, it kind of was also
5 disruptive to the whole teaching community because the
6 people who had to rove were not as present emotionally
7 and mentally in meetings and stuff because they just had
8 all these other concerns going on in their classrooms,
9 which kind of didn't help with the collaboration and the
10 unifying work that we were trying to do as a staff and a
11 school community.

12 Q. Any other concerns about not having enough
13 classrooms?

14 A. No.

15 Q. When you mentioned before that one of the
16 concerns you had regarding Hawthorne was roving, was
17 that tied in to what we've just been talking about with
18 not having enough classrooms?

19 A. Yes.

20 Q. Any other concerns you had about roving other
21 than what we've just discussed?

22 A. No, not that I can think of right now.

23 Q. You mentioned that another concern you had
24 regarding Hawthorne were the bathroom facilities, and I
25 think we've talked about that a little bit already when

1 100 yards or more even to find a bathroom that's open
2 and available, and in a neighborhood that is not the
3 safest and in a public campus that's open to anybody to
4 walk on and off of, it created some safety issues for
5 younger students to be walking out when everybody else
6 is in class.

7 Q. Any other concerns you had about the bathrooms
8 at Hawthorne?

9 A. A lot of times, or sometimes, actually, my
10 students would come and tell me that the bathrooms were
11 locked and they wouldn't know where to go to use a
12 bathroom, and they would tell me that there was no paper
13 towels. That's about it for now.

14 Q. Any other concerns you had about the bathroom
15 facilities at Hawthorne?

16 A. Not at this time.

17 Q. You also mentioned you had concerns regarding
18 the cleanliness of Hawthorne. And what were your
19 concerns about the cleanliness of Hawthorne?

20 A. Well, my main concern was the cleanliness of
21 the bathrooms, first of all. Although the custodians
22 would clean them every night, when you have 1400
23 students using a bathroom one to two times during the
24 day, the bathrooms could get very dirty. The custodians
25 would try as much as they could to clean them --

1 we talked about the building being old and the
2 facilities.

3 Other than what we've already talked about,
4 what were your concerns about the bathroom facilities at
5 Hawthorne?

6 A. Well, as I've stated before, I don't think that
7 the number of bathrooms on the campus was enough for the
8 number of students that we had. And because there was
9 so many students going in and out of bathrooms, they got
10 pretty dirty pretty fast and so they always seemed to be
11 dirty. They always seemed to not have enough toilet
12 paper. They always seemed to not have soap.

13 Because the pipes were so old in the -- on the
14 playground, there was all the portables I had talked
15 about; there was also a portable building that was
16 bathroom stalls. And because those weren't very -- they
17 were very old and weren't meant to support 1,000
18 students using them at lunch, they were often
19 overflowed, or they were often closed down because they
20 weren't working properly.

21 Q. Any other concerns you had regarding the
22 bathroom facilities at Hawthorne?

23 A. Because there weren't enough bathrooms,
24 sometimes students had to -- most classrooms did not
25 have bathrooms in them and a lot of students had to walk

1 re-clean them maybe every hour or so, and they still
2 were always filthy.

3 And it just did not seem that we were provided
4 enough custodial staff to clean everything, the garbage
5 cans, the dirt on the yard, the bathrooms, the hallways,
6 the cafeteria. The campus seemed way too huge for the
7 number of custodians that we were assigned.

8 Q. Do you know how many custodians were assigned
9 to Hawthorne?

10 MS. MAJD: Vague. Calls for speculation.
11 (Ms. Lucas exits the deposition room.)

12 THE WITNESS: I believe during the day we had
13 two custodians and at night there were two or three,
14 but for most of the time I was there, if not all of the
15 time, we did not have a permanent -- we had maybe one
16 permanent night custodian and the rest were always subs,
17 and sometimes there was a sub and sometimes there wasn't
18 a sub.

19 And there was at least once or twice a week
20 where our classrooms wouldn't get swept or they wouldn't
21 have the garbage taken out because there wasn't a sub
22 available.

23 MS. VANSE: Q. Any other concerns you had
24 regarding the cleanliness at Hawthorne?

25 A. I think because of the year-round schedule, it

1 made it hard for the deep cleaning to happen that a lot
2 of schools are afforded because they have the three
3 months of summer off.

4 And so, I mean, I know that a lot of classrooms
5 in the summer all the furniture is stacked right in the
6 middle of your classroom and everything is dusted really
7 well. If you have blinds in your room, they're cleaned
8 and dusted; the tops of cabinets are dusted; and then
9 the furniture is moved out and all the floors are
10 completely waxed. You basically, on the first day of
11 school when you get there, you walk in to a really nice
12 clean classroom.

13 And usually school was closed for two weeks at
14 the end of August before school then started up again in
15 September, which was not enough time for any of that to
16 happen. We were lucky to get our floors completely
17 mopped for the start of the new school year.

18 Q. So before when you were describing a classroom
19 being cleaned and dusted, that was not at Hawthorne?

20 A. Exactly. That was at schools who had the three
21 months of summer off.

22 Q. And then Hawthorne was closed for two weeks in
23 August?

24 A. Approximately two weeks, give or take.

25 Q. Any other concerns you had about cleanliness at

1 condition of the portables at Hawthorne?

2 MS. MAJD: Objection. Vague as to condition of
3 portables. Overbroad.

4 THE WITNESS: I think all teachers who were in
5 portables were not happy with them and would have
6 concerns.

7 MS. VANSE: Q. Did you ever bring your
8 concerns up with anyone at the district in Oakland about
9 the portables?

10 A. I personally did not, but I know that it was
11 brought up by our principal.

12 Q. How do you know it was brought up by your
13 principal?

14 A. Because she would tell me of conversations that
15 she would have with district personnel.

16 Q. Did she tell you what the district -- how the
17 district had responded to her?

18 MS. MAJD: Objection. Vague.

19 MS. VANSE: Q. I'm just talking about the
20 portables now.

21 A. I assume -- I really have no idea, but I assume
22 that not a lot was accomplished because, I mean, we
23 never got our ventilation changed until they finally
24 decided to demolish the buildings and condemn them. But
25 for the years prior to that happening, there was nothing

1 Hawthorne?

2 A. Not that I can think of.

3 Q. Going back to portables, you mentioned that one
4 of your concerns was the lack of air and ventilation,
5 correct?

6 A. Yes.

7 Q. Did you ever talk to anyone at Hawthorne -- and
8 by that I mean the administration, not other teachers --
9 regarding the lack of air and ventilation concerns you
10 had about the portables?

11 A. I can't recall a specific time, but at faculty
12 meetings I do recall conversations where we would talk
13 about when we'd be getting the new portables and why we
14 want new portables. But I can't recall a specific
15 time.

16 Q. And while you were at Hawthorne, was there
17 anything done to improve airflow or ventilation in the
18 portables?

19 MS. MAJD: Calls for speculation. Vague.

20 THE WITNESS: Not the ventilation, no. We were
21 given swamp coolers to try and cut down on the heat
22 problem that I mentioned earlier, but in the classrooms
23 that had the direct sunlight they were ineffective.

24 MS. VANSE: Q. Do you know if there were other
25 teachers at Hawthorne who had concerns about the

1 happening.

2 Q. Did your principal ever tell you anything that
3 someone at the district had responded to her with
4 regarding the condition of the portables at Hawthorne?

5 A. Not specifically, no.

6 Q. Do you know if there are still problems with
7 air and ventilation in portables at Hawthorne?

8 MS. MAJD: Objection. Compound.

9 THE WITNESS: If there are any portables left,
10 I'm sure the problem continues. They did demolish a
11 significant number, if not all of them. But because I
12 haven't been back since I left, I'm not sure as to the
13 number that remain.

14 MS. VANSE: Q. When we were talking about mold
15 you mentioned that there had been a mold problem in the
16 DCH building at Hawthorne, correct?

17 A. Yes.

18 Q. And that DCH building had been demolished; is
19 that correct?

20 A. Yes.

21 Q. Was it rebuilt, do you know?

22 A. No, it was not rebuilt. They instead replaced
23 the number of classrooms that were in that building with
24 new portables.

25 Q. And just so I'm clear, when we were just

1 talking about all or a significant number of portables
2 had been demolished or taken away, do these include the
3 new portables that were installed to replace the DCH
4 building?

5 A. No.

6 MS. MAJD: Mischaracterizes her testimony. Can
7 you read back the last question?

8 (Record read by the reporter as follows:

9 "Q. And just so I'm clear, when we were
10 just talking about all or a significant
11 number of portables had been demolished or
12 taken away, do these include the new
13 portables that were installed to replace the
14 DCH building?")

15 THE WITNESS: No, those buildings -- those new
16 portables still remain.

17 MS. VANSE: Q. Do you know why Hawthorne had
18 1400 students attend -- actually, strike that. I'm
19 going to ask a different question.

20 Do you know the capacity that Hawthorne was
21 designed to hold as far as the number of students?

22 MS. MAJD: Objection. Calls for speculation.
23 Calls for a legal conclusion.

24 THE WITNESS: At the beginning Hawthorne was
25 only one building, which is called the Hawthorne

1 A. Through word of mouth and just talking to
2 teachers about how the school came about.

3 Q. And you mentioned that some of the -- there was
4 an influx of students continuing into Hawthorne but
5 Oakland was not building new schools, correct?

6 A. Correct.

7 Q. Do you know why Oakland was not building new
8 schools?

9 MS. MAJD: Calls for speculation.

10 THE WITNESS: I have no idea.

11 MS. VANSE: Q. Did you ever express your
12 concerns regarding overcrowding to any of the
13 administration at Hawthorne?

14 MS. MAJD: Objection. Overbroad.

15 THE WITNESS: I believe that I talked with my
16 principal about issues on overcrowding and roving, yes.

17 MS. VANSE: Q. And I'll break this down a
18 little bit as to -- because you had several concerns.
19 You mentioned one of your concerns about overcrowding
20 was that there was not adequate space for children on
21 the playground, correct?

22 A. Yes.

23 Q. Did you ever talk to anyone in the
24 administration at Hawthorne about your concern regarding
25 the playground?

1 building, and it shared some space with the Whitten
2 building, which was a separate school, and I believe it
3 was a school for developmentally challenged and
4 physically challenged students. It was kind of a
5 special school for those students.

6 And then as the community around Hawthorne grew
7 and no more schools were built, Hawthorne School started
8 getting an influx of a lot more students and eventually
9 Hawthorne School took over the Whitten building and so
10 there was no longer the special needs kids in that
11 school; it then became part of Hawthorne School.

12 And just as more and more students entered the
13 neighborhood and no more schools were being built in
14 Oakland, the school just continued to have more and more
15 students enrolled. And so every time there was more
16 students they would bring more portables on and that's
17 how the school ended up being so big because Oakland
18 hadn't been opening any new schools but the community
19 was growing and the number of children needing to be
20 serviced was growing.

21 MS. VANSE: Q. And you've just kind of
22 described to me like a history of Hawthorne?

23 A. Yes.

24 Q. How did you come about learning that history of
25 Hawthorne?

1 A. Yes, I did.

2 Q. And who did you speak with?

3 A. The principal.

4 Q. And did she respond at all regarding your
5 concerns?

6 A. Her -- she usually responded to something to
7 the effect that her hands were tied; there's nothing she
8 can do because we can't move the kids out for lunch. I
9 mean, we couldn't extend lunch any longer from going
10 from 11:00 until 1:00. I mean, if we wanted to start
11 lunch at 10:00 in the morning and go until 2:00 in the
12 afternoon, then obviously that would make less kids on
13 the playground, but at some point you can't have kids
14 eating lunch at 10:00 in the morning.

15 So she really felt her hands were tied on a lot
16 of issues that I talked to her about.

17 Q. Do you know if your principal ever spoke to
18 anyone in the Oakland Unified School District about the
19 problem or your concern with adequate space for children
20 on the playground at Hawthorne?

21 MS. MAJD: Calls for speculation.

22 THE WITNESS: I don't know specifically, but I
23 assume that -- I mean, things have been changing at
24 Hawthorne, so I assume that she did take people's
25 concerns. I don't know if it was the day that I spoke

1 to her and she took my concern specifically, but the
2 district was very aware of what was going on at our
3 school because I believe our principal did voice her
4 opinion a lot about things. But I can't say that it was
5 specifically my particular concern on a day that would
6 spark her to call the district.

7 MS. VANSE: Q. You just mentioned that you
8 thought the district was very aware of what was going
9 on. Was that due to anything other than your
10 principal's interaction with the district?

11 MS. MAJD: Objection. Calls for speculation
12 and mischaracterizes testimony. Go ahead.

13 THE WITNESS: I know that at times people from
14 the district would visit our campus, so I think that
15 that firsthand awareness led to it. If an
16 administrative from the district ever came down to the
17 school for a meeting or something, some -- you know, we
18 would usually bring up concerns that we had even if that
19 wasn't why they were down at our school visiting.

20 I don't know of specific people making specific
21 calls to specific individuals in the district; I never
22 did. But we were always told that things were trying to
23 be figured out on how to help us; although, I didn't see
24 much happen in the time I was there.

25 MS. VANSE: Q. And when you said that you

1 would visit Hawthorne, correct?

2 A. Once in a while, yes.

3 Q. Do you know how often that would occur?

4 MS. MAJD: Calls for speculation.

5 THE WITNESS: In the two years that I taught at
6 Hawthorne, I believe maybe three times there was -- that
7 I can remember -- there was somebody from the district
8 there.

9 MS. VANSE: Q. Were those three times that
10 someone was from the district at Hawthorne, was that
11 specifically to visit the campus? By that I mean not
12 for some other meeting or purpose, they were there to
13 observe or look at what was going on at Hawthorne?

14 MS. MAJD: Objection. Calls for speculation.
15 Vague. Compound.

16 THE WITNESS: No, the times that I remember
17 that I actually saw them, so they were there for -- to
18 address the staff and the faculty for some reason about
19 something.

20 MS. VANSE: Q. You also mentioned that things
21 have been changing at Hawthorne, correct?

22 A. Yes.

23 Q. What things have been changing at Hawthorne?

24 A. They demolished the DCH building and brought in
25 new portables to replace those classrooms. They

1 were told things were trying to be fixed at the school,
2 was that something someone from the district was telling
3 you?

4 MS. MAJD: Objection. Mischaracterizes
5 testimony.

6 THE WITNESS: Yes. For instance, at one time I
7 remember the superintendent had come and had promised
8 us, because overcrowding was one of our major concerns,
9 and he had promised that our enrollment would be capped.
10 Which means, that once we reached, I believe it was,
11 1300, that we wouldn't be allowed to take any more
12 students. When registration time came, he didn't follow
13 through on that and he told other schools to send us all
14 their extra students.

15 MS. VANSE: Q. Do you know why he didn't
16 follow through with the enrollment cap?

17 A. I don't specifically know why, but I would
18 assume because there was nowhere else for these students
19 to go and there wasn't room at those other schools, and
20 children have to be in school, so they would have to
21 come to our school.

22 Q. Did anyone ever explain to you why the
23 enrollment cap promise was not kept?

24 A. No.

25 Q. You mentioned that at times district personnel

1 demolished the majority, if not all, of the 35-year-old
2 portables on the playground and are in the process of
3 replacing those with a new permanent portable building
4 of some sort.

5 Q. Any other changes that you're aware of that are
6 going on at Hawthorne?

7 A. No. Oh, yes, there is one more.

8 Q. What is that?

9 A. A new school was opened, the one that I'm
10 currently at, which the intent was that if a new school
11 opens with 300 students that will reduce the amount of
12 Hawthorne's enrollment by 300 students. And so that's
13 been put in process by the district, but I can't -- I
14 can't be sure if it actually reduced the enrollment at
15 Hawthorne.

16 Q. Was that the -- do you know, was that the
17 intent of the district in opening the school, to reduce
18 enrollment at Hawthorne?

19 MS. MAJD: Objection. Calls for speculation
20 and assumes facts not in evidence.

21 THE WITNESS: Yes.

22 MS. VANSE: Q. Do you know if there were other
23 schools -- strike that.

24 Do you know if Hawthorne is still on a
25 multitrack schedule?

1 A. No, they are not.

2 Q. Do you know if teachers at Hawthorne or some
3 teachers at Hawthorne still have to rove from classroom
4 to classroom?

5 MS. MAJD: Calls for speculation.

6 THE WITNESS: At the end of last year, the
7 2000/2001 school year, when they demolished all of the
8 portables, it was promised to the school community that
9 the new building that they were putting in would be
10 ready on the first day of school, and that did not
11 happen.

12 And so just from word of mouth, I've heard on
13 the first day of school the portables that had been
14 demolished those teachers did not have a classroom to go
15 in, so they housed one class in the library and one
16 class on the stage. I'm not exactly sure if they found
17 a place for everyone, but there really wouldn't be
18 anywhere to rove because everybody was there all at one
19 time. So there was no roving, but not everybody had a
20 real classroom.

21 MS. VANSE: Q. And you may have mentioned
22 this before, and that was because there was not -- the
23 new portables were not at Hawthorne or why were there
24 not enough classrooms at Hawthorne at the beginning of
25 2000/2001 school year?

1 Q. Do you know if your principal at Hawthorne was
2 aware of your concerns regarding the bathroom facilities?

3 MS. MAJD: Calls for speculation. It's
4 overbroad.

5 THE WITNESS: I believe she was.

6 MS. VANSE: Q. Why do you believe she was
7 aware of or the concerns you described regarding the
8 bathroom facilities?

9 A. Because I know people have talked to her about
10 it, and it's been the topic of faculty meetings.

11 Q. Do you know if anyone at the Oakland Unified
12 School District was aware of the concerns you described
13 about the bathroom facilities at Hawthorne?

14 MS. MAJD: Objection. Calls for speculation.
15 Vague.

16 THE WITNESS: I believe that they were because,
17 like I said before, I know my principal had a very
18 strong voice when it came to talking about all the
19 problems at Hawthorne.

20 MS. VANSE: Q. While you were at Hawthorne,
21 did the school take any action to improve the
22 cleanliness of the facilities, the bathroom facilities?

23 MS. MAJD: Objection. Calls for speculation.

24 THE WITNESS: Yes. We came up with a plan
25 where the custodians would clean the bathrooms more

1 MS. MAJD: Calls for speculation.

2 THE WITNESS: Because the building they were
3 building was not finished yet. It actually hadn't been
4 started by the start of school.

5 MS. VANSE: Q. This was the new permanent
6 portable building?

7 A. Yeah, it was a two-story permanent portable
8 building.

9 Q. Do you know if that building is now complete?

10 A. I do not know. I think it was scheduled to be
11 completed around this time right now.

12 Q. But you don't know whether it actually is?

13 A. No.

14 Q. Do you know if there have been any additional
15 bathrooms added to Hawthorne since you left?

16 A. Well, the portable bathroom was demolished
17 and -- but I believe that the new building replacing all
18 those portables will have a bathroom attached to it, but
19 I don't think extra bathrooms have been added.
20 Bathrooms that have been demolished have just been
21 replaced.

22 Q. Do you know if there's been any, since you left
23 Hawthorne, any change in the cleanliness in the
24 bathrooms at Hawthorne?

25 A. I have no idea.

1 often instead of just at night, but they just couldn't
2 keep up with the volume of kids using the facilities.

3 MS. VANSE: Q. While you were at Hawthorne,
4 was there anything done to improve the amount of
5 supplies in the bathroom facilities at Hawthorne?

6 MS. MAJD: Objection. Calls for speculation.
7 Vague.

8 THE WITNESS: Well, I believe at the time that
9 they were doing the extra cleaning time that we had set
10 up, that they would also be restocking the bathrooms.

11 MS. VANSE: Q. And when you mentioned that we
12 came up with a plan, is that something that staff and
13 faculty at Hawthorne came up with to help remedy the
14 concerns of the bathroom?

15 MS. MAJD: Objection. Compound.

16 THE WITNESS: Yes. I remember during a
17 faculty meeting this had been a topic that somebody had
18 brought up, and in a discussion it was agreed that the
19 custodians would, on top of everything else they had to
20 do, was go and check the bathrooms. I think we didn't
21 say every hour because that would be too much, but at
22 least every two hours to recheck the bathrooms and make
23 sure they were clean and stocked. Except, the problem
24 was with that plan, was that we were adding that to
25 everything else they had to do which was already too

1 much for them to accomplish, so it was hard to keep
 2 everything clean.
 3 MS. VANSE: Q. You mentioned that some of the
 4 portable bathroom stalls were often overflowed; is that
 5 correct?
 6 A. Yes.
 7 Q. And what would happen when one of the stalls
 8 would overflow?
 9 MS. MAJD: Objection. Vague. Calls for
 10 speculation.
 11 THE WITNESS: The bathroom would be locked.
 12 MS. VANSE: Q. Would the bathroom be fixed or
 13 the stall be fixed?
 14 MS. MAJD: Objection. Vague and compound.
 15 THE WITNESS: I assume that, yeah, he -- I
 16 mean, the immediate problem was solved, but I mean it
 17 kept happening over and over again. The fact that the
 18 pipes were old and not capable of handling so much waste
 19 wasn't ever fixed.
 20 MS. VANSE: Q. Do you know if the bathroom
 21 stalls were fixed by the custodians at Hawthorne?
 22 MS. MAJD: Objection. Vague as to which
 23 bathroom stalls.
 24 THE WITNESS: I do not know who fixed it. If
 25 the problem was just a plunging problem, I assume our

1 custodians would fix it. But if it was something more
 2 that needed a plumber, the district's facilities
 3 department would fix it.
 4 MS. MAJD: Nicol, I just want to remind you not
 5 to guess if you don't know. If you have knowledge for
 6 your opinion, that's great and helpful.
 7 THE WITNESS: Okay.
 8 MS. VANSE: Q. You just mentioned there's a
 9 facilities department for the district, correct?
 10 A. Yes. Actually, they're called buildings and
 11 grounds.
 12 Q. And do you know when the buildings and grounds
 13 personnel would be called in for a problem as opposed to
 14 like having the school site staff take care of the
 15 problem of the facilities?
 16 MS. MAJD: Objection. Assumes facts not in
 17 evidence. Calls for speculation.
 18 THE WITNESS: If it was out of the scope of a
 19 custodial duty within their contract, they wouldn't do
 20 it, so buildings and grounds would be called. Or if it
 21 was out of the scope of a teacher being able to do
 22 something, then buildings and grounds would be called.
 23 MS. VANSE: Q. And was this something that was
 24 explained to you as a teacher how to deal with a
 25 facilities problem whether or not you should take care

1 of it or whether or not you should call a buildings and
 2 grounds person?
 3 MS. MAJD: Objection. Vague.
 4 THE WITNESS: I don't remember if it was
 5 specifically explained to me on my first day of work
 6 there, but I remember being able to go to the secretary
 7 and saying, My door's broken, what do I do about it?
 8 And the secretary would take care of contacting
 9 buildings and grounds.
 10 MS. VANSE: Q. You mentioned also one of the
 11 concerns you had about the bathroom facilities at
 12 Hawthorne related to safety of students, correct?
 13 A. Yes.
 14 Q. While you were at Hawthorne was there -- was
 15 anything ever done to help improve student safety
 16 regarding the bathroom facilities or walking to the
 17 bathroom facilities?
 18 MS. MAJD: Objection. Calls for speculation.
 19 Compound.
 20 THE WITNESS: I don't know if this started
 21 during my time there or if it was something that was
 22 already in place before I started working, but we had a
 23 rule where children would go to the bathroom in pairs.
 24 So if one student would use the rest room we would send
 25 another student with them. Just in case something

1 unsafe would happen, hopefully, one child would be able
 2 to run and find out.
 3 MS. VANSE: Q. Are you aware of anything else
 4 that was done at Hawthorne to improve student safety to
 5 improve bathroom facilities?
 6 MS. MAJD: Objection. Vague.
 7 THE WITNESS: We had -- for a while, we had
 8 security officers. They weren't specifically assigned
 9 to patrol bathrooms; they were just more campus
 10 security. But they were around also.
 11 MS. VANSE: Q. And were the security officers
 12 there for the entire time you taught at Hawthorne?
 13 MS. MAJD: Calls for speculation.
 14 THE WITNESS: I think towards the last part of
 15 last year our security officers were removed, and the
 16 first year I was there we had two security officers and
 17 then the second year, the 2000/2001, we had one security
 18 officer but then she was removed -- she was moved to a
 19 high school and we were left with no security officers.
 20 MS. VANSE: Q. And do you know why your
 21 security officers were moved at Hawthorne?
 22 A. I believe it was because the high school needed
 23 a security officer.
 24 Q. Do you know if -- since you left Hawthorne, do
 25 you know if there's been anything done to improve

1 student safety regarding the bathrooms at Hawthorne?
 2 MS. MAJD: Objection. Vague.
 3 THE WITNESS: I have no idea.
 4 MS. VANSE: Q. You mentioned that Hawthorne
 5 was closed for approximately two weeks in August,
 6 correct?
 7 A. Yes.
 8 Q. Do you know if anything was done to clean the
 9 school during those two weeks?
 10 A. During that time all the hallways would usually
 11 be thoroughly cleaned and waxed, as well as the
 12 cafeterias. And then they would do their best to go
 13 from classroom to classroom to mop, and that's about all
 14 they would get to in the two weeks.
 15 Q. And do you know if this was done by the
 16 Hawthorne custodial staff?
 17 A. I believe it was, yes.
 18 Q. Do you know if the Oakland Unified School
 19 District buildings and grounds personnel ever deep
 20 cleaned the Oakland or the Hawthorne --
 21 MS. MAJD: Objection. Calls for speculation.
 22 Vague as to deep cleaned.
 23 THE WITNESS: I don't know.
 24 MS. VANSE: Q. Other than during the two weeks
 25 in August and the weekly or the general cleaning that

1 would go on at Hawthorne, was there any other type of
 2 cleaning that you know of that went on at Hawthorne in
 3 the building itself?
 4 MS. MAJD: Objection. Mischaracterizes
 5 testimony.
 6 THE WITNESS: Well, custodians would go around
 7 every night and collect garbage from classrooms. If
 8 there was enough custodians, on a very infrequent basis,
 9 our classrooms would get mopped. They set up a schedule
 10 where every other night our classrooms would be swept,
 11 but that would only happen if there was enough custodial
 12 staff in the evening.
 13 And during the day, the custodial staff were in
 14 charge of cleaning up any messes, cleaning the cafeteria
 15 during lunch and after lunches, and in the morning.
 16 Because it is a public campus, the neighborhood people
 17 would use the campus at night for various activities and
 18 the playground would usually be pretty messy, so they
 19 spent a good part of their morning cleaning up damage
 20 and broken glass and garbage left around from the
 21 previous night.
 22 MS. VANSE: Q. You mentioned that you're now
 23 teaching at the International Community School; is that
 24 correct?
 25 A. Yes.

1 Q. Are there any conditions that you have concerns
 2 about regarding -- or at the International Community
 3 School?
 4 MS. MAJD: Objection. Vague and overbroad.
 5 THE WITNESS: We actually have some problems
 6 continuing with the custodial staff and getting the
 7 campus clean and the bathrooms kept clean during the
 8 day. Can you repeat the question?
 9 (Record read by the reporter as follows:
 10 "Q. Are there any conditions that you have
 11 concerns about regarding -- or at the
 12 International Community School?")
 13 THE WITNESS: We are supposed to have a noon
 14 supervisor provided by the district and one has not yet
 15 been provided to us, so sometimes there are children
 16 unsupervised on the playground.
 17 MS. VANSE: Q. And what do you mean by
 18 unsupervised?
 19 A. We -- children have to be supervised when
 20 they're on a playground by a credentialed staff member,
 21 and so we have a woman who comes in and does sports for
 22 kids where she organizes sporting activities for the
 23 kids during lunch, and she can be out there supervising.
 24 But there would also need to be a credentialed staff out
 25 there, and sometimes she would only be the only one out

1 there until somebody's able to finish up their lunch and
 2 get out there as well. We just don't have adequate
 3 staff to supervise the children during lunch recess.
 4 Q. So if I'm understanding you correctly, when you
 5 say unsupervised you mean unsupervised by a credentialed
 6 person?
 7 A. Absolutely. And also not enough. One person
 8 out there is not enough, whether she's credentialed or
 9 not.
 10 Q. Any other concerns you have about the
 11 conditions at the International Community School?
 12 MS. MAJD: Objection. Vague.
 13 THE WITNESS: No.
 14 MS. MAJD: I'm sorry, I was going to ask to
 15 take a break, but if you're in the middle ...
 16 MS. VANSE: We can. Thanks.
 17 (Whereupon, a lunch recess was taken.)
 18 MS. VANSE: Q. Welcome back.
 19 A. Thank you.
 20 Q. And I actually thought of one question that I
 21 should have asked you at the beginning of the day. Was
 22 there any reason you could not give your best testimony
 23 today?
 24 A. No.
 25 Q. Did you have any drugs or alcohol within the

1 recent past?

2 A. No.

3 Q. Anything over lunch change that answer at all?

4 A. No.

5 MS. VANSE: I want to have marked as Exhibit A
6 or 1, a copy which I believe is your declaration.

7 (Whereupon, Defendants' Exhibit 1 was
8 marked for identification.)

9 MS. VANSE: Q. Ms. LaCava, if you could take
10 a look at what we've marked as Exhibit 1 and just tell
11 me what it is. There's multiple pages, so just flip
12 through.

13 A. This is the declaration that I gave to the ACLU
14 about conditions at Hawthorne.

15 Q. And this is also the declaration that you
16 reviewed in preparation for your deposition today?

17 A. Yes.

18 Q. Not that one exactly, but a copy of it?

19 A. Right.

20 Q. If you could just review paragraph three for me
21 and let me know when you're finished.

22 A. Okay.

23 Q. In paragraph three, just to paraphrase, talks
24 about overcrowding and multitasking concerns that you
25 have at Hawthorne, correct?

1 Q. And other than what's included in paragraph
2 three of Exhibit 1, and what we've already talked about
3 today, any other concerns you have about multitasking
4 at Hawthorne?

5 A. What was the previous question?

6 Q. Basically the same series but about
7 overcrowding. If you combine those, if those two are
8 kind of similar to you, that's fine.

9 A. Actually, I wanted to add something about
10 overcrowding.

11 Q. Okay.

12 A. The way the district works is at the end of a
13 school year, so for us it would be more in June or July,
14 but as you look forward to the next school year, they
15 allocate the number of teachers we will be allowed based
16 on the previous year's enrollment and surveys that we
17 get back from parents.

18 So at the beginning of the school year we start
19 with a certain number of teachers. Well, normally we
20 have way more students than is expected because we're an
21 overflow school, which means that when the surrounding
22 schools around us are all filled, they send us all their
23 extra students. And so at the beginning of the year we
24 usually start with more students than we have teachers
25 for even, and so a lot of times there are teachers that

1 A. Correct.

2 Q. And we've already discussed both of those
3 topics. Was there any other concerns that you can think
4 of that you had regarding overcrowding at Hawthorne?

5 A. Well, I think the last sentence on here, "This
6 impairs the sense of community among the students," I
7 think that that's a really big issue. And I think I
8 said this before, but I think it's very important for
9 students to feel a part of something.

10 And with the multitasking and not always
11 knowing if you're on vacation or not on vacation and
12 you're gone for a whole month and the rest of the school
13 went on, it really -- it really detracts from the sense
14 that we're all together; we're all one school.

15 And then that kind of flows then into the
16 teachers. We didn't as teachers either feel a complete
17 sense of community with each other because a quarter of
18 us were always gone. And for the children I think that
19 just emotionally is not a safe place for them to really
20 not know what's going on always, and things change when
21 they're gone.

22 Q. So other than what we've already talked about
23 today and what's included in paragraph three, any other
24 concerns you had about overcrowding at Hawthorne?

25 A. Not that I can think of.

1 have more than the right number of students in a class.

2 So for first, second, and third grade that
3 would be more than 20 students, and in the upper grades
4 I think their limit is 32. But whatever their limit is,
5 they would have more. And that would remain that way
6 for about a month because the district has a policy
7 where they won't allocate us more teachers until they're
8 sure that the enrollment is going to stay at that
9 number.

10 And so for a whole month there are classrooms
11 that have way too many children, and then at the end of
12 that month's period, the district would say, okay, you
13 have this many students, we can allocate you this many
14 more teachers to make more classrooms.

15 And then at that point the students who have
16 now been in one classroom for a month, you know,
17 building community and feeling a part of a class, are
18 then pulled out of that class and an overflow class is
19 made for them, which a lot of times is at first run by a
20 sub. Because at the moment the month ends and we're
21 allocated a teacher, then we start the hiring process,
22 so it might be a few more weeks before we have the
23 permanent teacher hired.

24 And a lot of times that sub is someone just
25 with an emergency credential or noncredentialed who

1 hasn't been through an education program of any sort.
 2 And the teacher who is generally hired is usually a
 3 noncredentialed teacher because by September or October
 4 of a school year all credentialed teachers have already
 5 been placed in a position in other schools.

6 Q. And when you say noncredentialed, what do you
 7 mean by that?

8 A. Without the California teaching credential.

9 Q. Out of these -- do you know if these teachers
 10 are on an emergency credential?

11 MS. MAJD: Calls for speculation. Overbroad.

12 THE WITNESS: It is my understanding that they
 13 would need an emergency credential to teach, but
 14 there's -- you don't have to have gone through teaching
 15 school or any program to get an emergency credential.

16 MS. VANSE: Q. Are you aware of any teachers
 17 at Hawthorne during the time you worked there that did
 18 not have either a permanent or an emergency credential
 19 that were teaching a class?

20 A. I would probably know of one or two, but I'm
 21 sure there was others. With 63 teachers it was hard to
 22 really get to know a lot of teachers that intimately to
 23 know whether they had a credential.

24 Q. So you were aware of one or two people who were
 25 teaching at Hawthorne who didn't have either an

1 hired, they're also the ones who have to rove because at
 2 that point we had already picked all -- the classrooms
 3 had been assigned and then our rovers were already
 4 roving and then the new teacher would just flow into the
 5 roving sessions.

6 Q. Any other concerns you had or you have about
 7 overcrowding at Hawthorne?

8 A. To add about the new teacher having to rove,
 9 like I said, they are usually a brand new teacher who
 10 just graduated or they're noncredentialed, and to be in
 11 your first year of teaching or your first experience in
 12 a classroom and having to rove and deal with having no
 13 materials in your classroom is quite overwhelming.

14 And not only are they walking into that, but
 15 because the school was in a constant sense of chaos with
 16 all the other problems going on, I don't think they got
 17 the support that they needed from both the school
 18 administration and the district to help them have a more
 19 successful year, faced with all these problems that they
 20 walked into.

21 And they're also getting a group of kids who
 22 are just kind of yanked from their previous classrooms
 23 and kind of thrown together as a group.

24 Q. Was that something you learned from talking
 25 with teachers that were put in that position?

1 emergency permit or a full credential that were teaching
 2 a class?

3 A. They would have had an emergency credential, I
 4 believe.

5 Q. Are you aware of anyone during your time at
 6 Hawthorne who was teaching a class who did not have at a
 7 minimum an emergency credential?

8 MS. MAJD: Calls for speculation. Go ahead.

9 THE WITNESS: I don't know.

10 MS. VANSE: Q. And before I get into
 11 everything you just gave me, anything else other than
 12 what's included in paragraph three and that we've
 13 already talked about that concerns you regarding
 14 overcrowding at Hawthorne?

15 A. Well, I'm sure we'll probably get into this
 16 with the follow-ups, but when there's extra teachers
 17 added on, because we're continuing to grow, books and
 18 materials aren't necessarily ordered because we've added
 19 our 65th teacher per se, and so that teacher generally
 20 is walking into a situation where they either have to
 21 borrow all their materials or they have to buy their own
 22 supplemental materials or they just go without and just
 23 make up curriculum plans without the state-issued
 24 curriculum.

25 And the teachers who are usually the last ones

1 A. Yeah, and from observations. I mean, I had --
 2 I think there was one time that I had a child that was
 3 in my classroom -- and I had 21 -- so one child had to
 4 leave. And just kind of following through with my
 5 relationship I had with the child, seeing how his
 6 environment changed from going to my classroom to
 7 moving -- to having to change classrooms after the first
 8 month of school. My student, sorry.

9 Q. You mentioned that you didn't think that these
 10 teachers coming in and roving to teach the overflow
 11 classes got the support they needed from the school.
 12 Was that something you spoke with those teachers about?

13 MS. MAJD: Objection. Mischaracterizes the
 14 testimony.

15 THE WITNESS: There was one year that there was
 16 a teacher who kind of fell into that situation. She
 17 wasn't necessarily -- I don't think she had to rove, but
 18 she was a new teacher and she really struggled, and as a
 19 second grade teacher we're in a lot of meetings
 20 together, and so she would voice her concerns about not
 21 getting the help she needed, feeling overwhelmed. And I
 22 would do my best, with some of my other colleagues, to
 23 help her out. It was clear that she wasn't getting any
 24 other support beyond our meetings.

25 MS. VANSE: Q. Do you know if she got any

1 additional support after that meeting where she voiced
2 her concerns?

3 MS. MAJD: Objection. Vague.

4 THE WITNESS: She would get a little support
5 here and there, but I don't think the quality of support
6 that she would need -- and I don't think it's because
7 people wanted her to fail or lose or whatever, but I
8 just think that with 63 teachers and one principal and
9 two vice principals there just wasn't enough people to
10 be everything for everybody.

11 MS. VANSE: Q. Do you know if that teacher
12 ever raised her concerns about lack of support with
13 anyone at the district?

14 MS. MAJD: Calls for speculation.

15 THE WITNESS: I don't know.

16 MS. VANSE: Q. Any other concerns you have,
17 other than what we've talked about and that's in your
18 declaration paragraph three, regarding overcrowding at
19 Hawthorne?

20 A. No, not that I can think of right now.

21 Q. You mentioned that the district would not
22 allocate more teachers for Hawthorne until approximately
23 a month after the school year started, correct?

24 A. Correct.

25 Q. And do you know why the district did that?

1 MS. MAJD: Objection. Vague.

2 THE WITNESS: I don't believe so.

3 MS. VANSE: Q. You also mentioned that books
4 and materials were not ordered for the over -- I guess
5 it would be the overflow classes?

6 A. Uh-huh.

7 Q. Were the books and materials ordered once an
8 overflow class was established?

9 A. No.

10 MS. MAJD: Objection. Calls for speculation.

11 THE WITNESS: Not usually.

12 MS. VANSE: Q. And do you know why books and
13 materials were not ordered for an overflow class?

14 A. It is my understanding that books and
15 materials, like a math curriculum or reading curriculum,
16 are -- the monies come from the state to the district
17 and the district orders for all of the schools. And so
18 anything ordered after the beginning of school, the
19 money has to come out of the pockets of the individual
20 schools. And I don't believe that it was in the budget
21 to buy such expensive materials for something that the
22 district needs to provide for every classroom in the
23 school.

24 Q. And how did you come about that understanding?

25 A. At that point I came just in talking with the

1 A. I don't know the specific reason, but I would
2 think that it had to do with their thought that maybe
3 through attrition in the first month of school that our
4 numbers wouldn't be exactly right in the first or second
5 week of school and by the end of a month we should have
6 a pretty more stable idea of what our numbers are.

7 Q. Is that something you learned from the district
8 that was why?

9 A. I don't think I learned that from the
10 district. I think it was probably with discussions with
11 my principal.

12 Q. Did the school administration at Hawthorne do
13 anything to help teachers during that first month when
14 their classes might have been bigger?

15 MS. MAJD: Objection. Vague and calls for
16 speculation.

17 THE WITNESS: I don't believe so.

18 MS. VANSE: Q. During your time at Hawthorne,
19 did you ever have more than 20 students for that first
20 month of the school year in your classroom?

21 A. Yeah, one year I had 21 students.

22 Q. Do you know if the district ever provided any
23 help for teachers at Hawthorne for that first month of
24 school? And by help I mean helping them deal with
25 having more than 20 students in their classrooms.

1 principal, but I also was involved for my new school in
2 trying to order materials and stuff as well, so I got a
3 better understanding of how the ordering process works.

4 Q. And while you were in the process for
5 developing your new school, did you learn that that was
6 in fact the case that if additional students would
7 arrive at a school site that it would be the
8 responsibility of the school to purchase new materials
9 for those students?

10 MS. MAJD: Objection. Mischaracterizes the
11 testimony.

12 THE WITNESS: I didn't learn that specific
13 information, but I learned that once all the money for
14 books has been used, you don't get any books. For
15 instance, my new school we did not become officially a
16 school until about August or the beginning of September,
17 and by then all schools had already ordered everything,
18 so my new school we have not received any curriculum
19 except for the Open Court reading program.

20 MS. VANSE: Q. When you say that you have no
21 curriculum except for the Open Court reading at your new
22 school, does that mean you don't have any books for the
23 other subjects at your new school?

24 A. Correct. I think we have a little bit of a
25 science curriculum, but I don't think we have received

1 enough for everybody in the school. But we have no math
2 curriculum, except we do have some math workbooks, but
3 that's not the full curriculum that the district uses.

4 And we have no ELD program and no social studies
5 program.

6 Q. Do you have a science curriculum in your class
7 at the International Community School?

8 MS. MAJD: Objection. Vague.

9 THE WITNESS: I have the teacher's manual for
10 the curriculum. I do not have student textbooks
11 though. And there was like a supplemental box of
12 materials that has like flash cards, and I think there's
13 a couple of videos. But I don't have textbooks for the
14 children to follow the curriculum with.

15 MS. VANSE: Q. Do you know if you'll be
16 receiving textbooks for your science curriculum?

17 A. I don't know.

18 Q. And in your class at the International
19 Community School, do you have a math curriculum?

20 MS. MAJD: Objection. Vague as to curriculum.

21 THE WITNESS: We have some workbooks that --
22 last year the curriculum was two programs. It was
23 called Math Steps and Math Land, and Math Land was the
24 part of the curriculum where it's all the manipulatives.
25 Where the children are able to use dinosaurs to help

1 And the ELD actually is the most -- the most
2 concerning that we don't have because we're required by
3 the state and by Oakland Unified to teach 50 minutes of
4 English language development every day. And I've been
5 told the reason they're not providing us with a
6 curriculum is because they're going to get a new
7 curriculum next year so they don't want to spend the
8 money on something that's obsolete but for a year.

9 Then if that's the case, as a teacher, I'm
10 going to have to come up with my own curriculum and that
11 creates an inconsistency. Because what I'm teaching
12 should be the same as what the other second grade
13 teachers are teaching, and across the grades that's how
14 it should be. If we have to go home every night and
15 make up our lessons, it leads to a very inconsistent
16 program.

17 Q. Do you know if there are any programs that the
18 Oakland Unified School District provides to new teachers
19 into the district?

20 MS. MAJD: Objection. Vague.

21 THE WITNESS: There's a program called BTSA,
22 B-T-S-A, and it's beginning teachers support. I don't
23 know what the A stands for. And that's basically
24 monthly. There were monthly meetings that you meet with
25 some mentor teacher and then they come and observe you

1 them count and ten's blocks and hundred's blocks to help
2 them add. We don't have any of that material. We have
3 Math Steps, which is kind of a workbook that is extra
4 help to help them learn the skills.

5 MS. VANSE: Q. Do you know if you'll be
6 receiving any workbooks for your math class?

7 A. I've been told that we won't be.

8 Q. Before when I asked you if you had any concerns
9 regarding the International Community School you
10 mentioned that you had a concern regarding the custodial
11 staff and the cleanliness of the bathrooms, as well as
12 the noon supervisor.

13 Do you consider textbooks to be a concern at
14 the International Community School?

15 A. Yes, I do.

16 Q. And what is your concern regarding textbooks at
17 the International Community School?

18 A. My first concern is that it makes it extremely
19 difficult to plan for any individual subject without the
20 use of a curriculum book because you're just having to
21 create new lessons every day or a new lesson every
22 night. My second concern is that it's an equity issue.
23 That every other student in the district, especially the
24 ones in the hill schools, are provided with everything
25 that they need, but our children are not.

1 and you talk about ways to improve your teaching. And
2 then at the end of the year there's a -- some sort of
3 final presentation on what you've learned, and they use
4 the California state standards as your focus throughout
5 the year, so you kind of pick one standard that you
6 really want to work on as a teacher. It is an optional
7 program though.

8 MS. VANSE: Q. Was this a program that you
9 participated in when you were new to the unified -- or
10 to the school district?

11 A. I participated my first year of teaching. As a
12 teacher, you can do it the first two years that you're
13 in the district.

14 Q. Did you think the program was helpful?

15 MS. MAJD: Objection. Vague.

16 THE WITNESS: Having a mentor teacher was very
17 helpful to me, but the classes that I attended through
18 the program were not very helpful to me.

19 MS. VANSE: Q. Are you aware of any other
20 support that the Oakland Unified School District
21 provides for beginning teachers?

22 MS. MAJD: Objection. Vague as to support and
23 vague as to district.

24 THE WITNESS: At the beginning before school
25 starts, there's a one- or two-day sort of orientation

1 where they go through some of the paperwork and how to
2 contact people in the district and who you'd call for
3 such information. But then they also do sort of
4 break-out groups where they talk about what you should
5 teach in social studies kind of very broadly and what
6 standard you focus on in science and so on. And that's
7 for people new to the district.

8 MS. VANSE: Q. Anything else?

9 A. Not that I can think of.

10 Q. Are you aware of any, I guess, mechanisms by
11 which teachers in the Oakland Unified School District
12 can bring concerns they have to the district itself?

13 MS. MAJD: Objection. Vague.

14 THE WITNESS: Well, I think the first mechanism
15 would be through our principal, and then I think for --
16 if those aren't getting solved through our principal,
17 then we do it through our union reps and then through
18 the heads of the union.

19 MS. VANSE: Q. Anything else?

20 A. I can't think. You were asking me earlier did
21 I ever talk to people at the district about things, and
22 I mean I can't imagine who in the district I would go
23 to. I would go to my union reps for all these concerns
24 that I would have.

25 Q. Have you ever served as a union rep?

1 go year-round if we wanted to but then we would be a
2 July to June school not a September to August school.

3 MS. VANSE: Q. Mr. Chaconas at -- how do you
4 spell that for the reporter?

5 A. C-H-A-C-O-N-A-S?

6 MS. MAJD: That's right.

7 THE WITNESS: He'll be so proud of me.

8 MS. VANSE: Q. He's your superintendent of the
9 school district?

10 A. Yes.

11 Q. While you were at Hawthorne, did your principal
12 ever try to do anything to help teachers with respect to
13 being on a multitrack schedule as opposed to a
14 traditional track?

15 MS. MAJD: Objection. Calls for speculation.
16 It's vague.

17 THE WITNESS: She would, I don't know, try to
18 do little morale boosting things. For example, for
19 teachers who had to rove and had to move, she would
20 allow the last hour of your last day on track to -- you
21 could either send your kids out onto the yard so you
22 could have some quiet time to pack, or she would say you
23 can have your kids help you move your classroom, you
24 don't have to use that last hour for instruction; which
25 on one hand is helpful because then that's work you

1 A. No, I haven't.

2 Q. Are you aware of anything that the Oakland
3 Unified School District does to help teachers that teach
4 on a multitrack-year schedule?

5 MS. MAJD: Objection. Vague.

6 THE WITNESS: No. And, actually, I think they
7 kind of ignore the fact that we're on a multitrack
8 schedule. For example, when the school calendars are
9 sent out, we never get an official calendar for our
10 school year. There's always just a blurb at the bottom
11 of the calendar that says any school that's year-round
12 will send out their own calendars. A lot of times it's
13 even forgotten we're on vacation or whatnot, and so when
14 staff development is scheduled, it's never taken into
15 consideration that some teachers may be on vacation.

16 And the whole fact that the end of our school
17 year runs through the beginning of the next fiscal year,
18 because we go from September to August and the fiscal
19 year goes from July to June, we actually would not have
20 money for maybe a couple of months in the summer because
21 they won't load our next year's budget until we actually
22 begin that school year, which is actually the reason
23 that Hawthorne is not year-round this year because
24 Mr. Chaconas wanted us to get on the fiscal calendar.
25 So next year they could, and my new school also, could

1 don't have to do after school on your own time, but it's
2 also a huge loss of instruction hours.

3 I mean, it was more morale boosting things than
4 actually physical things that she did. A lot of thanks
5 went out and that kind of stuff, but it was kind of --
6 it felt like a very helpless, hopeless situation. Our
7 hands really felt tied.

8 MS. VANSE: Q. And when you say your hands
9 felt tied, what do you mean?

10 A. It just felt -- I mean, you could go and
11 complain to the principal as much as you wanted, and sit
12 in her office and complain, but -- and she calls the
13 district and does the same thing, but it just -- it
14 didn't ever seem that anything ever changed in that
15 regard.

16 And so I just can't think of things that she
17 could have personally done to help with the situation,
18 aside from providing that moral support and leadership.

19 Q. Do you think there was anything that the
20 district could have done to help with that situation?

21 MS. MAJD: Objection. Calls for speculation.

22 THE WITNESS: Build more schools, make the
23 schools smaller.

24 MS. VANSE: Let's take a quick break.

25 (Whereupon, a recess was taken.)

1 MS. VANSE: Q. When did -- when was the
2 International Community School built?

3 MS. MAJD: Objection. Assumes facts not in
4 evidence.

5 THE WITNESS: We have just a permanent site
6 right now. On the site where the new school will be, we
7 have a portable school, portable building school right
8 now, and the permanent building has not started being
9 built yet, but it supposedly will be done by 2003 to
10 begin that school year.

11 MS. VANSE: Q. Do you know if there are any
12 other new schools in development in Oakland Unified?

13 A. Well, actually, they opened -- five new schools
14 opened at the beginning of this school year, but none of
15 them are in a new school building. They're all either
16 within an existing school or like we're in a temporary
17 site, and the goal is actually to open five more this
18 upcoming year, but I think the district is having
19 problems finding space and sites for all these new
20 schools.

21 Q. And why do you think they're having problems
22 finding space and sites?

23 MS. MAJD: Objection. Calls for speculation.

24 THE WITNESS: Because the areas that they need
25 to put the new schools in, there's just no room. It's

1 year?

2 A. Yes.

3 Q. If you could turn to Exhibit 1 and review
4 paragraph four.

5 A. Okay.

6 Q. Does paragraph four address what we had already
7 talked about regarding having additional students in a
8 classroom for that first month of school?

9 A. Yes.

10 Q. And after you've reviewed or having now
11 reviewed paragraph four, does that refresh your
12 recollection as to any other concerns you have regarding
13 having too many students for that first month of school
14 at Hawthorne?

15 MS. MAJD: Objection. Vague.

16 THE WITNESS: Well, I think what I talked about
17 previously was classrooms would have -- some classrooms
18 would have 23, 25 students and then once the new teacher
19 was hired, those students would be pulled out of their
20 classes and made one class.

21 Sometimes what would happen is a -- there would
22 be more than enough students to make a class but they
23 wouldn't have a permanent teacher, so there could be --
24 instead of spreading those kids out all over the second
25 grade classrooms, let's say, they would just make one

1 overdeveloped. It's overcrowded. There's no land to
2 buy or purchase or use to build a school or to put a
3 school in.

4 MS. VANSE: Q. And you answered my question,
5 but actually I was trying to ask a different one. How
6 did you become aware that the district was having
7 problems finding space and sites?

8 A. Well, as part of this small-school process, we
9 kind of have our thumbs on the pulse of this whole
10 small-school process. It's kind of a new reform that's
11 going on within Oakland. And we actually share a site
12 with a middle school who is -- this year they're just a
13 sixth grade and they are supposed to leave our site at
14 the end of this year so they can have sixth and seventh
15 grade, but right now they don't have anywhere to move
16 and there's not enough room at our temporary place to
17 have both sixth and seventh grades, so ...

18 And then we also -- because we are the first of
19 the new small schools opening, we kind of have our hands
20 in helping the people who are developing their proposals
21 figure out the bumps that we've gone through in this
22 whole development of a new school.

23 Q. When you say you were helping people develop
24 proposals, were those proposals you were talking about
25 for the five more that might be opening up in the coming

1 classroom and then they would have a sub.

2 And a lot of times for the first couple of
3 weeks it wouldn't be a permanent sub, so maybe every day
4 they would have a different sub until they could arrange
5 with an individual to be that sub for a month.

6 And the other thing, actually, that would
7 happen is sometimes there wouldn't be enough extra or
8 over students to make an entire, say, second grade
9 classroom, but there would be say eight second graders
10 and 12 first graders, so they would end up having to
11 make a first and second grade classroom, which is
12 another whole problem in itself; especially for a new
13 teacher who would then have to take over that classroom
14 and a sub that's with a -- an extended temporary sub.

15 MS. VANSE: Q. Was the fact that substitutes
16 were hired or a series of substitutes were hired for
17 that first month at Hawthorne for some classes, was that
18 a concern that you had regarding the conditions at
19 Hawthorne?

20 A. Yes.

21 Q. And I think you mentioned you were -- also had
22 a concern regarding having, say, like a split-level
23 class of students, correct?

24 A. Correct.

25 Q. Any other concerns you had regarding substitute

1 or nonpermanent teachers at Hawthorne?

2 MS. MAJD: Objection. Vague.

3 THE WITNESS: Can you repeat the question?

4 (Record read by the reporter as follows:

5 "Q. Any other concerns you had regarding
6 substitute or nonpermanent teachers at
7 Hawthorne?")

8 THE WITNESS: No. Just the fact that if you
9 have a sub or a series of subs for the first month of
10 school -- I mean, basically for any teacher, the first
11 six weeks of school, I mean, you don't just dive right
12 into the curriculum, you spend learning rules and
13 routines.

14 If a sub has to do that for the first month of
15 school and then the teacher then changes to a permanent
16 teacher, basically that teacher is going to have to take
17 another four to six weeks getting the children used to
18 those rules and routines. So it was very inconsistent
19 for the children.

20 It was probably confusing for the children, but
21 it was also a loss of instruction time because instead
22 of being able to, on that sixth week, to really start
23 major curriculum stuff, the new permanent teacher is
24 having to redo rules and routines, so they kind of start
25 their curriculum later than other students in our

1 children to register, so they're already behind as it is
2 adjusting to a new school and a new classroom.

3 Another way that could happen is by teacher
4 choice. And I've seen it where teachers will choose
5 their -- the most difficult students are the ones that
6 will be leaving their classroom to go to an overflow
7 classroom.

8 Or the other way is just by randomly the
9 principal decides, which usually I don't think was the
10 case.

11 And so the first two ways, basically the
12 students who are struggling are the ones who are leaving
13 the classroom to go to those overflow classes. And
14 having the struggling students leaving going into a
15 classroom that, as we talked about, is chaotic and
16 different for them and just a tough situation for a new
17 teacher, it kind of doesn't bode well for their year to
18 come.

19 Q. And for that same sentence, was that
20 something -- when you say lowest achievers, that wasn't
21 something like designated by Hawthorne, the low
22 achievers go into an overflow classroom, was it?

23 A. No. It was sort of the system setup lent
24 themselves to that.

25 Q. Do you know if -- did you ever teach an

1 school.

2 MS. VANSE: Q. Do you know if any of the
3 substitutes hired to teach during that first month were
4 kept on as permanent teachers at Hawthorne?

5 MS. MAJD: Vague as to permanent teachers.

6 THE WITNESS: I can't think of any, but it's
7 possible that happened.

8 MS. VANSE: Q. If you could review paragraph
9 five in Exhibit 1 for me, please.

10 A. Okay.

11 Q. I want to ask you specifically about -- this
12 would be on the second page with the indication
13 PLTF 01771 at the bottom, and it would be beginning at
14 line three. And it states, "Most often, it is those
15 students who are the lowest achievers who are placed in
16 those classes," referring to the overflow classes.

17 What do you mean it's the students who are the
18 lowest achievers?

19 A. There's -- if a certain classroom has too many
20 students in it and it's time to move some students out
21 to make the 20-to-1 ratio possible, there's basically
22 two or three ways that that child can be moved out. You
23 could follow the last registered/first out mentality,
24 which is usually a student who arrived late to your
25 classroom anyways, because those are usually the last

1 overflow class at Hawthorne?

2 A. No.

3 Q. Do you know if any of the overflow teachers
4 received any extra aide, such as like a teacher's aide,
5 from the school?

6 A. They wouldn't receive extra aides. If it was a
7 bilingual classroom -- because we had a lot of bilingual
8 classes, and they didn't have the proper certificate
9 yet -- through the state they were mandated to have, I
10 think, three hours of an aide, and if it was a shelter
11 classroom like mine that you're speaking English all day
12 but you don't have your certificate for teaching that
13 kind of class, I think you're afforded one hour of an
14 IA. They didn't get anything extra above and beyond
15 that.

16 Q. Any other concerns you had regarding overflow
17 classes at Hawthorne other than what we've already
18 discussed or that's in your declaration?

19 A. Well, sometimes there wasn't enough students to
20 make a whole class and so the district basically
21 wouldn't give us another teacher. And so I keep using
22 second grade because I'm a second grade teacher. Let's
23 say there was only five extra second graders and, you
24 know, maybe there was like two extra first graders.
25 They wouldn't make a one, two, three, four classroom, so

1 they would just keep the classrooms with extra
2 children.
3 But because the state law says that for first,
4 second, and third grade that you have to have 20 or you
5 don't have this money, instead of spreading it out
6 equally and giving one teacher one child, they would put
7 all five extra children in only one classroom so that
8 way they're only losing money for one classroom with
9 over 20 and we're still getting money for the others,
10 which is very inequitable for the teacher and for the
11 students of that classroom.

12 Q. Any other concerns you had about overflow
13 classrooms at Hawthorne?

14 A. To actually add on to what I just said, the way
15 they also decided who got the extra kids, it's the last
16 teacher hired in that grade level, which is usually the
17 teacher who is the newest to the profession because
18 that's who is being hired last; usually maybe somebody
19 who is not done with their credential program or is
20 working through it. So they are the most inexperienced
21 teacher on that grade level staff usually.

22 Q. And do you know why the district would give the
23 extra students to the last teacher hired?

24 MS. MAJD: Calls for speculation.

25 THE WITNESS: The district didn't. It was a

1 received the extra students in your class?

2 A. No. I had that one extra student for a few
3 weeks, but ...

4 Q. Do you know if the teachers that received the
5 extra students ever received any additional help from
6 Hawthorne?

7 MS. MAJD: Objection. Vague as to Hawthorne
8 and as to extra help.

9 THE WITNESS: I don't think they did.

10 MS. VANSE: Q. If you could review paragraph
11 six of Exhibit 1 for me, please.

12 A. Okay.

13 Q. Do you know when the practice of roving started
14 at Hawthorne?

15 A. I don't --

16 MS. MAJD: Assumes facts not in evidence. Go
17 ahead.

18 THE WITNESS: I don't know the exact year it
19 started.

20 MS. VANSE: Q. There was roving when you first
21 arrived at Hawthorne?

22 A. Yes.

23 Q. And in paragraph six of your declaration
24 beginning -- well, actually, just line 12. When you
25 talk about that you were -- "I was forced to use only

1 school decision. It wasn't a district policy, I
2 believe. I believe it was a school site decision, which
3 actually I don't think was within our union rights.
4 It's supposed to be the more equitable way of doing it.

5 MS. VANSE: Q. Do you know why that was a
6 school policy at Hawthorne?

7 MS. MAJD: Calls for speculation.

8 THE WITNESS: I think it was probably a
9 monetary decision made that we would as a school get
10 more money by having all those kids in one classroom,
11 and the union didn't press the school enough on that
12 issue.

13 MS. VANSE: Q. Do you know why it was -- was
14 it the school that decided that the last teacher hired
15 would get all of the extra students?

16 A. Yeah, the principal decided that.

17 Q. Do you know why she would do it that way as
18 opposed to like a lottery or some other method of
19 determining who would get the other students?

20 MS. MAJD: Calls for speculation.

21 THE WITNESS: It has to do with tenure and just
22 that things at Hawthorne were really based on tenure and
23 your years of being at the school. So most decisions
24 had to do with that.

25 MS. VANSE: Q. Were you ever a teacher who

1 the most basic materials in teaching my class," what do
2 you mean when you say the most basic materials?

3 A. If I packed up all my boxes -- when I packed up
4 all my boxes I had almost 100 boxes' worth of stuff.
5 And being able to move that much stuff every month is
6 just unreasonable, but also there would be nowhere in
7 the classrooms I was moving into to store it because
8 it's another teacher's classroom and they don't pack
9 their stuff up for me to move in. They maybe shove it
10 to the side or something.

11 And so instead of lugging everything that I own
12 with me, I would just take the basic stuff that I could
13 use in my classroom. Like the majority of what I
14 carried with me is a lot of books for the students to
15 read because we read a lot in my classroom. My math
16 manipulatives. It was just the basic stuff that I use
17 every single day.

18 Things I wouldn't bring with me, like I said,
19 science. I have so many boxes of science stuff to dig
20 through and find exactly what I needed, it would be just
21 too cumbersome. And so I didn't have any of my science
22 stuff with me, and if I needed something I would just
23 borrow it or make something new.

24 I didn't bring a lot of my art stuff with me
25 because I didn't do art enough to really make it

1 worthwhile lugging it from classroom to classroom, and I
2 didn't really have access. It wasn't like my stuff was
3 all on neat shelves and I could just go to a storage
4 container and get what I needed. It was stacked in
5 boxes in this huge metal container on the playground,
6 and so I just -- just basically the things I used every
7 day.

8 Q. While you were at Hawthorne, did the school
9 administration ever do anything to help teachers who
10 were roving from class to class?

11 MS. MAJD: Objection. Vague.

12 THE WITNESS: Like I said earlier, you know,
13 that last hour we were afforded the time to move, and
14 usually the kids would help me carry the stuff. We
15 didn't have to do yard duty when we roved. I think that
16 was kind of the best bonus. But other than that, not
17 really. The custodians didn't help us move or
18 anything. They didn't have the time and I don't think
19 it was in their contract.

20 I mean, the principal would make sure the
21 school was open on the weekend in between us moving and
22 stuff, but we never got paid for the extra hours. If I
23 went in Saturday and Sunday to set up my classroom, I
24 was never paid for that. That's about it.

25 MS. VANSE: Q. Do you know if there are other

1 MS. MAJD: Objection. Calls for speculation
2 and also vague.

3 THE WITNESS: I believe it was a mixture of
4 both the district and the parents. I think the parents
5 see year-round schools as something that's a hardship
6 and it's only forced upon the low-performing schools or
7 schools in poor neighborhoods, and the district wanted
8 to change that. They wanted all schools to be on a
9 traditional schedule from September to June.

10 But I think the district's main concern was
11 actually ending the multitrack part of year-round
12 because, like I said, next year any school, but I mean
13 Hawthorne, has the choice to go back to year-round as
14 opposed to being a July to June, as opposed to September
15 to August; that's with the input of parents. But they
16 will never be a multitrack school again.

17 MS. VANSE: Q. Other than what we've already
18 talked about and what is in your declaration, any other
19 concerns you can think of regarding roving at Hawthorne?

20 A. No. I mean, I think -- just my hugest concern
21 was the impact it had on the students and their sense of
22 belonging in a place. You know, the last day of that
23 month that it was time to move, there's some students
24 who are sitting in their classroom and they're learning
25 art or reading and writing and there's ten classrooms

1 schools in the Oakland Unified School District that had
2 teachers that would rove from class to class?

3 A. I think there was one other school.

4 Q. Do you recall what school that is?

5 A. I think it was Franklin.

6 Q. And why do you think that Franklin also had
7 teachers that would rove from class to class?

8 MS. MAJD: Calls for speculation.

9 THE WITNESS: Because if it's the school -- I'm
10 basing it on there was a woman in my teaching program
11 who had roved at a different school and I think she was
12 at Franklin, but they're no longer year-round anymore.

13 MS. VANSE: Q. How do you know -- is that
14 Franklin that is not year-round anymore?

15 A. Uh-huh.

16 Q. How do you know that?

17 A. Because there's no more year-round schools in
18 Oakland.

19 Q. Is that something that changed beginning with
20 this school year?

21 MS. MAJD: Calls for speculation.

22 THE WITNESS: No. Hawthorne was the last one.
23 I think Franklin changed over two years ago, I believe.

24 MS. VANSE: Q. Was this something that the
25 district decided to do?

1 who are lugging all their classroom materials across a
2 huge playground to move it into another place.

3 I mean, for me, the number of times I've moved
4 in my life I know what it feels like to move an
5 entire -- your entire self. And to have to do that
6 every month for a little child who is seven and eight
7 years old, I can imagine it's very bewildering for
8 them.

9 Q. Any other concerns you have, other than what
10 we've talked about regarding roving?

11 A. No.

12 Q. If you could review paragraph seven of Exhibit
13 1 for me, please.

14 A. Okay.

15 Q. My first question, when you state on line 16 in
16 mid-January, is that January 2001?

17 A. Yes.

18 Q. You also mention, beginning on line 17, "I have
19 to air out my classroom each day because the chemical
20 smell is so strong."

21 Was that part of what we already discussed
22 regarding portables, your concerns regarding portables
23 at Hawthorne?

24 A. No. What we talked about was the old
25 35-year-old portables. These were brand, brand new

1 portables; the ones that were brought in to replace the
2 classrooms from the demolished DCH building. And
3 they're basically portables that are made out of that
4 particle wood and they're covered with like a surface
5 that you can staple into and stuff, but the wood itself
6 is processed because it's pressed wood. It's processed
7 with a lot of chemicals.

8 And even after two or three months of being in
9 them, they still need to be aired out every day because
10 they were just really overwhelmingly smelly; which is
11 very interesting, because I'm in a very new portable
12 this year and there was no smell in our new ones this
13 year. I think it was just whatever company we bought
14 this one from they were just overprocessed with
15 chemicals.

16 Q. Did the school ever do anything to alleviate
17 the problem of the chemical smell of your portable at
18 Hawthorne?

19 MS. MAJD: Objection. Calls for speculation.

20 THE WITNESS: No.

21 MS. VANSE: Q. Did you ever raise your concern
22 regarding the chemical smell with your principal?

23 A. Yes.

24 Q. And did she have any advice for you?

25 A. "Air it out." I mean, I don't think, aside

1 because that would make the bathrooms a mess with paint
2 everywhere.

3 Q. Does the portable you're in now, does it have a
4 sink in it?

5 A. No.

6 Q. Do you have the same problems in your classroom
7 now regarding not being able to do projects that involve
8 water?

9 A. Yes. In my new portable last year there was
10 not even a water fountain. I mean, there were
11 bathrooms; they put in new bathrooms at the end of the
12 row, but they didn't put new water fountains in.
13 Although it was a task for them to go to the bathroom,
14 they could go to the bathroom quite easily if they
15 wanted to.

16 If they wanted a drink of water, they would
17 have to walk to the entire end of the campus, and our
18 campus took up basically a whole city block. So the
19 lack of a water fountain was really apparent. And I
20 actually just bought water bottles for my students that
21 they filled up at the end of every day because it was
22 just too hard for them to get water after recesses.

23 Q. Was your concern with not having a sink in the
24 portables something you brought up with your principal
25 at Hawthorne?

1 from bringing in whole new portables, there was really
2 anything to do. It's called off gassing. I mean, even
3 stuff we buy at Ikea and stuff, that's all pressed
4 wood. It happens. All that pressed wood stuff there's
5 nothing you can do aside from replace it.

6 Q. Also in paragraph seven beginning on line 18
7 you state, "There's no running water - neither a sink
8 nor a water fountain - in the portable. This affects my
9 ability to do all the science and art projects I would
10 otherwise do."

11 Are there any science projects you couldn't do
12 because you didn't have a sink or water fountain in the
13 portable?

14 A. It was hard to do projects that had to do with
15 using water like, say, plant projects and whatnot. One,
16 because you obviously need to water plants every day.
17 But if children are digging in dirt and getting messy
18 and planting plants, it was more trouble than it was
19 worth to have every child trudge down to wash their
20 hands in the two bathrooms that we had. And just any
21 science project that really had to do with water or the
22 need to pour water, and the same with the art.

23 It was really hard to wash paint brushes
24 because I couldn't leave the classroom to go wash them
25 to leave the kids alone. And the kids couldn't do it

1 A. It was something that we had requested before
2 we even brought it up as a concern. We just said we
3 really want -- I mean, if the district is laying new
4 piping for bathrooms, why not lay piping for sinks in
5 each portable? It seems pretty simple to me. So it was
6 in our original request when they asked us how they
7 wanted the portables to be. And obviously when it
8 didn't happen, it was a complaint that we had.

9 Q. Do you know why the district didn't install
10 sinks in the new portables at Hawthorne?

11 MS. MAJD: Objection. Assumes facts not in
12 evidence.

13 THE WITNESS: It's my understanding that these
14 portables aren't meant to stay. I mean, maybe they'll
15 be on the campus for three or four years, but the plan
16 is obviously to reduce the number of students at
17 Hawthorne. And so these portables supposedly, in their
18 minds, are going to be leaving, but so are the ones that
19 are 35 years old. So I don't think they wanted to spend
20 the money to lay all the piping to have each classroom
21 have its own sink.

22 MS. VANSE: Q. And is that something someone
23 told you or is that something that you've, I guess, come
24 to your own conclusion about?

25 A. It's something my principal basically told me.

1 Q. Did you make the same request for water
2 fountains within the new portables at Hawthorne?
3 MS. MAJD: Objection. Vague.
4 THE WITNESS: I don't know.
5 MS. VANSE: Q. Other than what we've already
6 discussed, any other concerns you have regarding the
7 portables at Hawthorne?
8 MS. MAJD: Objection. Vague as to which
9 portables.
10 THE WITNESS: Not the new portables, no.
11 MS. VANSE: Q. Any other concerns you can
12 think of other than what we've already discussed
13 regarding the old portables at Hawthorne?
14 A. Not that I can think of.
15 Q. And other than not having a sink in your
16 portable, any concerns or any other concerns you have
17 about the portable you're in at your new school?
18 A. No.
19 Q. If you could review paragraph eight of Exhibit
20 1 for me, please.
21 A. Okay.
22 Q. In the first sentence where you talk about
23 students having to walk between 50 and 100 yards
24 unsupervised through the yard to bathrooms that are in
25 an unsecured place; is that what we've already talked

1 about regarding the safety concerns regarding the
2 bathrooms at Hawthorne?
3 A. Yes.
4 Q. Any other concerns that you have other than
5 what we've already discussed or that are in your
6 declaration regarding the bathroom facilities at
7 Hawthorne?
8 A. Not that I can think of.
9 Q. Do you have any concerns -- actually, you
10 stated you had a concern regarding the custodial staff
11 and clean bathrooms at your current school, correct?
12 A. Correct.
13 Q. What are your concerns regarding the custodial
14 staff at your new school?
15 A. Well, just like at Hawthorne, where I said that
16 there just didn't seem to be enough custodians for the
17 workload that they have. I think the same thing is
18 starting to happen at our new school where we have --
19 there's 240 elementary kids in my school and then we
20 also share the site with a middle school which has
21 another 160, so I think there's about a 300-student
22 total. And then both schools are doing before-school
23 stuff and then there's after-school programs, and the
24 community uses the facilities, and we just don't have
25 enough custodial staff to keep the campus clean.

1 Q. Do you know how many custodial people are on
2 the custodial staff at the International Community
3 School?
4 A. During the day we have two, but one of them is
5 on light duty so she doesn't perform a lot of her
6 duties, which is why we have two.
7 MS. MAJD: Jennifer, can I just clarify
8 something? You had said there were 240 kids at ICS and
9 then you share space with the middle school which is 160
10 students, which is 400.
11 THE WITNESS: You know what, then, I might be
12 wrong on those numbers. I don't think there's more than
13 300, 320 students. I might be wrong in the middle
14 school how many they have.
15 MS. MAJD: Thanks.
16 MS. VANSE: Q. So you have two day custodians
17 at the new school?
18 A. Right.
19 Q. One on light duty. Any other custodians?
20 A. Then we have an evening or nighttime custodian
21 and they all work full-time hours, and even though it's
22 a nighttime custodian, she's working from 3:00 to 10:00
23 or whatever.
24 Q. And you had mentioned previously that there had
25 been some attempts to remedy the concerns you had with

1 the custodian and the cleanliness of the bathrooms at
2 Hawthorne. Has the International Community School done
3 anything to help alleviate the concerns you have
4 regarding the bathrooms at your new school?
5 MS. MAJD: Objection. Calls for speculation
6 and vague.
7 THE WITNESS: We have -- our principal has met
8 with custodial services, the people in charge to -- I
9 mean, since we are a new school and since Oakland
10 Unified hasn't opened a new school in 30 years, it's a
11 new process for everyone. We've been kind of looking at
12 how we operate and what we're doing to make sure we're
13 allocated enough staff, and I do believe that it's come
14 out we don't have enough staff; they're kind of
15 recognizing that. And I think there's something being
16 put in process.
17 We also -- we have a school meeting at the
18 beginning of the day where all the students are on the
19 playground and we have a PA system and we have this
20 chant and everything, and it's kind of a nice way to
21 start the day. For a while we were commenting on how
22 the bathrooms were really dirty and we kind of got some
23 morale boosting from them. It's their job to keep the
24 bathrooms clean, and work with them also, and it seemed
25 to have helped on their end to keep the bathroom cleaner

1 than it can be.

2 MS. VANSE: Q. You mean on the students' end?

3 A. Right. You know a lot of the mess is them not
4 taking their mess to the garbage can and stuff like
5 that, and every little bit helps.

6 Q. And the concern you mentioned regarding not
7 having adequate noon supervisors at the International
8 Community School, do you know if the school is doing
9 anything to deal with that particular concern of yours?

10 A. I do not know.

11 Q. Do you know if anyone at the district is aware
12 of the circumstances regarding that concern?

13 MS. MAJD: Objection. Vague. Calls for
14 speculation.

15 THE WITNESS: I do not know.

16 MS. VANSE: Q. You also mentioned a concern
17 you had at the International Community School was in
18 regard to textbooks. Do you know if there's -- do you
19 know if the district is intending to purchase any
20 textbooks for the International Community School?

21 MS. MAJD: Calls for speculation.

22 THE WITNESS: It's my understanding that they
23 are not going to purchase anything for us. That all
24 monies for new textbooks has been frozen.

25 MS. VANSE: Q. And how did you come about that

1 Q. Another concern you mentioned you had regarding
2 the International Community School regarded an equity
3 issue, correct?

4 A. Correct.

5 Q. And I think you said that the hill schools
6 don't have the same problems. Is that -- was that
7 correct?

8 A. That's correct.

9 Q. And why do you think that hill schools don't
10 have the same problems?

11 MS. MAJD: Calls for speculation.

12 MS. VANSE: Q. And if I can just actually
13 narrow it a little bit. I'm not looking for like a
14 broad objective why, but just is there anything you have
15 read or become aware of that -- that those problems do
16 not exist in hill schools that you had concerns about
17 regarding the International Community School?

18 MS. MAJD: Objection. Vague.

19 THE WITNESS: Well, I think a lot of the
20 problems that we've talked about today occur because the
21 schools in the flatlands are continuously growing. I
22 mean, as we stated, Hawthorne started off as a school
23 for only 500 students and it has continuously grown and
24 grown and grown. And a lot of the problems are because
25 of the speedy growth, because of the overcrowding,

1 understanding?

2 A. We have an educational leader who -- she deals
3 with more of the curriculum part of the leadership of
4 the school; where the principal, she does the day-to-day
5 management. And she's been the one who's been meeting
6 with the people in the district to figure out if we're
7 getting textbooks, where we can get them from. And
8 she's been told that we're not going to be able to get
9 any.

10 So she's basically been contacting anybody and
11 everybody she knows at any other school to kind of piece
12 together things for us, which is really time-consuming
13 on her part.

14 Q. Do you know why money for textbooks has been
15 frozen at the district level?

16 MS. MAJD: Calls for speculation.

17 THE WITNESS: I think it's because several of
18 the programs, the math and the ELD particularly, are
19 supposedly going to be new next year and the district
20 doesn't want to use money purchasing something that is
21 going to be obsolete by August.

22 MS. VANSE: Q. Do you know if the
23 International Community School will be a part of the new
24 purchase, if that does occur, for the district?

25 A. I believe we will be.

1 because of the lack of monies to support such growth,
2 and I don't think that the hill schools see that kind of
3 growth.

4 And I think that because my school community
5 and Hawthorne deal with second-language learners, our
6 students have a lot more academic needs than a lot of
7 kids in the hills who have English as their first
8 language, and they come from families who have money and
9 families who know how to read and families who are with
10 them every night to help them with their homework,
11 where a lot of the flatland families aren't. They're
12 struggling in these poor economic times for them. So
13 our students have a lot of academic needs, which takes
14 up a lot of money, which is not always available.

15 MS. VANSE: Q. Did Hawthorne ever do any
16 audits while you were a teacher there?

17 MS. MAJD: Calls for speculation. Vague.

18 THE WITNESS: What kind of audits? Monetary?

19 MS. VANSE: Q. Maybe I can break this down.
20 Did the Oakland Unified School District ever audit or
21 review Hawthorne while you were a teacher there?

22 MS. MAJD: Objection. Vague. Calls for
23 speculation.

24 THE WITNESS: I don't believe the district did,
25 but we were part of -- we were a school that was audited

1 or reviewed by the Office of Civil Rights, and that had
2 to do with our English language development program or
3 our ELD program and if we're providing the proper
4 education in that realm of their education.

5 MS. VANSE: Q. And the Office of Civil
6 Rights, what is that affiliated with, do you know?

7 MS. MAJD: Calls for a legal conclusion.

8 THE WITNESS: I don't know.

9 MS. VANSE: Q. Is it a state agency? I've
10 never heard of it.

11 A. I believe it's a state agency, yeah.

12 Q. You just know it as the Office of Civil Rights?

13 A. Yeah.

14 Q. Okay. Any other -- when you said that was not
15 by the district, so you're not aware of any review that
16 the Oakland Unified School District gave to Hawthorne
17 while you were there?

18 MS. MAJD: Objection. Vague as to review.

19 THE WITNESS: No.

20 MS. VANSE: Q. Are you aware of any review
21 that the state of California did of the district while
22 you were -- since you began working in the Oakland
23 Unified School District?

24 MS. MAJD: Calls for speculation. Vague as to
25 review.

1 outside of the district and outside of the school, and
2 they gathered people that were interested in helping the
3 reform process in the school and they kind of met to
4 talk about problems that they see at Hawthorne and then
5 to come up with a plan of action to put into place to
6 help solve these resolutions.

7 I'm not sure of the exact ramifications or
8 consequences of if you don't perform the way you're
9 supposed to perform, and I don't really remember what
10 the results really were.

11 MS. VANSE: Q. Do you know how Hawthorne was
12 selected to become an IIUSP school?

13 MS. MAJD: Objection. Calls for a legal
14 conclusion.

15 THE WITNESS: I think it was based on student
16 performance or lack of student performance.

17 MS. VANSE: Q. And I think you mentioned this,
18 but I just want to be sure. You're not aware of
19 anything that came as a result of the IIUSP program
20 implemented at Hawthorne?

21 A. There was an action plan made, and the action
22 plan was presented to the staff and the staff kind of --
23 I remember we discussed -- we discussed the problems and
24 came up with some solutions, but this was right at the
25 end of the school year. And so there was the knowledge

1 THE WITNESS: I think a couple of years ago
2 there was some sort of accounting review and it had come
3 out that the district had misused some of its monies,
4 but I'm not sure of the exact facts around that.

5 I cannot recall any academic review of the
6 district or any individual schools done on the part of
7 the state.

8 MS. VANSE: Q. Are you aware of a program
9 called the Immediate Intervention Underperforming
10 Schools Program?

11 A. Yes. We're actually in that program now that
12 you mention it.

13 Q. You, meaning Hawthorne?

14 A. Hawthorne, yeah.

15 Q. What is your understanding -- can I call it the
16 IIUSP?

17 A. Yeah.

18 Q. What is your understanding of the IIUSP
19 program?

20 MS. MAJD: Calls for a legal conclusion.

21 THE WITNESS: I don't have a great
22 understanding for it because the process was started at
23 Hawthorne at the time that I was more in the process of
24 planning for the new school. But from what I know, a
25 team of people were assembled, that included people

1 that a lot of teachers were going to be leaving, and so
2 they wanted to put off a lot of the discussion until the
3 beginning of the school year when they had the new
4 teachers there, and it was just them and not the
5 teachers who were leaving, helping make decisions.

6 Q. Since you left Hawthorne, have you talked with
7 any of the teachers or administrators still remaining at
8 Hawthorne about the IIUSP program?

9 A. No.

10 Q. And did you have a chance to review the action
11 plan as part of that IIUSP program for Hawthorne when
12 you were a teacher?

13 A. Yes.

14 Q. And what did you think about the action plan?

15 MS. MAJD: Objection. Calls for an expert
16 opinion.

17 THE WITNESS: I thought it was an accurate
18 action plan. I remember the concerns that I had. And a
19 lot of concerns of my fellow colleagues was these were
20 all things that people had been saying for the last two
21 years that I've been there and even before that that,
22 these are problems at Hawthorne. And I know that people
23 were really concerned that it would just go status quo;
24 that we'd talk about problems, we'd get excited by
25 changing them, nobody would take responsibility for

1 doing it, and then the action would kind of die out.
 2 So that was kind of the feel of the meeting
 3 where we reviewed the action plan.
 4 MS. VANSE: If we can take a break, I'm just
 5 going to review my notes to make sure I don't have
 6 anything else.
 7 THE WITNESS: Okay.
 8 (Whereupon, a recess was taken.)
 9 MS. VANSE: Q. Other than -- excluding what
 10 we've talked about today, is there anything you can
 11 think of you have concerns about regarding the
 12 conditions at Hawthorne?
 13 A. One thing I don't think I mentioned well enough
 14 was with the overcrowding. When you have so many
 15 classrooms, you have that many teachers, and I think as
 16 a school community you want to kind of be one in your
 17 ideas and your ideals and how you approach education and
 18 kind of making the school a special place that's
 19 different than any other school around.
 20 And I think when you have 63, 64, 65 teachers
 21 it's really hard to have that sort of closeness together
 22 because you end up forming your own little cliques with
 23 people. So there will be a group of teachers that are
 24 really working hard to teach -- to focus their children
 25 on learning these types of things, and there's another

1 group of teachers who focus more on this. And there's
 2 not really a togetherness that you sense.
 3 One, because there's too many teachers and
 4 every teacher has their different ideas on how things
 5 should be done, but also you'll have one quarter of your
 6 teachers that are never there. So the overcrowding was
 7 really not good for the children because there's too
 8 many students, but it's also not good for the adults
 9 because there's too many adults. And like they say, too
 10 many cooks spoil the pot of gruel, or whatever, and too
 11 many teachers don't get on a consistent basis together.
 12 Q. Any other concerns you have regarding Hawthorne
 13 other than what we've discussed today?
 14 A. There was a mouse problem in one of the
 15 buildings, the Whitten building. It wasn't in the
 16 portables that I mentioned earlier today; it was in one
 17 of the permanent structures. That went on for pretty
 18 much a good part of the last year I was there.
 19 Q. And what do you mean there was a mouse problem?
 20 A. The building was basically infested with a
 21 bunch of mice that you could see running around when you
 22 sat in the room.
 23 Q. And was this something you became aware of
 24 because you saw the mice?
 25 A. I don't know if I first saw the mice or first

1 heard about the mice, but I did see the mice at several
 2 occasions.
 3 Q. And was anything done to solve the mouse
 4 problem?
 5 MS. MAJD: Calls for speculation.
 6 THE WITNESS: I know that our custodians laid
 7 out those mice traps, the ones where they have the
 8 sticky surface and the mouse basically suffocates.
 9 MS. VANSE: Q. The glue traps?
 10 A. Yeah, the mouse -- not suffocates, it starves
 11 to death. And one time I was walking down the hall and
 12 I saw the custodian carrying one of those away. They
 13 also, near the end of the year, made this blanket
 14 statement that no teacher in that building can have any
 15 animals, like classroom pets and whatnot, because for
 16 some reason they felt that the food that teachers were
 17 using to feed their animals was the cause of a mouse
 18 problem. Even though most of the teachers kept all
 19 their food in air-tight containers and whatnot.
 20 Q. Anything else you're aware of that the school
 21 did to help solve the mouse problem at Hawthorne?
 22 A. Not that I can -- no.
 23 Q. Do you know if the district was aware of the
 24 mouse problem at Hawthorne?
 25 A. I do not know.

1 Q. And, I'm sorry, you said that the mouse problem
 2 occurred what time frame?
 3 A. It was within the last year I was there. The
 4 2000/2001 school year.
 5 Q. Do you know if there's still a mouse problem at
 6 Hawthorne?
 7 A. I have no idea.
 8 Q. Any other concerns you have other than what
 9 we've already discussed regarding the conditions at
 10 Hawthorne?
 11 A. Not that I can think of.
 12 Q. Any concerns that you have other than what
 13 we've already talked about regarding the new school
 14 you're at, the International Community School?
 15 A. Well, I am a little worried that our new
 16 building is not going to be built and that we're going
 17 to be having to use this temporary site on more than
 18 just a temporary basis. That's a concern as I look at
 19 our dirt plot, that we have, every day and there's no
 20 digging going on. It's a real big concern because I've
 21 heard rumors that the district doesn't have the money
 22 anymore to start building the site, so ...
 23 Q. Other than rumors, have you heard anything more
 24 definite regarding whether the district does in fact
 25 have no money to complete the site?

1 A. No, but they did move the construction
2 portable, you know, the overseer of the construction
3 site. His portable has been removed from the
4 construction site, so I don't know if he's even working
5 anymore on it.

6 Q. Any other concerns other than what we've talked
7 about that you have regarding the International
8 Community School?

9 A. No.

10 Q. And any concerns -- are there any concerns that
11 you have regarding the Oakland Unified School District
12 other than what we've talked about regarding these
13 specific schools?

14 MS. MAJD: Objection. Vague and overbroad.

15 THE WITNESS: I do have a lot of concerns about
16 the Oakland Unified School District. I think that it's
17 a very huge organization and I think that there's not
18 very good communication. For example, that DCH building
19 that I told you about with the mold, they -- when they
20 first came in to do the whole mold report and it came
21 out that there was mold, one group of people within the
22 district thought it was necessary that they just replace
23 the roof of the building. And then about a month later
24 a different group of people condemned the building and
25 decided that it would be demolished after they had

1 is attempting to accomplish?

2 MS. MAJD: Calls for a legal conclusion.

3 THE WITNESS: It's my understanding that the
4 ACLU is seeking a resolution in the fact that they want
5 the state to form some sort of a monitoring device or a
6 division of people or something that would monitor
7 schools, monitor districts to make sure that the
8 conditions at schools, such as Hawthorne, do not happen.

9 And that conditions at Hawthorne, such as -- a
10 school such as Hawthorne, once a condition is bad it
11 gets resolved quickly and it doesn't just keep getting
12 worse and worse and worse until a school has a multitude
13 of terrible problems. And that there's an entity
14 holding schools and districts responsible to fix these
15 problems.

16 MS. VANSE: Q. Do you have in your own
17 personal possession any documents that talk about the
18 concerns you have regarding conditions at Hawthorne?

19 A. Just a copy of my declaration.

20 Q. Do you have any documents that, in your
21 possession, that talk about concerns you have regarding
22 the International Community School?

23 A. No.

24 MS. VANSE: I have nothing further.

25 MS. MAJD: Okay. I'm just going to ask a

1 already put on a whole new roof.

2 And when it came down to it, the
3 superintendent, when we asked him why would you put on a
4 whole new roof and then decide to demolish the building,
5 he had no knowledge that a new roof had been put on.
6 The new roof division of the school district had no idea
7 that the condemnation, knock-the-building-down group was
8 doing that. That's just one really small example of how
9 the communication works at the district. Nobody ever
10 knows what anybody else is doing.

11 I think there's very few people that know that
12 there are new schools open this year because I'll go to
13 meetings and people ask me what school I'm from and I'll
14 say the new school, International Community School, and
15 other teachers look at me and say, "There's new schools?
16 I didn't know that." The district's just way too big to
17 service the people, which leads to a multitude of
18 problems.

19 MS. VANSE: Q. Any other concerns you have
20 other than those we just talked about regarding the
21 Oakland Unified School District?

22 MS. MAJD: Same objections.

23 THE WITNESS: No.

24 MS. VANSE: Q. Do you -- what is your
25 understanding of what this lawsuit, the Williams lawsuit

1 couple questions.

2 MS. VANSE: Sure.

3 EXAMINATION BY MS. MAJD

4 MS. MAJD: Q. Have you ever spent any of your
5 own money to purchase books or instructional -- other
6 instructional materials for your classroom at Hawthorne
7 while you were at Hawthorne?

8 A. My first year of Hawthorne I used a great deal
9 of money, probably between 1500 and \$2,000 buying books
10 and other instructional stuff like curriculum guide
11 books, like math -- like big clocks to help the children
12 teach time. Like a lot of hands-on stuff for my class.
13 Because when I acquired the classroom from the teacher
14 who left mid-year, I was really left with nothing. I
15 was left with books that were not age appropriate for
16 the students I had. They would be more for a fourth or
17 fifth grade reading level when they were second
18 graders.

19 I hadn't -- other than the basic manipulatives,
20 I had really nothing else in my classroom. I think I
21 literally moved out of that classroom with three or four
22 boxes' worth of stuff in the next year's classroom.
23 When I moved to ICS I had almost 100 boxes' worth of
24 stuff that was all purchased by me.

25 Q. Were you ever reimbursed for the money you

1 spent on these materials?

2 A. No. My first year -- not that three months or
3 two months I taught in the summer -- but starting that
4 next school year, I think all new teachers at the school
5 were given \$100 to buy some basic things for their
6 classroom. I never had to buy crayons or that kind of
7 stuff for my classroom, that was provided by the
8 school. It was more stuff the kids used in their
9 day-to-day lessons. I was provided with pencils and
10 paper and crayons though.

11 Q. You've mentioned a number of times today that
12 overcrowding, the multitrack schedule, roving, and
13 pulling students out into overflow classes of weeks
14 after school started, impedes the sense of community or
15 the sense of belonging that students have at Hawthorne;
16 is that right?

17 A. Right.

18 Q. Do you think that a sense of community or a
19 sense of belonging is important to student learning?

20 MS. VANSE: Objection. Calls for expert
21 testimony.

22 THE WITNESS: I do. One -- in order to open
23 our new school, International Community School, we had
24 to go through a whole, 10-, 15-, 20-page proposal where
25 we had to lay out all the plans. And one of our major

1 it takes up a whole city block. And the students
2 sometimes didn't know where they can go to the
3 bathroom. "If I can't use the one I use every day,
4 where do I go?"

5 Sometimes kids were scared to ask or they
6 didn't know who to ask because they don't know all the
7 teachers, so that was pretty, I'm sure, tough for them.
8 And also just the loss of instruction time. If a
9 student goes to one bathroom with his buddy and it's
10 locked, he's going to have to find another bathroom
11 which probably doubles or triples the time they're out
12 of the classroom. So that also was another concern.

13 MS. MAJD: Okay. Thanks.

14 FURTHER EXAMINATION BY MS. VANSE

15 MS. VANSE: Q. Just very few follow-up. The
16 money that you spent your first year, you said that was
17 buying books and instructional materials, correct?

18 A. Correct.

19 Q. Were these textbooks?

20 A. They weren't textbooks. In elementary school,
21 especially the lower grades, we don't use a lot of
22 textbooks as we know them. The upper grades I think do
23 more. It was more just reading books like Clifford
24 books and Henry & Mudge books; things that the children
25 read every day, but they're not textbooks.

1 components of our school is that we're building a
2 community, and these students in my new school are all
3 old Hawthorne students, except the kindergartners who
4 are obviously new to education.

5 But 95 percent of them came from Hawthorne and
6 it's amazing to see the difference in students who are
7 in a smaller school who have a sense of belonging. They
8 know they're responsible to keep the bathrooms clean,
9 like we were talking about earlier. And kids that I
10 know that used to fight together at Hawthorne because
11 there was no playground space, they're now friends and
12 they get along and they enjoy coming to school and
13 they're excited.

14 So I can really see how the community we're
15 building at my new school shows that children need a
16 sense of community.

17 MS. MAJD: Q. You also mentioned today that
18 the bathrooms at Hawthorne were sometimes locked while
19 you were there. Do you have any concerns about the fact
20 that the bathrooms sometimes were locked at Hawthorne
21 other than what we've discussed already today?

22 A. Well, I think for a little first grader or
23 second grader who really needs to go to the bathroom and
24 then finding out that a bathroom is locked, is probably
25 pretty scary. Like I said, the school is really big;

1 Q. Did you ever ask your principal about how you
2 could go about getting additional books or instructional
3 materials before you purchased them on your own?

4 MS. MAJD: Objection. Assumes facts not in
5 evidence.

6 THE WITNESS: Well, it was stated at the
7 beginning of the year that, you know, this \$100 that we
8 got is basically all you're going to get, and I think
9 that every year there was hope that there would be
10 enough money in the budget to give every teacher a
11 little bit of money.

12 Basically you would scrounge what you could
13 from things that were left over from teachers who had
14 left. It was basically told to you if you needed
15 something in your classroom you would have to get it
16 yourself.

17 MS. VANSE: Q. Regarding the bathrooms that
18 were locked, do you know why the bathrooms were locked?

19 A. I don't know the specific reasons. I know that
20 at times bathrooms were locked when they overflowed, and
21 I would think that would be the only reason, but I can't
22 be sure.

23 Q. And do you know how often bathrooms would be
24 locked?

25 A. I think there was good weeks and bad weeks, but

1 if I average it out over the whole year, it was probably
2 once a week I heard a student tell me that the bathrooms
3 were locked.

4 MS. VANSE: I don't have anything else. We
5 just have to do some stipulations. May we stipulate
6 that the copies of the exhibits be used as the
7 originals? The court reporter will deliver the
8 originals to the office of Ms. Majd and be relieved of
9 her duties. The witness shall have 30 days as of the
10 date of the court reporter's transmittal letter to sign
11 and make any corrections. Counsel will notify all
12 parties of any changes in writing. If it is not signed,
13 then any unsigned and uncorrected copy may be used in
14 place of the original. So stipulated?

15 MS. MAJD: So stipulated.
16 (Whereupon, the deposition was adjourned
17 at 2:57 p.m.)

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1 CERTIFICATE OF REPORTER

2
3 I, MICHELLE L. GIACHINO, a Certified Shorthand
4 Reporter, hereby certify that the witness in the
5 foregoing deposition was by me duly sworn to tell the
6 truth, the whole truth and nothing but the truth in the
7 within-entitled cause:

8 That said deposition was taken down in
9 shorthand by me, a disinterested person, at the time and
10 place therein stated, and that the testimony of the said
11 witness was thereafter reduced to typewriting, by
12 computer, under my direction and supervision;

13 I further certify that I am not of counsel or
14 attorney for either or any of the parties to the said
15 deposition, nor in any way interested in the event of
16 this cause, and that I am not related to any of the
17 parties thereto.

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19 DATED: _____, 2002

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22 _____
23 MICHELLE L. GIACHINO, CSR 11028
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25

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2
3 I declare under penalty of perjury that the
4 foregoing is true and correct. Subscribed
5 at _____, California, this ____ day of
6 _____, 2002.

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9 _____
10 Signature of the witness
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