

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

ELIEZER WILLIAMS, et al.,) Case No. 312 236
Plaintiffs,) Pages 311 - 586

VS.) VOL. II

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

_____)
AND RELATED CROSS-ACTION.)

CONTINUED DEPOSITION OF DELWIN LAMPKIN

TAKEN ON

SUNDAY, JUNE 17, 2001

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

CERTIFIED REALTIME REPORTER

1 Deposition of DELWIN LAMPKIN, taken on behalf
2 of the Defendants at 400 South Hope Street,
3 Los Angeles, California, on SUNDAY, JUNE 17, 2001,
4 at 9:39 A.M., before ASHALA TYLOR, CSR No. 2436,
5 RPR, pursuant to Notice.

6
7 APPEARANCES:

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1 LOS ANGELES, CALIFORNIA
2 SUNDAY, JUNE 17, 2001; 9:39 A.M.

3
4 EXAMINATION (resumed)
5

6 BY MS. STRONG:
7 Q. Good morning, Delwin.
8 A. Good morning.
9 Q. Do you remember the ground rules from the
10 first day of your deposition?
11 A. As far as saying yes?
12 Q. Do you remember those?
13 A. Yes.
14 (Discussion off the record.)
15

16 DELWIN LAMPKIN,
17 having been first duly resworn,
18 was examined and testified as
19 follows:
20

21 EXAMINATION (resumed)
22

23 BY MS. STRONG:
24 Q. I'll briefly review some of those for you
25 and try and do it in short form.

1 You understand that everything that's said
2 today is being taken down by the court reporter.
3 It will be transcribed into a booklet and you will
4 have an opportunity to review the transcript at a
5 later date and make any changes to it that you feel
6 are appropriate. However, if you do make any
7 changes to it, any of the attorneys in this action
8 will be able to comment on those changes.

9 Do you understand that?

10 A. Yes.

11 Q. If at any time you do not understand any
12 of my questions, please let me know that you do not
13 understand the question. Otherwise, I will assume
14 your answer that you give is based on you having
15 understood the question.

16 Do you understand that?

17 A. Yes.

18 Q. Because you are testifying under oath, it
19 will have the same force and effect as if you were
20 testifying in a court of law. You are, therefore,
21 subject to all of the penalties for perjury for
22 giving false testimony here today.

23 Do you understand that?

24 A. Yes.

25 Q. Of course, if you need a break today at

1 A. I turned them over to my attorney.

2 MR. FOX: I have them. We're happy to
3 produce them. I don't think they are particularly
4 relevant, but rather than fight about it, we would
5 just as soon give them to you.

6 Delwin would like this, which is his
7 planner, back. And either a copy or the originals
8 back of the other documents. This is the planner.

9 MS. STRONG: Why don't we identify what it
10 is. There's a student planner that he has.

11 MR. FOX: This, I understand, is a survey
12 highlight done by the Community Coalition.

13 THE WITNESS: About Fremont.

14 MR. FOX: About the Fremont school.

15 BY MS. STRONG:

16 Q. Who wrote this? It's a paper that appears
17 to be about 2 inches by 5 inches, approximately,
18 and it just has typewritten points on it with no
19 identifying factors. Where does this come from?

20 A. Actually, it came off a website, off the
21 Community Coalition website.

22 Q. Do you know the website address?

23 A. Yes. It's ccsapt.org.

24 MS. STRONG: Okay.

25 MR. FOX: The third document is captioned

1 any time, please let me know and I'll instruct the
2 court reporter that we'll go off the record and we
3 can take a break. Okay?

4 A. Yes, okay.

5 Q. Is there any reason that you may be unable
6 to give your best testimony here today?

7 A. No, there is not.

8 Q. Okay. Have you consumed any medication or
9 alcohol or any other substance that clouds your
10 mind or would affect your ability to answer the
11 questions here today?

12 A. No, I haven't.

13 Q. During the first day of your deposition
14 testimony you were asked to look for documents at
15 home.

16 Do you remember that testimony?

17 A. Yes.

18 Q. Those questions, I should say.

19 Did you do that?

20 A. Yes, I did.

21 Q. Okay. Did you locate anything?

22 A. Yes.

23 Q. Do you have them here with you today?

24 A. Actually, my attorney does.

25 Q. Okay.

1 "Student Requirement." I understand that it has to
2 deal with college entry requirements, and Delwin
3 probably can tell you more about it.

4 THE WITNESS: Those A through G
5 requirements that you asked me about during the
6 last deposition.

7 MS. STRONG: Okay. I think we'll take an
8 opportunity to try and copy these during a break at
9 some point today and then return them to Delwin.

10 MR. FOX: Great.

11 BY MS. STRONG:

12 Q. Did you review any documents in
13 preparation for your deposition today?

14 A. No, I haven't.

15 Q. Okay. And did you have any communications
16 with anyone regarding preparation for your
17 deposition today?

18 MR. FOX: I object to the extent it calls
19 for attorney-client communications. It's a yes/no
20 question.

21 THE WITNESS: Yes, I have.

22 BY MS. STRONG:

23 Q. Okay. Other than speaking with your
24 attorneys, did you speak with anyone else regarding
25 preparation for your deposition today?

1 A. Yes, I did.
 2 Q. Okay. Who did you speak with?
 3 A. My brother. My mom. And that's it.
 4 Q. Okay. How many conversations did you have
 5 with your brother regarding your deposition today?
 6 A. I believe two.
 7 Q. When was the first conversation?
 8 A. About two weeks ago.
 9 Q. And where were you?
 10 A. At home.
 11 Q. What was discussed during that
 12 conversation?
 13 MR. FOX: I'm going to object to the
 14 extent we're having -- we're talking about
 15 attorney/plaintiff conversations, and I think they
 16 are privileged.
 17 MS. STRONG: I don't believe there's any
 18 basis for privilege.
 19 Q. What did you discuss?
 20 MR. FOX: I'm instructing the witness not
 21 to answer.
 22 BY MS. STRONG:
 23 Q. Who was present at the conversation -- I'm
 24 sorry, are you going to follow your attorney's
 25 instruction?

1 A. Yes, I am.
 2 Q. Who was present at the conversation with
 3 you and your brother?
 4 A. No one.
 5 Q. But you and your brother?
 6 A. Yes.
 7 Q. No attorneys were present?
 8 A. No.
 9 Q. And you discussed issues relating to your
 10 deposition today; is that correct?
 11 A. Yes.
 12 MR. FOX: My understanding is that when
 13 you have conversations between plaintiffs that
 14 relate to legal advice, it's privileged. And, you
 15 know, unless you have authority saying otherwise,
 16 that's my understanding of law.
 17 MS. STRONG: I do not understand the law
 18 the same way. And I don't know that the substance
 19 of the conversation relates to legal advice.
 20 Q. Why don't we do it this way. Other than
 21 any legal advice that your attorneys gave you, what
 22 did you discuss with your brother D'Andre?
 23 A. Basically just his last day, his last
 24 deposition, and that was it.
 25 Q. And what did he tell you about his last

1 day other than something that maybe his attorney
 2 had told him?
 3 A. How many hours it took.
 4 Q. Okay.
 5 A. That was about it.
 6 Q. Did he discuss with you the questions that
 7 Miss Vance, the attorney for the state, asked him?
 8 A. No, he didn't.
 9 Q. He didn't tell you any of the questions
 10 that were asked?
 11 A. No, he didn't.
 12 Q. Did he discuss with you any of the answers
 13 that he gave to any of the questions, Miss Vance,
 14 the attorney for the state, asked him?
 15 A. No, he did not.
 16 Q. The second conversation with your brother
 17 was when?
 18 A. I believe it was sometime earlier this
 19 week.
 20 Q. Okay. And who was present at that
 21 discussion?
 22 A. I believe my mom was actually, yes.
 23 Q. Okay. And how long was that discussion
 24 for?
 25 A. No more than two minutes.

1 Q. How long was the first discussion?
 2 A. Maybe about five minutes or so.
 3 Q. Okay. And at the second discussion, what
 4 was discussed?
 5 MR. FOX: Again, I'm going to object to
 6 the extent she's asking about conversations that
 7 you or D'Andre may have had with any one of your
 8 attorneys.
 9 THE WITNESS: Other than with my attorney,
 10 basically the same thing about -- I mean, same
 11 thing as the last conversation. Basically how long
 12 it took. And that was about it.
 13 BY MS. STRONG:
 14 Q. You already knew how long it took, right?
 15 Did you ask him that again?
 16 A. No, I didn't ask him again. He just told
 17 me.
 18 Q. You said that you spoke with your mother
 19 about preparation for this deposition. When did
 20 you speak with your mother about the deposition?
 21 A. The same time I spoke to my -- that I
 22 spoke to my brother, earlier this week.
 23 Q. How many conversations did you have with
 24 your mother?
 25 A. Just that one.

1 Q. Okay. When we left off the last time, we
2 were in the middle of discussing your --

3 MR. FOX: Books.

4 BY MS. STRONG:

5 Q. English class that you had with [REDACTED]
6 during the first semester of your 10th grade year.
7 Do you recall that?

8 A. Yes.

9 Q. Okay. You explained to me that there were
10 books in class that you would use for that English
11 class. There was an in-class set of books.

12 Do you recall that testimony?

13 A. Yes.

14 Q. Did you ever take a book home relating to
15 that class?

16 A. No, I didn't.

17 Q. Did you ever ask [REDACTED] or any other
18 teacher if you could take a book home relating to
19 your English class?

20 A. No, I did not.

21 Q. Did you ever take any materials home
22 relating to that English class?

23 MR. FOX: Objection. Vague and ambiguous
24 as to the term "materials."

25 THE WITNESS: Do you mean just books?

1 MR. FOX: I'm sorry, other than their
2 availability?

3 THE WITNESS: No.

4 BY MS. STRONG:

5 Q. Okay. I'm sorry?

6 A. No, I didn't.

7 Q. Okay. Just for the record so that this
8 day proceeds smoothly, I would appreciate if you
9 would just make an objection as opposed to speaking
10 objections because they are improper. Okay?

11 MR. FOX: I was seeking a clarification,
12 but that's fine. The objection is vague and
13 ambiguous.

14 BY MS. STRONG:

15 Q. Were you assigned homework in that English
16 class?

17 A. Yes, I was.

18 Q. How often were you assigned homework?

19 A. Maybe three or four times a week.

20 Q. And what type of homework were you
21 assigned by [REDACTED]

22 A. Vocabulary, time lines. Doing some part
23 of, I believe, either -- actually, it was sometime
24 during the first semester it was -- we went around
25 religions.

1 BY MS. STRONG:

2 Q. No. I used the term different than books
3 to try and encompass something beyond books. So
4 did you take any materials home from that class?

5 A. No, I didn't.

6 Q. Did the teacher ever ask you to take any
7 materials home relating to that class?

8 A. No, she did not.

9 Q. And again, did you ever request of your
10 teacher that you be allowed to take in materials
11 home relating to that class?

12 A. No, I didn't.

13 Q. You described that there was an in-class
14 set of books. What was the condition of those
15 books in that class?

16 A. Mostly the books were, I think, fairly new
17 or, I mean, fairly new. They were in pretty good
18 condition.

19 Q. Did you happen to notice the date of the
20 textbooks?

21 A. No, I didn't.

22 Q. Did you have any concerns regarding the
23 conditions of the textbooks in that English class
24 that was taught by [REDACTED] in your 10th grade
25 year?

1 Q. Any other type of homework you can think
2 of for that class?

3 A. None I can think of right now.

4 Q. Okay. And what do you mean when you say
5 you were assigned homework regarding vocabulary?

6 A. There was certain words that she would put
7 on the board. And we were to go home and look them
8 up. I guess you would say it was just like a
9 warm-up.

10 Q. Okay. So you would write down the words
11 on a piece of paper she wrote on the board and you
12 were to take them home and look them up at home?

13 A. Yes.

14 Q. And what did you use at home to look up
15 the words?

16 A. Dictionary, Thesaurus.

17 Q. You also said you did time lines. What
18 are those?

19 A. The time lines were based on the different
20 religions that she went over.

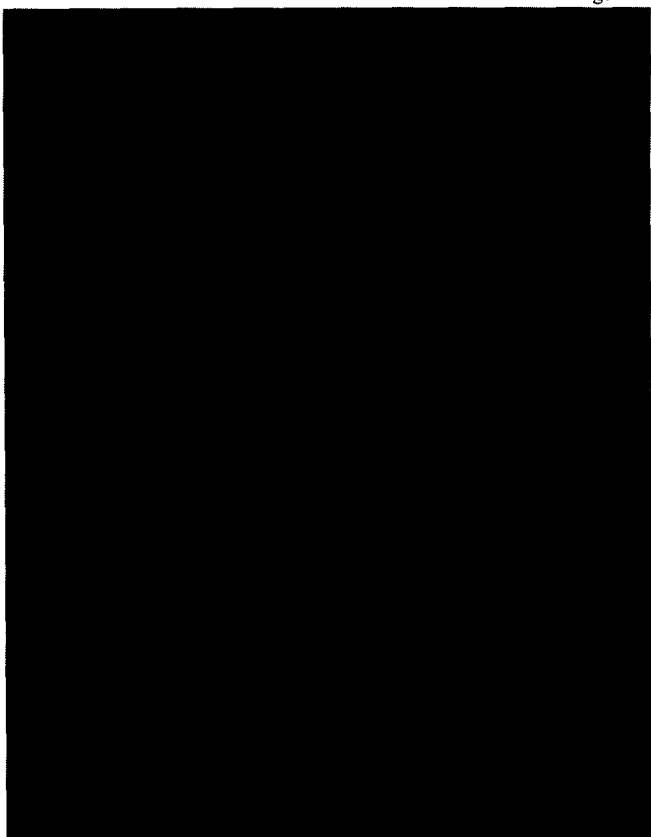
21 Q. And does that relate to the third thing
22 that you mentioned that you said we went around
23 with religions?

24 A. Yes.

25 Q. What was she specifically asking you to do

1 for homework?
 2 A. It was basically -- well, one part was the
 3 time lines where she would ask to do a time lines
 4 stating 5 to 10 events circling around more
 5 religion. There were times she would ask us to go
 6 home and read about different -- I mean a certain
 7 religion that we were on, draw certain pictures of
 8 religions.
 9 Q. Okay. What materials did you use to
 10 complete this homework?
 11 A. I would use the Internet.
 12 Q. What did the teacher ask that you use to
 13 complete the projects?
 14 A. There was no specific item she told us to
 15 use or anything.
 16 Q. Did she give suggestions as to what some
 17 of the students could use as far as resources for
 18 these projects?
 19 A. Yes. One of them was the Internet.
 20 Q. Okay. What other suggestions did she give
 21 you?
 22 A. There was at one point where she would
 23 tell us to take down notes in the classroom. That
 24 could probably help us out with the time line.
 25 Q. Okay. Anything else she suggested?

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1 A. No, not that I could remember.
 2 Q. Do you know of any students who were
 3 unable to complete the projects because they didn't
 4 have the materials necessary in their mind to
 5 complete the project, if you know?
 6 A. Could you restate the question?
 7 MS. STRONG: Can you read it back.
 8 (The following question was read by the
 9 reporter):
 10 "Q. Do you know of any students who were
 11 unable to complete the projects because
 12 they didn't have the materials necessary
 13 in their mind to complete the project, if
 14 you know?"
 15 MR. FOX: Objection. Lacks foundation.
 16 THE WITNESS: I don't understand what
 17 you're saying "in their mind."
 18 BY MS. STRONG:
 19 Q. Well, do you know of any students unable
 20 to complete the projects?
 21 A. None that I know of.
 22 Q. Okay. Did you do all the homework that
 23 was assigned to you in that class?
 24 A. Yes.
 25 [Redacted]

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1 Q. I'd like to understand how you react to
 2 the homework that you were given. I want your
 3 impression of what it is, not the teacher's
 4 impression.
 5 So were you satisfied with the homework
 6 that was given by the teacher in that class?
 7 A. Pretty much, yes.
 8 Q. Okay. Is there anything that you can
 9 identify as to why you may have not been satisfied
 10 with the homework in that class?
 11 A. No.
 12 Q. Do you know what grade you received in
 13 that class?
 14 A. I believe it was an [redacted] the first semester.
 15 Q. And what about second semester?
 16 A. I believe it was also [redacted] before I
 17 transferred.
 18 [Redacted]
 19 [Redacted]
 20 [Redacted]
 21 [Redacted]
 22 Q. The questions that you gave to me
 23 regarding your experience in [redacted] class, did
 24 you incorporate your understanding or experiences
 25 in the class from both first and second semester or

1 were you referring solely to first semester?
 2 A. I --
 3 MR. FOX: Objection. Vague and ambiguous.
 4 THE WITNESS: First semester.
 5 BY MS. STRONG:
 6 Q. Okay. Would any of your answers change
 7 for the second semester?
 8 A. No.
 9 Q. Okay. With respect to your world history
 10 class. That was your 10th grade year, correct?
 11 A. Correct.
 12 Q. And your teacher in that class was
 13 Miss Mims; is that correct?
 14 A. Correct.
 15 Q. Did you have -- you had Miss Mims for both
 16 first and second semester, correct?
 17 A. Correct.
 18 Q. What did you think of Miss Mims? Did you
 19 think she was a good teacher?
 20 A. Yes.
 21 Q. And on a scale of 1 to 10, 10 being the
 22 best, how would you rate her?
 23 A. I would say I believe a 9. I mean, I -- I
 24 mean in the last deposition I rated her a 9, I
 25 believe.

1 Q. Okay. I'm sorry, I don't recall her being
 2 rated, but okay. Thank you for that.
 3 Were there any other teachers in that
 4 class other than Miss Mims?
 5 A. No, there wasn't.
 6 Q. Miss Mims was one of your favorite
 7 teachers, right?
 8 A. Yes.
 9 Q. We discussed her in context of your
 10 favorite teachers?
 11 A. Yes.
 12 Q. Did you ever talk with Miss Mims about
 13 world history outside of class?
 14 A. No.
 15 Q. Did you ever miss your world history
 16 class?
 17 A. As in?
 18 Q. In terms of being absent.
 19 A. Yes.
 20 Q. Okay. Do you know how many times?
 21 A. I can't recall. But they were all, like I
 22 said, they were all due to activities.
 23 Q. Okay. Approximately can you give me your
 24 best estimate as to how many classes you missed due
 25 to activities?

1 A. I believe around -- I believe three.
 2 Q. Okay. And were you ever late to Miss Mims
 3 class, that you can recall?
 4 A. One. That was the most recent when I was
 5 in her class.
 6 Q. Okay. Do you remember why that was?
 7 A. I was actually installing a computer for
 8 another teacher. She asked me to install a
 9 computer for another teacher.
 10 Q. Do you know if other students are late to
 11 that class on a regular basis?
 12 A. None that I can remember.
 13 Q. Okay. Do you know if students are absent
 14 to that class on a regular basis?
 15 A. I'm quite sure some students that are
 16 going to be absent. I mean I'm not sure. I mean I
 17 can't remember who they are, but --
 18 Q. Okay. Nothing that's noticeable to you?
 19 A. No.
 20 Q. Do you use a -- did you use a textbook in
 21 Miss Mims' class?
 22 A. Yes, I did.
 23 Q. What textbook did you use?
 24 A. I can't remember the name of the book, but
 25 it was a world history book.

1 Q. Were you assigned a book in your world
 2 history class?
 3 A. No, I wasn't.
 4 Q. Was there an in set class of books?
 5 MR. FOX: Objection. Vague and ambiguous.
 6 THE WITNESS: As in number of books?
 7 MR. FOX: Do you mean in-class set of
 8 books?
 9 MS. STRONG: Yes. Thank you for the
 10 clarification.
 11 Q. Was there an in-class set of books?
 12 A. Yes, there was.
 13 Q. So you used whatever book was available
 14 from the in-class set?
 15 A. Yes.
 16 Q. Did you have your own book to use in that
 17 class? Even though there wasn't one that was
 18 assigned to you, was there always a book available
 19 for you to use while you were in that class?
 20 A. Yes.
 21 Q. Do you know if there were always books
 22 available for each of the students to use while
 23 they were in the class?
 24 A. Yes.
 25 Q. What is the answer to the question?

- 1 A. Yes, there was enough books.
 2 MR. FOX: To use in class?
 3 THE WITNESS: Yes, to use in class.
 4 BY MS. STRONG:
 5 Q. Did you ever take a world history book
 6 home?
 7 A. No, I didn't.
 8 Q. Did the teacher issue a world history book
 9 to any of the students to take home?
 10 A. None that I know of.
 11 Q. Did you ever want to take your world
 12 history book home?
 13 A. Yes.
 14 Q. And when you wanted to take your world
 15 history book home, did you ever ask the teacher if
 16 you could take the world history book home?
 17 A. Yes.
 18 Q. Okay. How many times did you ask your
 19 teacher to take a book home?
 20 A. Once.
 21 Q. When did you ask your teacher to take a
 22 world history book home?
 23 A. I can't remember the month or the date,
 24 but it was during the time we were working on a
 25 newspaper project.

- 1 Q. Was the newspaper project for your world
 2 history class?
 3 A. Yes.
 4 Q. What was it that you were doing with this
 5 newspaper project?
 6 A. We were to create a 18th Century
 7 newspaper. And it involved inventors, how we would
 8 have to put -- there were events about where did
 9 World War I get started, the cause of World War I.
 10 There were like different people in the book that
 11 people -- that some people had to -- that involved
 12 their newspaper around or their article around.
 13 Q. What did you intend to use the book for in
 14 reference to your newspaper project?
 15 A. One thing I wanted to do is get a
 16 photocopy of one of the people that were in the
 17 book. And just to find some key facts in the book.
 18 Q. And when you say you wanted a photocopy of
 19 a person, did you want a picture?
 20 A. Yes.
 21 Q. And there's a picture of someone famous;
 22 is that correct?
 23 A. Yes.
 24 Q. Do you remember who?
 25 A. Carl Mathis.

- 1 Q. And with respect to key facts, did you
 2 want key facts regarding Carl Mathis?
 3 A. Yes.
 4 Q. Just historical facts, is that what you
 5 are referring to?
 6 A. Yes.
 7 Q. What did [REDACTED] -- I'm sorry --
 8 A. Miss Mims.
 9 Q. -- Miss Mims say to you when you asked her
 10 to take a book home?
 11 A. She told me no?
 12 Q. Did she say anything other than no to you?
 13 A. Yes. She said because there wasn't enough
 14 for everyone to take home, and that was the only
 15 class that she had so --
 16 Q. Did you explain to her why you wanted to
 17 take the book home?
 18 A. No.
 19 Q. Did you ask her if there was any other
 20 place where you could get a world history book to
 21 take home?
 22 A. No, I did not.
 23 Q. Do you know whether your library had world
 24 history books in it for you to take home?
 25 A. None that I know of.

- 1 Q. Did you ever go to the library and look to
 2 see if there was a world history book that you
 3 could take home?
 4 A. Yes.
 5 Q. And when did you do that?
 6 A. I was -- like I say, I can't remember the
 7 date, but it was sometime during the morning before
 8 school.
 9 Q. Do you remember what year it was?
 10 A. It was -- actually, it was -- I believe it
 11 was this year.
 12 Q. This is at Crenshaw?
 13 A. Yes.
 14 Q. Do you know if at the time that you were
 15 interested in using a book to complete this
 16 newspaper project that you referred to you went to
 17 the library to look for a world history book?
 18 A. Excuse me?
 19 MS. STRONG: Can you read it back.
 20 (The following question was read by the
 21 reporter):
 22 "Q. Do you know if at the time that you
 23 were interested in using a book to
 24 complete this newspaper project that you
 25 referred to you went to the library to

1 look for a world history book?"
 2 THE WITNESS: I don't understand that
 3 question.
 4 BY MS. STRONG:
 5 Q. Okay. I'm trying to help you remember
 6 when it was that you went to the library to look
 7 for a world history book.
 8 A. Oh, okay.
 9 Q. I was wondering if it maybe related to the
 10 time that you were working on this newspaper
 11 project?
 12 A. Yes, it was.
 13 Q. Okay. And did you ask a librarian if
 14 there was a world history book available for you to
 15 take home?
 16 A. No, I did not.
 17 Q. What did you do to try and determine
 18 whether there was a world history book available
 19 for you?
 20 A. Actually, I looked at different -- I mean
 21 other various books to see if they had anything on
 22 Carl Mathis. When I -- I did ask an assistant who
 23 is a TA in the library -- I don't know her name --
 24 but she said they don't have class textbooks inside
 25 the library for students to check out or anything.

1 Q. Were there any other books in the library
 2 that had information regarding Carl Mathis?
 3 A. None that I could find.
 4 Q. Was the newspaper project something that
 5 was assigned by the teacher?
 6 MR. FOX: Objection. Asked and answered.
 7 MS. STRONG: I don't recall the answer.
 8 I'm sorry.
 9 Q. If you --
 10 A. Yes.
 11 Q. How did the teacher -- let me rephrase.
 12 What sources do you believe the teacher
 13 wanted you to use to complete the newspaper
 14 project?
 15 MR. FOX: Same objection.
 16 Go ahead.
 17 THE WITNESS: I'm quite sure she wanted us
 18 to use the textbook. Other than that, I don't know
 19 of any other resource she wanted us to reference to
 20 or anything 1379.
 21 BY MS. STRONG:
 22 Q. How do you know she wanted you to use a
 23 textbook?
 24 A. Because during that time we were working
 25 out of the textbook.

1 Q. Did she ask -- I'm sorry. Did she ever
 2 tell you she wanted you to use the textbook to
 3 complete the newspaper project?
 4 A. No, she didn't.
 5 Q. Did she ask that you work on the newspaper
 6 project at home?
 7 A. Yes, she did.
 8 Q. Okay. What did she want you to do with
 9 respect to the newspaper project at home?
 10 A. If we had anything to type, we need -- she
 11 have us to type down or suggest that we type it out
 12 so we would have time to finish it in class on
 13 time.
 14 Q. Did she expect you to research or rely
 15 upon any textbook while you were at home to do the
 16 work that she thought you should accomplish at
 17 home?
 18 A. I don't know.
 19 Q. Did she ever say that she expected you to
 20 use a textbook for this project at home?
 21 A. No, she didn't.
 22 Q. Did she give you a time in class to work
 23 on the textbook while in class on this project?
 24 A. Yes.
 25 Q. Were you able to complete the project?

1 A. Yes, I was.
 2 Q. What kind of grade did you get on the
 3 project?
 4 A. I believe it was an [REDACTED]. It was an [REDACTED].
 5 Q. Can you think of another time when you
 6 actually wanted to take the textbook home in the
 7 world history class?
 8 A. No.
 9 Q. Do you know one way or the other whether
 10 there were other world history books on campus at
 11 Crenshaw in a book room somewhere?
 12 A. No.
 13 Q. Did you ever complain to anyone at
 14 Crenshaw about not being able to take a book home
 15 in Miss Mims' class that one time that you wanted
 16 to?
 17 A. No, I did not.
 18 Q. What was the condition of the textbooks
 19 that you used in class for world history?
 20 A. They were in fair condition.
 21 Q. Okay. Did you have any complaints with
 22 respect to the condition of the textbooks in that
 23 class?
 24 A. As far as physical or --
 25 Q. The condition of the textbooks, correct.

1 A. No, I didn't.

2 Q. Did you use any other type of materials in
3 that class?

4 MR. FOX: Objection. Vague and ambiguous
5 as to materials.

6 BY MS. STRONG:

7 Q. I'll rephrase that, actually. Did you use
8 any other type of educational materials in class in
9 the world history class with Miss Mims? .

10 A. Yes. I believe there were some handouts
11 that she had given us.

12 Q. Anything else you can think of?

13 A. No.

14 Q. And with respect to these handouts, were
15 you able to take those home?

16 A. Yes.

17 Q. What was on the handouts, if you could
18 describe that?

19 A. There were a couple handouts that was on
20 Carl Mathis, and there were some other -- there
21 were some other inventors. I can't think of them
22 right now, but there were some other inventors.
23 There were some -- I believe there was one
24 worksheet on rain for rain forest. That's all I
25 can think of.

1 reading it and printing it out or making a copy of
2 it. If you were to make a copy of it, it would
3 come out darker.

4 Q. Did you want --

5 MR. FOX: I'm not testifying for Delwin,
6 but he wanted to photocopy it so that he could
7 include it in the newspaper article is, I believe,
8 what he's saying.

9 THE WITNESS: Not to include it into the
10 newspaper article, but it was during another
11 assignment where I highlight the items.

12 BY MS. STRONG:

13 Q. Okay. You highlighted the items for one
14 assignment. And then you received another
15 assignment later on where you needed to have some
16 historical facts about Carl Mathis, and you also
17 wanted to have a picture for this project, I
18 assume, to replicate it and put it in the
19 newspaper; is that correct?

20 A. Correct.

21 Q. Okay. The newspaper that you were
22 creating, were you going to copy text from the book
23 and then place it on to your newspaper or were you
24 going to type the text into the newspaper that you
25 were creating?

1 Q. The Carl Mathis handout did it have his
2 picture on it?

3 A. Yes.

4 Q. Did it have facts regarding Carl Mathis?

5 A. Yes.

6 Q. Did you have it when you received that
7 project?

8 A. No, I didn't.

9 Q. When did you have receive that handout in
10 relation to the newspaper project?

11 A. It was actually prior to the time we did
12 the newspaper. And the only reason why I wasn't
13 able to use it because which were highlighting
14 items on it, on there.

15 Q. You had highlighted items on the Carl
16 Mathis hand out?

17 A. Yes.

18 Q. And so why did that make it so that you
19 couldn't use it for the project?

20 A. Because when I highlighted it, I did it in
21 red. So if I was to print it out, it wouldn't come
22 out. It was -- I used a marker.

23 Q. I'm not understanding. If you used a
24 marker, could you not read the text any longer?

25 A. I could read it, but it's different from

1 A. Some parts required I had to type it. But
2 for that specific item, I was going to cut it out
3 and put it on newspaper.

4 Q. Including text?

5 A. Yes.

6 Q. Did you try and White Out what you had
7 done in red?

8 A. I couldn't white it out.

9 Q. You couldn't?

10 A. Because it's highlighted in red. I mean
11 there would be no reason to white it out.

12 Q. I never knew that red highlighters
13 existed?

14 A. I said a marker, not a highlighter. They
15 do have red highlighters.

16 Q. They do? Where did you use the red marker
17 on the paper? I'm sorry, I just don't understand.

18 A. On the text.

19 Q. Over the text?

20 A. Yes.

21 Q. But you could still read the text through
22 it?

23 A. Yes. Unless I made a copy of it.

24 Q. Did you ask your teacher if she had any
25 more of those handouts regarding Carl Mathis when

1 it was time for you to do your newspaper project?
 2 A. Not during time it was -- not during the
 3 time I was doing the newspaper project, but before
 4 that I asked if she had another copy of it. And
 5 she said, no, she didn't have any more copies.

6 Q. Why did you ask her before the newspaper
 7 project?

8 A. I think I messed up on my paper or --

9 Q. By marking it in red?

10 A. No. No, it wasn't that. It was something
 11 else. I mean I can't remember right now. But I
 12 think it was because of something else I did.

13 Q. Did you ask her if she could get another
 14 copy for you?

15 A. No.

16 MR. FOX: Objection. Asked and answered.

17 Do you mind if we take 2 minutes off
 18 record?

19 (Recess.)

20 MS. STRONG: Could you read back the last
 21 question and answer.

22 (The following text was read by the
 23 reporter):

24 "Q. Did you ask her if she could get
 25 another copy for you?"

1 Q. I'm asking about world history class.
 2 Let's focus on this. And when it's time to testify
 3 about another class, you can tell me how you felt
 4 about that class.

5 So specifically with respect to world
 6 history class, you wanted to take your world
 7 history book home every single day?

8 A. Yes.

9 Q. Why did you want to take it home every
 10 single day?

11 A. So I could study and in some case get
 12 ahead of the class.

13 Q. Were you able to study without your book?

14 A. Not really. I mean I didn't know what
 15 the -- basically what everything was in the book.
 16 I didn't know everything that was in the book. So
 17 I mean if I was to study, it would be on subjects
 18 not related to what we were -- what we were going
 19 to do, what the next subject was going to be.

20 Q. How much time would you study with a book
 21 if you had it at home?

22 A. If I had it at home?

23 Q. Yes.

24 A. Probably an hour just to read over the
 25 material.

1 "A. No."

2 MR. FOX: Before we go on --

3 MS. STRONG: Are we off or on?

4 MR. FOX: We are on. I believe Delwin may
 5 have misunderstood a prior question and wants to
 6 clarify it.

7 BY MS. STRONG:

8 Q. Now that you have had an opportunity to
 9 talk with your attorney during the break, would you
 10 like to clarify one of your answers?

11 A. Yes. When you asked are there any other
 12 times that I would like to take home my books,
 13 well, I thought you were saying, you know, did I
 14 ask any other time. The thing is I mean of course
 15 I like to take home my books every day. But just
 16 like for those specific moments when I really
 17 needed it. I mean, of course, that was a major
 18 time I really needed to take it home. So I mean
 19 just to clarify that.

20 Q. In your world history class -- I'm going
 21 to focus on each class here.

22 A. Okay.

23 Q. In your world history class you wanted to
 24 take home your world history book every single day?

25 A. Basically with all my classes.

1 Q. Just with that one book?

2 A. Just that one book.

3 Q. Now, do you think that that would apply to
 4 each of the books in all the classes that you take?

5 MR. FOX: Objection. Calls for
 6 speculation. I'm not sure that --

7 MS. STRONG: He can answer.

8 MR. FOX: I object to the last question,
 9 too. I apologize.

10 THE WITNESS: Could you restate the
 11 question?

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

14 "Q. Now, do you think that that would
 15 apply to each of the books in all the
 16 classes that you take?"

17 THE WITNESS: Not approximately an hour,
 18 but I mean I -- I mean every now and then I would,
 19 at least maybe four times out of the week I would
 20 study with the book in each class.

21 BY MS. STRONG:

22 Q. Almost an hour each time with each book?

23 A. Yes.

24 Q. And you have six classes a day; is that
 25 right?

1 A. Yes. Unless, of course, I was busy.
 2 Q. Can you think of something that you
 3 weren't able to study because you didn't have a
 4 book at home --
 5 A. I --
 6 Q. -- with respect to world history?
 7 A. None that I can think of right now.
 8 Q. There's nothing that you can think of that
 9 you weren't able to study because you didn't have a
 10 book at home; is that correct?
 11 A. Correct. Because I'm dealing with other
 12 subjects now so --
 13 Q. You already explained to me that you have
 14 access to Internet, correct?
 15 A. Correct.
 16 Q. Did you ever go on the Internet to look up
 17 world history issues other than what you've already
 18 described to me?
 19 A. Yes, I have.
 20 Q. How often did you do that?
 21 A. I'd say about three times a week.
 22 Q. Were you able to find what you wanted to
 23 find on the Internet?
 24 A. I believe it was maybe a couple times I
 25 did find what I wanted to look for. Because it

1 semester, that would enable you to think about what
 2 you were unable to find?
 3 A. Yes.
 4 Q. Do you have any of that work anywhere?
 5 A. No, I don't.
 6 Q. Do you know where any of that work is
 7 kept?
 8 A. No. I mean it was -- I mean because it
 9 was -- it was the end of the semester. I only have
 10 certain notes I took during that semester that I
 11 still hold because I can use it at Washington.
 12 Q. You have notes that you took while you
 13 were at -- in Miss Mims' class?
 14 A. Yes.
 15 Q. Those are at home?
 16 A. I believe so.
 17 Q. I think those are something that should be
 18 produced, given to your attorney and produced in
 19 this litigation. Okay?
 20 A. Okay.
 21 Q. Do you have any other notes at home from
 22 classes that you took while at Crenshaw or at
 23 Washington?
 24 A. Of course, yes, at Washington. At
 25 Crenshaw I have a couple of items that I did take

1 wasn't related to the textbook.
 2 Q. But other than the couple times, you
 3 didn't find what you wanted to look for?
 4 A. Correct.
 5 Q. Can you identify for me something that you
 6 were trying to look for on the Internet that you
 7 were not able to find --
 8 A. I --
 9 Q. -- with respect to your world history
 10 class?
 11 A. None I could think of. I mean, I could go
 12 back to that question later on. None that I could
 13 think of right now.
 14 Q. Do you think that there's anything that
 15 anyone could give you that would help refresh your
 16 recollection as to what it was that you had looked
 17 for with respect to your world history class on the
 18 Internet but you weren't able to find?
 19 A. Possibly.
 20 MR. FOX: Objection. Vague and ambiguous.
 21 THE WITNESS: Possibly. I mean -- I mean
 22 if I think about that work that we were doing
 23 during that semester.
 24 BY MS. STRONG:
 25 Q. So if you were given your work during that

1 notes of.
 2 Q. Okay. I ask that you produce those to
 3 your attorney.
 4 A. If I do that, then I won't have it for the
 5 class.
 6 Q. I'm sure your attorney can manage to get
 7 copies of the notes so you'll have them for class.
 8 Okay?
 9 MR. FOX: For the record, I don't know
 10 that you are entitled to every single document that
 11 relates to every class that he ever took from K
 12 through 10th grade. But if he has a manageable
 13 amount of materials, we'll look at it and see if
 14 it's responsive.
 15 MS. STRONG: I think if Delwin has
 16 documents in his possession of that nature that are
 17 responsive to the documents, such as notes he took
 18 reflecting his ability to take advantage of the
 19 educational program provided at Crenshaw, those
 20 should be provided to you and produced in this
 21 lawsuit.
 22 MR. FOX: I'll have a look at them.
 23 MS. STRONG: Okay.
 24 Q. Are you assigned homework? I know that
 25 you mentioned the newspaper project. But other

1 than that, were you assigned homework in Miss Mims'
2 world history class?

3 A. Yes, I was.

4 Q. And how often were you assigned homework
5 in that class?

6 A. Twice a week, around that.

7 Q. What type of homework were you assigned
8 other than the newspaper project?

9 A. Current events. That's the main one I can
10 remember because it's given every week.

11 Q. So there were other homework assignments
12 other than current events but you can't recall them
13 right now?

14 A. Correct.

15 Q. What do you mean by current events as --

16 A. Basically -- that was basically we had
17 some -- we had to do a summary at -- it was
18 basically subjects that we were dealing with, news
19 articles that relate to world history.

20 Q. What did the teacher expect you to use to
21 complete these current event projects at home?

22 A. Most likely --

23 MR. FOX: Objection. Calls for
24 speculation.

25 THE WITNESS: Most likely newspaper.

1 Q. I didn't understand the last thing you
2 said.

3 A. Not the newspaper. I wasn't able to get
4 on the Internet to find articles from newspapers.
5 I just recently haven't subscribed to any magazine
6 or anything.

7 Q. How many times do you recall that you were
8 not able to complete a project for Miss Mims in
9 world history?

10 A. A project or work assignment?

11 Q. Homework assignment.

12 A. I would say about maybe three times.

13 Q. Can you tell me about the first time?

14 A. No, I don't recall the -- I mean it was
15 like throughout the semester. So I --

16 Q. Do you have a specific recollection as to
17 any of these three times that you've identified
18 that you think you were not able to complete a
19 homework assignment for Miss Mims?

20 A. I know two of them involved current
21 events. I can't remember specifically what article
22 it was or what event I was looking for.

23 Q. Okay. You know that the two times it
24 related to the current event project. The one
25 other time, do you know what that related to?

1 BY MS. STRONG:

2 Q. Did she ever tell you what she expected
3 you to use with respect to these current event
4 projects at home?

5 A. No. Because she figured as long as we can
6 get what we were looking for -- I mean as long as
7 we come up with a current event. I mean it could
8 involve you can get it from magazine, newspaper
9 article. I mean basically anything that covered
10 world history that involved with the news.

11 Q. Did she explain that to you in class?

12 A. Yes, she did.

13 Q. So she explained to you that you could use
14 a magazine, a newspaper, and any other form of
15 media, to complete the project; is that correct?

16 A. Correct.

17 Q. Were you able to complete all of the
18 homework that she gave to you in that class?

19 A. No, I wasn't.

20 Q. Why not?

21 A. Because there were some times when I
22 couldn't find a current event article. I mean
23 there's a variety of newspapers and everything, but
24 I wasn't -- it would require a newspaper and some
25 days I wasn't able to get in and get the newspaper.

1 A. I can't remember.

2 Q. Are you sure that it happened?

3 A. I know it happened. I just can't remember
4 what the assignment was.

5 Q. How do you know that it happened?

6 MR. FOX: Objection. Argumentative.

7 THE WITNESS: I mean, I'm trying to think
8 of what assignment it was.

9 BY MS. STRONG:

10 Q. And to the extent that you remember
11 anything about it, I would appreciate that.

12 A. I believe it -- I believe it involved a --

13 Q. If you don't remember, you don't remember.

14 A. No, I don't remember.

15 Q. I don't want you to create something.

16 A. I'm thinking its -- there was one time we
17 were working with -- I think I mentioned it, the
18 cause of World War I. And one of them had to do
19 with how Britain get involved with the war. And I
20 couldn't find it. I believe that was it. And I
21 couldn't find out they get involved.

22 The only thing I could remember was the
23 women suffrage and basically key points that
24 involved all the nations. But there were some
25 other events that I needed that I couldn't find.

1 Q. That prevented you from completing the
2 project; is that correct?
3 A. Correct.
4 Q. Okay.
5 A. Actually it wasn't a project. It was a
6 work assignment.
7 Q. What's the difference between a project
8 and a work assignment?
9 A. Basically a work assignment is involving
10 looking up -- I mean basically -- I mean it
11 depends. It's a variety. I mean it's some
12 teachers they have you involved question and
13 answers, discussions, feedback on certain issues.
14 A project is when you're working on it multiple
15 days where it involves like using other materials
16 outside of the -- outside of school in order to
17 complete the project or assignment. I mean it
18 depends. Like I say, it depends on the teacher. I
19 mean most likely I mean if you think about it in
20 a -- I mean in a common school I mean if you think
21 about work assignments, it's when you are answering
22 questions, when you're coming up with questions.
23 Like I say, giving feedback, looking in books,
24 reading a book. I mean I -- it depends on who
25 considers what in a work assignment.

1 Q. I want to know what you think the
2 difference is between projects and a work
3 assignment, not what a teacher thinks the
4 difference is.
5 MR. FOX: Objection. Asked and answered.
6 I think it's as clear as it's going to be.
7 MS. STRONG: Well, I think I'm entitled to
8 ask follow-up questions because I don't think it's
9 clear in my mind and I doubt it's clear on the
10 transcript.
11 Q. I believe you said a project is something
12 you work on more than one day?
13 A. Correct.
14 Q. Is that correct?
15 A work assignment you couldn't work on
16 more than one day?
17 A. I'm not saying that you can't. I mean
18 it -- I mean it depends on what kind of assignment
19 it is. I mean basically -- I mean, like I said, a
20 work -- I already explained what a work assignment
21 consists of. But I mean it's not that you can't
22 work on it more than one day.
23 Q. Okay. Well, just to make sure that the
24 record is clear from here forward. When referring
25 to homework assignments, I'm referring to both

1 projects and work assignments that you are expected
2 to do at home. Do you understand that?
3 A. Correct, I understand.
4 Q. And if you have any questions as to what
5 is a work assignment or what is a project with any
6 other questions that I ask, please let me know.
7 Okay?
8 A. Okay.
9 Q. And then at that point we'll try and
10 understand if there's any distinction between the
11 two that makes a difference with respect to the
12 question. Okay?
13 A. Okay.
14 Q. So with respect to the one project or work
15 assignment -- I'm using them interchangeably now.
16 Do you understand that?
17 With the one project that you were unable
18 to complete that related to World War I, I believe
19 you said, what was it about it that made you unable
20 to complete the assignment?
21 A. I already explained it. It was basically,
22 like I said, how to Great Britain get involved with
23 the war.
24 Q. I'm sorry. I don't mean to interrupt. If
25 you believe you already told me, I don't need you

1 to repeat the same answer. So I'll try and change
2 my question to make sure we can move forward in our
3 questioning here.
4 You've explained to me that you couldn't
5 find certain information; is that correct?
6 A. Correct.
7 Q. Okay. Were you able to turn anything into
8 the teacher?
9 A. I was, but it was unsatisfactory to her.
10 Q. How do you know it was unsatisfactory to
11 her?
12 A. When it was returned back to me.
13 Q. Okay. What did she say to you about why
14 it was unsatisfactory?
15 A. It didn't have enough information. Let's
16 see. With Great Britain, it had things listed that
17 all the nations had faced prior to World War I
18 which caused the war. But she wanted more -- she
19 wanted more than just what was repeated in all the
20 other nations. I mean -- well, it's hard to
21 explain. I mean that's basically what it was.
22 Q. Did you choose that topic?
23 A. No, I didn't.
24 Q. She assigned it to you?
25 A. Yes.

1 Q. Did she tell you why she expected you to
2 get the information to complete the project?
3 A. No, she didn't.
4 Q. Did you ask her where you were supposed to
5 get the information to complete the project?
6 A. No, I didn't.
7 Q. Were other people in the class assigned
8 that same project?
9 A. Yes.
10 Q. Do you know if the other students in the
11 class were able to complete the project?
12 A. No, I do not. I mean, I know students
13 turned it in, but I don't know if they completed it
14 or not.
15 Q. Did you discuss the teacher's response to
16 your project, your assignment, when you received it
17 back? Did you discuss that with the teacher?
18 A. When I received it back, no, I didn't.
19 Q. Did you discuss it with her at some other
20 time?
21 A. Yes, I did. Before I turned it in. I did
22 -- I mean I wasn't able to find certain things that
23 were going on with Great Britain before World War
24 I.
25 Q. And what did the teacher say to you in

1 make any of these allegations, it's important, and
2 I have an obligation to my client, that I look into
3 these allegations at this time. That's what this
4 deposition is for. If you have a problem with
5 that, then you obviously have a problem
6 representing your plaintiff.
7 MR. FOX: I disagree that's what this
8 lawsuit is about. And I understand you're entitled
9 to take discovery as to whether or not the
10 conditions exist. I think we talked about books,
11 and you've gone well into whether or not his
12 ability to complete projects has been impaired.
13 What I don't want to do is be here for 5
14 days because we're talking about every assignment
15 in every class.
16 MS. STRONG: Every problem he identifies
17 at Crenshaw I'll go into that. It takes as long as
18 it takes. If it takes 5 days, it takes 5 days.
19 MR. FOX: At some point we'll terminate
20 the deposition and have a fight about it. So I
21 hope you'll use your time wisely.
22 MS. STRONG: I'm asking the questions and
23 responding to the answers I get. There's nothing
24 more I can do. I have this obligation to my
25 client.

1 response to that?
2 A. She just told me, well, I still have time
3 to turn it in. She didn't tell me specifically
4 what book to look in, but she said, "Go ahead and
5 do the best you can."
6 Q. Did you ask her for suggestions and places
7 to look for the information?
8 MR. FOX: Objection. Asked and answered.
9 I think we've exhausted this area of questioning.
10 BY MS. STRONG:
11 Q. Go ahead.
12 MR. FOX: I don't see what issues related
13 to the lawsuit this has. And I'd like not to spend
14 much more time on this one particular homework
15 assignment or work project, if that's okay.
16 THE WITNESS: Like I said --
17 MS. STRONG: These are his allegations and
18 these are the deficiencies he's alleging with
19 respect to these classes and the educational
20 program he received --
21 MR. FOX: And --
22 MS. STRONG: Please let me finish.
23 -- the educational program that he
24 received at Crenshaw. To the extent that he's
25 going to get up at the stand or any other time and

1 Can you repeat the last question I asked
2 the witness?
3 (The following question was read by the
4 reporter):
5 "Q. Did you ask her for suggestions and
6 places to look for the information?"
7 A. She didn't tell me any specific place to
8 look.
9 MS. STRONG: That doesn't respond to the
10 question. Would you like her to read it back
11 again.
12 (The following question was read by the
13 reporter):
14 "Q. Did you ask her for suggestions and
15 places to look for the information?"
16 MR. FOX: Objection. Asked and answered.
17 THE WITNESS: Yes, I did, but she told
18 me -- I mean, she didn't tell me any specific place
19 to look.
20 BY MS. STRONG:
21 Q. Okay. Did you go to the library to look
22 for this information?
23 A. No, I didn't.
24 Q. Is there a reason why you didn't go to the
25 library to look for this information?

1 A. Because I didn't have the time to go to
2 the library.

3 Q. Okay. With respect to these other two
4 current event projects, is there a reason -- can
5 you explain to me why you were unable to complete
6 the current event projects?

7 A. I already answered that question. Like I
8 say, I couldn't find any anything on the Internet
9 because I didn't have access to the Internet during
10 that time. I didn't subscribe to any magazines or
11 anything I mean at any time during that time. And
12 I didn't have the newspaper delivered to me or
13 anything like that.

14 Q. Did you turn anything in for those
15 assignments?

16 A. Yes, I did. Because I wasn't able to turn
17 in those assignments, I ended up turning it in as a
18 packet. But it was maybe about two weeks later
19 that I turned in those two current event
20 assignments along with other assignment -- along
21 with other current events that were due during that
22 month.

23 Q. I'm sorry, but I didn't understand your
24 answer. Can you read back my question.

25 (The following question was read by the

1 A. Yes, I did.

2 Q. Okay. How long do you have to complete
3 these current event assignments?

4 A. Actually, there is no set time, any set
5 date to finish them. They are just given to us on
6 a weekly basis. And I mean we turn them in on a
7 Friday. So with some -- the reason why I said
8 there's no set time, because some students they do
9 their current events ahead of time. There's some
10 students that do it a month before it's actually
11 due. So that way they'll have a whole list of
12 current events they can turn in each week.

13 Q. What schedule did you follow with respect
14 to the current events?

15 A. I actually did mine maybe on a Wednesday.
16 And the reason why I did that, because I can do my
17 other homework -- well, Wednesday was the days that
18 I had the least --

19 MR. FOX: That responds to the question.

20 MS. STRONG: What did you say?

21 MR. FOX: I said that responds to the
22 question.

23 MS. STRONG: Can you read my question?

24 MR. FOX: The question was: "What
25 schedule do you do it on?" And you said, "On

1 reporter):

2 "Q. Did you turn anything in for those
3 assignments?"

4 "A. Yes, I did."

5 BY MS. STRONG:

6 Q. Okay. What did you turn in with respect
7 to the first assignment?

8 A. I turned in the article two weeks later.
9 I turned in the article, but it wasn't until two
10 weeks later that I turned it in.

11 Q. What did your teacher say to you with
12 respect to that?

13 A. She told me that she was going to go ahead
14 and give me half credit for it because I did it in
15 a packet.

16 Q. And that's the same for the second project
17 as well?

18 A. Correct.

19 Q. Is that what you were describing in your
20 prior answer?

21 A. Correct.

22 Q. With respect to those two current event
23 assignments, did you talk with your teacher before
24 they were due about your ability to find
25 information to complete the assignment?

1 Wednesdays."

2 (The following question was read by the
3 reporter):

4 "Q. What schedule did you follow with
5 respect to the current events?"

6 "A. I actually did mine maybe on a
7 Wednesday. And the reason why I did
8 that, because I can do my other
9 homework -- well, Wednesday was the days
10 that I had the least --

11 BY MS. STRONG:

12 Q. Is there anything else you want to add to
13 your answer?

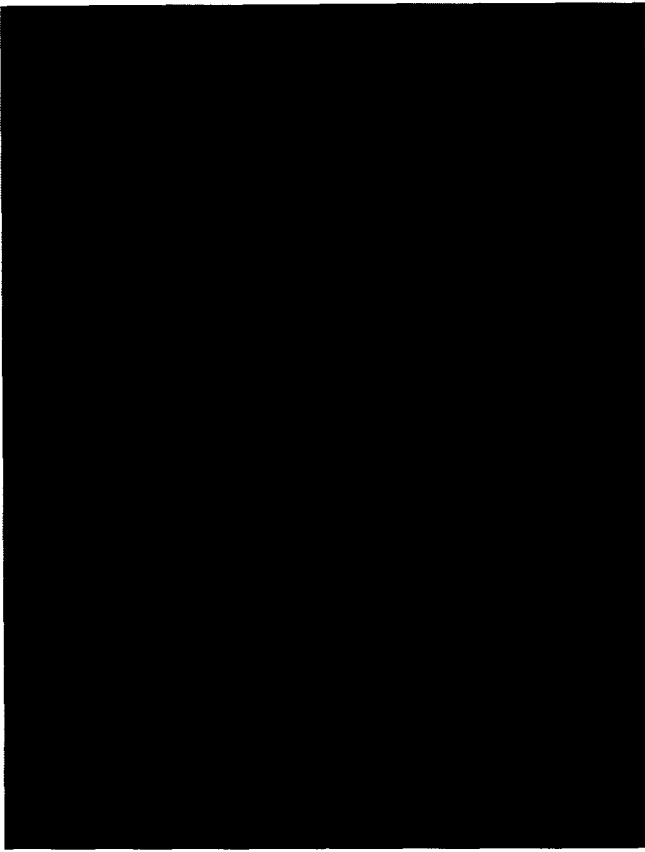
14 A. Least homework.

15 Q. I'm sorry?

16 A. Least homework.



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Q. Do you know what grade you received in world history with Miss Mims?

A. I believe it was either a [redacted] or a [redacted]

Q. Was that for first semester?

A. No. Actually, for first semester it was a C. Second semester it was either a [redacted] or a [redacted]

Q. Do you think that grade adequately reflected your -- I'm sorry, let's start with the first semester.

Do you think that your grade of a [redacted] adequately reflected your performance in that class?

A. No.

Q. Why is that?

A. Because I didn't have the resources in order to do the assignment, some of the assignments.

Q. I don't believe that responded to my question.

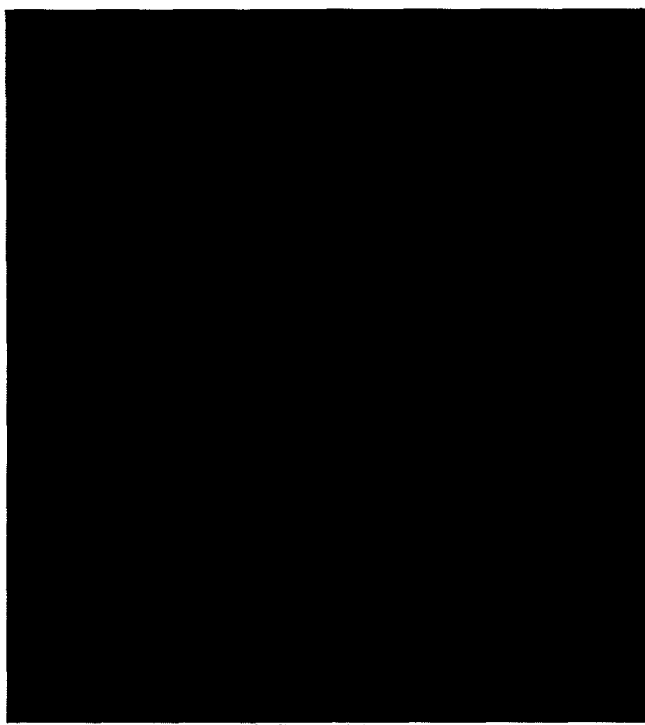
Do you believe that the grade that you received adequately reflected the performance that you gave in that class?

MR. FOX: Objection.

THE WITNESS: No.

MR. FOX: Asked and answered. He

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Q. You were satisfied with the amount of homework that you were given in that class?

A. Yes.

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responded to the question.

THE WITNESS: No.

BY MS. STRONG:

Q. Okay. And just to make sure I understand. I mean are you trying to say that if you had more resources you would have done better in the class?

A. Correct.

Q. Why do you think that?

A. Because if I had the resources to do some of the work in class, it wouldn't require me to go out and do my own -- to where I have to go look at other books from -- at home or at a library or anywhere else to do my work.

Q. Do you know if all of the things that you looked for outside of class were actually in your textbook?

MR. FOX: Objection. Calls for speculation.

THE WITNESS: Could you repeat the question?

BY MS. STRONG:

Q. I can repeat it.

Do you know if all of the things you looked for outside of class were actually in your textbook in the world history class?

1 A. Yes, I do know.
 2 Q. How do you know that?
 3 A. Because before we would actually do
 4 certain assignments, we would read that chapter --
 5 we would read a chapter on that certain assignment.
 6 Q. So are you telling me that everything that
 7 you looked for outside of class you saw in your
 8 book when you read it in class?
 9 A. Actually, no, I didn't. I didn't.
 10 Q. Are you trying to change your answer now?
 11 A. No. I mean I thought you were saying that
 12 all this -- were all the materials that I looked
 13 for in -- I mean away from school were in the book.
 14 Q. Yes. That is the question. And I believe
 15 your answer was, yes, they were.
 16 A. No.
 17 Q. And I was asking how you knew that?
 18 A. No, they weren't. I thought you were
 19 saying a totally completely different question.
 20 Q. Why don't we try again. Were all of the
 21 things that you were looking for outside of class
 22 in your textbook --
 23 A. No.
 24 Q. -- in the world history class? Wait for
 25 me to finish my question.

1 A. No, they weren't.
 2 Q. Do you think that there's anything else,
 3 other than having your textbook at home, that would
 4 have helped you do better in the class?
 5 A. Actually I didn't have a textbook at home
 6 so --
 7 Q. I know. Wasn't that the first thing you
 8 told me --
 9 A. Yes.
 10 Q. -- as to what you thought would make you
 11 do better in the class?
 12 A. Yes.
 13 Q. Other than that, is there anything else
 14 that you can think of that would make you -- that
 15 you would have performed better in the class?
 16 A. Yes.
 17 Q. What?
 18 A. Probably newspaper articles, different
 19 worksheets, other textbooks besides just the books
 20 that we were reading. That's about it.
 21 Q. Do you know if the newspaper is in your
 22 school library?
 23 A. Yes, I do know it's in my school library.
 24 Q. And is it?
 25 A. It is.

1 Q. Okay.
 2 A. But you can't cut out any articles or
 3 anything. There's only one newspaper for the
 4 library.
 5 Q. Can you go in and take notes on the
 6 newspaper while you are in the library?
 7 A. Yes, I can.
 8 Q. Did you ever try and go in to take notes
 9 on the newspaper in the library and you were unable
 10 to for some reason?
 11 A. No. I didn't go into the library to take
 12 any notes.
 13 Q. I'm sorry, do you think that your [REDACTED]
 14 adequately reflects your performance in the second
 15 semester of world history class?
 16 A. No.
 17 Q. And is that based on the same explanation
 18 that you gave me with respect to first semester?
 19 A. Yes.
 20 Q. Is there anything that would be different
 21 for second semester?
 22 A. No.
 23 Q. With respect to your Spanish class.
 24 In 9th grade, you had [REDACTED] is that correct?
 25 A. It's [REDACTED] wasn't sure how you

1 spelled it. I think it's [REDACTED] or something
 2 like that. I wasn't too sure of how to spell it.
 3 Q. Did you have [REDACTED] for the whole year?
 4 I think I just asked that.
 5 A. Yes, I did.
 6 Q. What did you think of [REDACTED]? Was he a
 7 good teacher?
 8 MR. FOX: Objection. Asked and answered.
 9 THE WITNESS: You asked that last week --
 10 not last week but the last deposition.
 11 BY MS. STRONG:
 12 Q. I did? What were the questions about?
 13 A. How did I rate him and everything? I
 14 think I rated him like either an 8 or 9.
 15 Q. I don't believe I asked you to rate him --
 16 I could be wrong -- in the testimony.
 17 MR. FOX: Well, now you have his rating.
 18 BY MS. STRONG:
 19 Q. What is his rating?
 20 A. I'd say about between an 8 or 9.
 21 Q. An 8 or 9 you said?
 22 A. Yeah, between an 8 or 9.
 23 Q. Are there any teachers aides in this
 24 class?
 25 A. No, there wasn't.

1 Q. Did you ever talk with [REDACTED] outside
 2 of class regarding Spanish?
 3 A. No, I didn't.
 4 Q. Was your attendance in Spanish different
 5 than your attendance in other classes you've
 6 already testified to?
 7 A. No.
 8 MR. FOX: Objection. Vague and ambiguous.
 9 MS. STRONG: Well, I can do it the long
 10 way then.
 11 Q. Did you ever miss Spanish class?
 12 A. Yes.
 13 Q. How many times do you think you missed
 14 Spanish class?
 15 A. Maybe two, three times.
 16 Q. And why did you miss Spanish class on
 17 those two or three occasions?
 18 A. Like the other classes, it was school
 19 activities.
 20 Q. Were you ever late to Spanish class?
 21 A. Yes, I was.
 22 Q. And how often were you late to Spanish
 23 class?
 24 A. I believe it was only maybe three times.
 25 Q. Okay.

1 A. Like I said, due to school activities.
 2 Q. Do you have a note when you are late to
 3 Spanish class for school activities?
 4 A. Yes, I do.
 5 Q. Did you ever use a textbook in your 9th
 6 grade Spanish class?
 7 A. No, I did not.
 8 Q. Did you use any other type of
 9 instructional material in your Spanish class?
 10 A. Yes, I did.
 11 Q. What materials did you use in your Spanish
 12 class?
 13 A. I believe the majority of them were
 14 worksheets. Other than that, that was it. And I
 15 mean unless he wrote something on the board.
 16 Q. Do you know if any students in Spanish
 17 classes at Crenshaw used textbooks?
 18 A. I believe so. I mean they are my
 19 second -- I mean, during my first semester in
 20 Spanish 2-A, I did use a textook.
 21 Q. Do you know if any students at Crenshaw
 22 in 9th grade used a Spanish textbook?
 23 A. None that I know of.
 24 Q. Do you know why it is that students don't
 25 use textbook in the 9th grade?

1 A. No, I do not.
 2 Q. You have never discussed that with anybody
 3 at the school as to why students in 9th grade don't
 4 use textbooks in Spanish class?
 5 A. No.
 6 Q. With respect to the instructional
 7 materials you used in class, you said there were
 8 worksheets and he would write things on the board.
 9 Is there anything else you can think of?
 10 A. No, there isn't.
 11 Q. How often would you use worksheets in
 12 class?
 13 A. Just about every day. And if it wasn't,
 14 then we were writing our own paper.
 15 Q. I'm sorry?
 16 A. If it wasn't the worksheets, we were
 17 writing on our own paper.
 18 Q. Okay. And what kind of homework were you
 19 given in Spanish class?
 20 A. There were some worksheets that he would
 21 have us take home. And so words that we would go
 22 home and study.
 23 Q. How often were you given homework in that
 24 class?
 25 A. Three to four times a week.

1 Q. Did you complete your homework assignments
 2 in that class?
 3 A. Yes, I did.
 4 Q. Do you think that you learned in that
 5 class?
 6 MR. FOX: Objection. Calls for
 7 speculation. Lacks foundation.
 8 THE WITNESS: Yes, I did.
 9 BY MS. STRONG:
 10 Q. Were you pleased with what you learned in
 11 the Spanish class?
 12 A. No, I wasn't.
 13 Q. Why is that?
 14 A. Because when I got into Spanish 2-A, I
 15 wasn't prepared, and I didn't know -- I mean I
 16 didn't -- yeah, I didn't know some of the work that
 17 was given. And also when I went to Washington, I
 18 also didn't -- because I had that type of studying,
 19 I wasn't -- I wouldn't comprehend most of the work.
 20 Q. What type of studying are you referring
 21 to?
 22 A. The worksheets.
 23 Q. Do you base your disappointment with
 24 respect to what you learned in Spanish in 9th grade
 25 on the fact that you were given worksheets?

1 A. A majority of that, yes.
 2 Q. Is there anything else that you base that
 3 on?
 4 A. There were times where the teacher wasn't
 5 there due to medical problems.
 6 Q. Do you know how long the teacher wasn't
 7 there due to medical problems?
 8 A. I have to say was missing maybe no more
 9 than -- well, actually four times out of the month.
 10 And then there was one month, I can't remember the
 11 exact month, where he was missing for maybe
 12 about -- maybe 15 days out of that month.
 13 Q. So you think approximately four times each
 14 month?
 15 A. Right.
 16 Q. And then 15 days in addition to that?
 17 A. In one of the months. So --
 18 Q. So one month he missed 4 days and then
 19 there was another time he missed 15 days; is that
 20 correct?
 21 A. No.
 22 Q. I'm sorry, why don't you just say it.
 23 A. Okay. There were -- well, there were --
 24 he was missing maybe 4 times out of each month
 25 except for one month where he was missing for maybe

1 Q. Did you try and go to the office when you
 2 knew that the teacher wasn't in the class that day
 3 and tell them that you were outside?
 4 A. No.
 5 Q. Is there a reason why you didn't?
 6 A. Actually with the questions you asked as
 7 far as me telling anyone, it's not me or any
 8 students responsibility to tell the administrator
 9 there's no teacher in the classroom. Basically
 10 they are the ones that should actually know before
 11 we know.
 12 Q. You didn't feel any obligation --
 13 A. No.
 14 Q. -- to tell anyone you didn't have a
 15 teacher in the classroom that day?
 16 A. No, it's not our responsibility.
 17 Q. The other two times you said you went to
 18 another class or what was the explanation there?
 19 A. There was -- out of those two there was
 20 one time where we had to go to another classroom.
 21 And the other time was we sat by the door for maybe
 22 about 20 minutes or so, and then we just all left.
 23 Q. Okay. But you think that [REDACTED]
 24 A. [REDACTED]
 25 Q. [REDACTED] pretty good teacher. Why do you

1 about 15 days.
 2 Q. Okay. Did you have a substitute teacher
 3 during those times?
 4 A. There was maybe about three times we
 5 didn't. The rest of the times we did have subs.
 6 Q. Okay. Who was in your classroom if there
 7 was no substitute on the four times you said?
 8 A. Three.
 9 Q. Three times.
 10 A. No one was in the classroom. We were
 11 actually outside waiting by the door until the bell
 12 had rung or we would just go to another classroom.
 13 Q. You sat outside a classroom until the bell
 14 rang indicating the completion of a period; is that
 15 correct?
 16 A. Correct.
 17 Q. How many times did you do that?
 18 A. Once.
 19 Q. Did you say anything to anybody about
 20 being in the hallway that day?
 21 A. We weren't in the hallway. We were
 22 standing on the bungalow. We did tell security and
 23 there was nothing he would do about it. He told us
 24 the next time it does happen he would let one of
 25 the administrators know.

1 think he's a pretty good teacher?
 2 A. I mean it was his first year of teaching.
 3 He was just now teaching. He wouldn't get some of
 4 the materials that were needed. He had certain
 5 things he planned for us throughout the school year
 6 because he was unable to do it because he didn't
 7 know who to go talk to as far as field trips and
 8 everything, getting books, he didn't know who to
 9 talk to to get books even though he knew he could
 10 go to the textbook room to get them.
 11 But I believe there was like maybe, I
 12 don't know for sure, but he probably didn't know
 13 how to go about confirming to get the books.
 14 Also with his medical problem he couldn't
 15 do something that a normal teacher could do as far
 16 as being more interactive with the students.
 17 Q. How do you know that he planned certain
 18 activities for you but he didn't know who to talk
 19 to about them?
 20 A. There was one time where we were -- well,
 21 he was planning on going to a -- I believe it was a
 22 Spanish museum. I don't know the exact museum.
 23 Because he didn't know how to go about planning it.
 24 He asked one of us how do we go about
 25 planning field trips? The only thing that I knew

1 that had to be done, you have to talk to the
2 assistant principal and you have to confirm it two
3 weeks in advance. That's basically all I knew
4 about the field trips. And that's how I knew he
5 didn't know how to go about.

6 Q. He asked the question of the class, is
7 that what you are basing your response on?

8 A. Yes.

9 Q. How do you know he didn't know who to talk
10 to about books at the school?

11 A. Because during the -- close to the end of
12 the first semester, he did say that we -- he was
13 trying to get us some books for the second semester
14 since we didn't have them the first semester
15 because he was new and he didn't know how to go
16 about doing it.

17 And that was basically a question I
18 couldn't answer. I didn't know myself how to go
19 about getting books. I was basically --

20 Q. Did he ask that of the class or of you?

21 A. No. He asked that of the class. Nobody
22 knew.

23 Q. Do you know if [REDACTED] spoke to anyone
24 at the school regarding either planned field trips
25 or books for his class?

1 Q. And did you know -- do you know if
2 [REDACTED] spoke to anyone in -- at the school
3 regarding -- anyone in the administration at the
4 school regarding books?

5 A. No.

6 Q. With respect to your Spanish class in 10th
7 grade, you had [REDACTED] correct?

8 A. Correct.

9 Q. Was [REDACTED] a good teacher?

10 A. No, I don't think she was a good teacher.

11 Q. How would you rate her on a scale of 1 to
12 10?

13 A. Maybe about a 4.

14 Q. I think you did describe to me, I believe,
15 why you felt [REDACTED] lacked the skills to teach
16 students at Crenshaw during the first day of your
17 deposition; is that correct?

18 A. Yes.

19 Q. Is there anything else you'd like to add
20 to that testimony as to why you believe that she's
21 not a good teacher?

22 A. No, there isn't.

23 Q. Do you think you learned more in Spanish
24 from [REDACTED] than you did from [REDACTED]?

25 A. Yes, I did.

1 A. I believe he spoke to Miss Canon about it.

2 Q. Which one?

3 A. Excuse me? Which one?

4 Q. Do you think --

5 MR. FOX: She meant the books or field
6 trips.

7 BY MS. STRONG:

8 Q. Books or field trips?

9 A. Field trips.

10 Q. Okay. How do you know that he spoke to
11 Miss Canon about field trips?

12 A. He told us. But he didn't tell us exactly
13 who he spoke to. Not who he spoke to, but what
14 they actually say, what did Miss Canon actually
15 say.

16 Q. Before or after he raised the issue with
17 the class?

18 A. This was after.

19 Q. So he raised the issue a second time, is
20 that what you are saying?

21 A. Yes. We asked him what was going on with
22 it as far as the field trip. And he said he spoke
23 to Miss Canon.

24 Q. Okay. But you don't know what was said?

25 A. No.

1 Q. Why is that?

2 A. [REDACTED] had time to teach us.

3 [REDACTED] she couldn't control the class enough
4 to teach.

5 Q. Is there any other reason why you think
6 you learned more in Spanish from [REDACTED] than
7 [REDACTED]?

8 A. No.

9 Q. Did you miss any classes in Spanish with
10 [REDACTED]?

11 A. Yes, I did.

12 Q. Was it more than any of the other classes
13 that you've already identified?

14 A. Yes.

15 Q. How many times did you miss class with
16 Miss Ortiz?

17 A. Maybe, say, about five times.

18 Q. Why did you miss more class with
19 Miss Ortiz?

20 A. Some were dealing with school activities,
21 field trips, and during the time I spoke to Miss --
22 Miss -- I can't remember the college counselor's
23 name.

24 Q. That was during [REDACTED] class?

25 A. Yes.

- 1 Q. Were you late to [REDACTED] class?
 2 A. Yes, I was.
 3 Q. How often were you late to the class?
 4 A. Maybe four times.
 5 Q. Were you ever late for anything other than
 6 a school activity?
 7 A. No.
 8 Q. You stated you did have a textbook in
 9 [REDACTED] Spanish class?
 10 A. Correct.
 11 Q. What textbook was that?
 12 A. I think it was called "Paso e Paso,"
 13 something like that. I don't know how to pronounce
 14 it. That was it.
 15 Q. Did you have your own copy of the textbook
 16 to use in class?
 17 A. No, I didn't.
 18 Q. What did you use in class?
 19 A. No, sorry about that. No. I did have one
 20 for class but I didn't have one to take home.
 21 Q. Was the text assigned to you in class or
 22 was it a class set?
 23 A. It was assigned to me.
 24 Q. How was it assigned to you? Can you
 25 explain the process?

- 1 A. By numbers. It was basically wherever you
 2 sat that's the book you would go get.
 3 MS. STRONG: Can we go off record?
 4 (Recess.)
 5 MS. STRONG: Read the last question back.
 6 (The following text was read by the
 7 reporter):
 8 "Q. How was it assigned to you? Can you
 9 explain the process?
 10 "A. By numbers. It was basically
 11 wherever you sat that's the book you
 12 would go get.
 13 BY MS. STRONG:
 14 Q. What were the conditions of the books in
 15 that class?
 16 A. I would say fair.
 17 Q. And do you have any particular objections
 18 to the conditions of the books in that class?
 19 A. The number I had, I mean, with the books,
 20 it was fine. I mean I don't know the condition of
 21 the other books as far as the ripped out pages.
 22 The book I had it was fair.
 23 Q. Do you have some reason to believe there
 24 was something wrong with any of the books in the
 25 class?

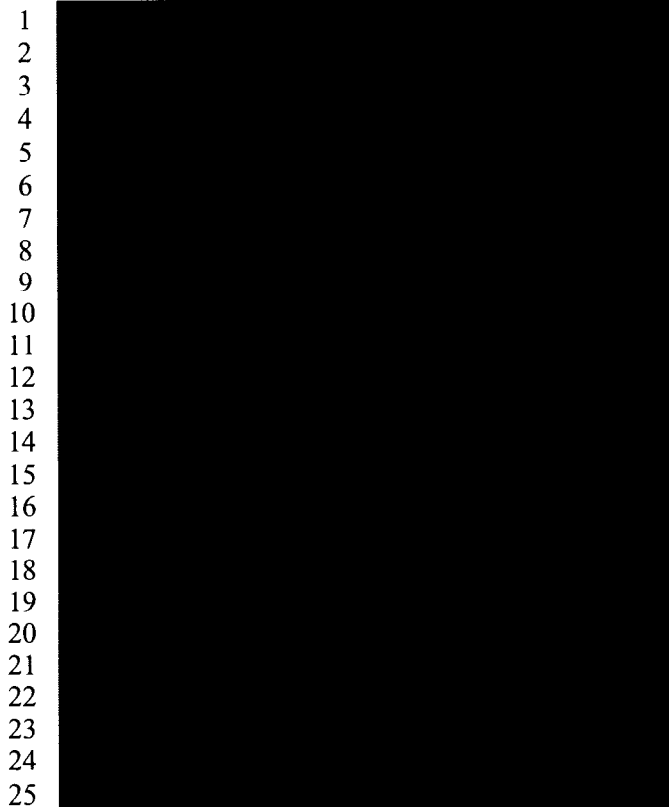
- 1 A. No.
 2 Q. Okay. Were there enough books in class
 3 for each student to have his or her own copy in
 4 class?
 5 A. Yes.
 6 Q. Do you know if the teacher issued any
 7 books to take home in that class?
 8 A. No, I do not.
 9 Q. Okay. Were you issued a book to take home
 10 in that class?
 11 A. No, I wasn't.
 12 Q. Were any of the other students issued a
 13 book to take home in that class?
 14 A. No.
 15 Q. Did you ever ask [REDACTED] if you could
 16 take your Spanish book home?
 17 A. No.
 18 Q. Did you ask anyone at Crenshaw if you
 19 could take your Spanish book home?
 20 A. No.
 21 Q. Other than the textbook that you used in
 22 class, did [REDACTED] use any other types of
 23 instructional materials to teach the class?
 24 A. Yes.
 25 Q. What did she use?

- 1 A. Worksheets.
 2 Q. What else did she use?
 3 A. That's all I can think of right now.
 4 Q. And how often did she use worksheets in
 5 class?
 6 A. I'd say maybe about twice a week.
 7 Q. What were on these worksheets?
 8 A. Basically fill in the blank sentences.
 9 That involved Spanish.
 10 Q. Were you given homework in that class?
 11 A. Yes, I was.
 12 Q. What type of homework were you given in
 13 your Spanish class in 10th grade?
 14 A. Just -- just study. I mean I guess you
 15 could say homework assignment. Just study and that
 16 was it.
 17 Q. Okay. Did your homework assignment every
 18 vary or was it always just a study?
 19 A. Just a study.
 20 Q. Okay. What were you supposed to study, do
 21 you believe you were supposed to study in your
 22 class?
 23 A. Most of the time was past and present
 24 tense of verbs.
 25 Q. And did the teacher tell you how you were

1 to study past and present tense verbs at home?
 2 A. At home, no.
 3 Q. Did she tell you how to study the past and
 4 present tense of verbs anywhere else?
 5 A. In class. But it was just she would call
 6 on people to basically put what they think is the
 7 past and present tense of certain words.
 8 Q. Okay. So why is it that you thought you
 9 were expected to study the past and present tense
 10 of verbs at home?
 11 A. So we would have a better idea of the
 12 word, we would have a better idea of how to put the
 13 word in past and present tense.
 14 Q. Your teacher asked you to study that at
 15 home; is that correct?
 16 A. Yes.
 17 Q. What did you use to study that at home?
 18 A. I --
 19 Q. I'm sorry. Let me step back a minute.
 20 Did you study the past and present tense
 21 of verbs at home?
 22 A. Yes.
 23 Q. And what did you use to study the past and
 24 present tense of verbs at home?
 25 A. Worksheets that I had in class and notes

1 A. Yes.
 2 Q. Do you think there's anything that you
 3 could have done to get a better grade in Spanish?
 4 A. I guess you could say, yes.
 5 Q. What could you have done to get a better
 6 grade in Spanish?
 7 A. Probably gone to tutoring, but I wasn't
 8 able to do that.
 9 Q. Did [redacted] offer tutoring?
 10 A. Not that I know of.
 11 Q. Do you know of any other teachers that
 12 offered tutoring?
 13 A. For Spanish?
 14 Q. Uh-huh.
 15 A. No.
 16 Q. Did you ever ask to see if you could
 17 participate in any tutoring at Crenshaw for
 18 Spanish?
 19 A. No.
 20 Q. And I believe you said you weren't able to
 21 do that, which is participate in tutoring. Why is
 22 it that you weren't able to participate in
 23 tutoring?
 24 A. Because of other activities I had going on
 25 and transportation, scheduling transportation.

1 that were written on the board.
 2 Q. And that you copied down?
 3 A. Yes.
 4 Q. So you were able to complete the study
 5 task that the teacher asked you to complete at
 6 home; is that correct?
 7 A. Correct.
 8 Q. Okay. Do you know what grade you received
 9 in that class?
 10 A. I believe it was either -- for the first
 11 semester, it was a -- either a [redacted] or a [redacted]
 12 Q. And the second semester --
 13 A. It was a [redacted]
 14 Q. -- in 10th grade?
 15 It was a [redacted]?
 16 A. Yes.
 17 Q. Do you believe that grade adequately --
 18 let me rephrase.
 19 Do you think that the grade of either a [redacted]
 20 or [redacted] adequately reflected your work performance in
 21 Spanish the first semester of 10th grade?
 22 A. Yes.
 23 Q. Do you think that your grade of a [redacted] second
 24 semester in 10th grade adequately reflected your
 25 performance in that class?



1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 Q. Did you have other activities on the other
 10 days during lunch that would prohibit you from
 11 taking advantage of tutoring offered during that
 12 time?

13 A. Yes.

14 Q. What other activities?

15 A. I was in math tutoring.

16 Q. When did you start math tutoring?

17 A. The beginning of -- actually, it was the
 18 middle of the first semester of the 10th grade.

19 Q. How often would you participate in math
 20 tutoring during lunch?

21 A. Once a week.

22 Q. Do you remember -- you said it was the
 23 middle of the first semester. Do you have any idea
 24 what month that was in?

25 A. I believe it was sometime during November.

1 period that prohibited you from taking advantage of
 2 Spanish tutoring?

3 A. No, I didn't.

4 Q. Now, you also mentioned transportation as
 5 a reason as to why you could not participate in any
 6 tutoring offered.

7 A. Correct.

8 Q. What is it that you are referring to with
 9 respect to that?

10 A. Busing. Because I was -- because I don't
 11 live in that area, the bus would -- I would have to
 12 get on the magnet bus. That required that I get on
 13 the bus right after school.

14 Q. Do you know if you could have caught a
 15 late bus home from school?

16 A. I knew there was a late bus, but on some
 17 days it was supposed to come and it wouldn't come.
 18 There was only a few times that I did stay after
 19 school where I did see the late bus. That was only
 20 like twice.

21 Q. Okay. So you knew that there was a late
 22 bus; is that correct?

23 A. Correct.

24 Q. And you said that some days it wouldn't
 25 come. How do you know that some days the bus

1 Q. Are there any other activities that you
 2 participated in during lunch that would prohibit
 3 you from taking advantage of tutoring in Spanish?

4 A. I think -- no, yeah. The other days I was
 5 during tutoring in science.

6 Q. When did you start tutoring in science?

7 A. That was, again, the middle of the first
 8 semester, 10th grade.

9 Q. So again is that approximately November in
 10 10th grade?

11 A. Yes.

12 Q. So that's November of 2000?

13 A. Correct.

14 Q. And how many days a week did you
 15 participate in tutoring in science?

16 A. That was three times a week. That was all
 17 the other days.

18 Q. Okay. So starting November of 2000, you
 19 had tutoring in science three days a week, tutoring
 20 in math one day a week, and one day you focused on
 21 peer mediation; is that correct?

22 A. Correct.

23 Q. Okay. Prior to November of 2000, other
 24 than your peer mediation activity one day a week,
 25 did you have any other activities during lunch

1 wouldn't come?

2 A. Well, I knew that the bus would only come
 3 on Mondays. I believe it was Mondays and
 4 Thursdays. But also even on those Mondays and
 5 Thursdays the bus wouldn't show up, or it would
 6 show up late.

7 Q. Okay. Is it correct to say, then, that
 8 you believe that there's a late bus only on Mondays
 9 and Thursdays leaving from Crenshaw that could take
 10 you home; is that correct?

11 A. Correct.

12 Q. Do you know what time that late bus would
 13 leave?

14 A. I believe it would leave at -- I'm not too
 15 sure, but I'm thinking 5:30.

16 Q. On both Monday and Thursdays?

17 A. Correct.

18 Q. And you said that sometimes even though
 19 you knew it was scheduled to leave on Mondays and
 20 Thursdays, sometimes it wouldn't be at Crenshaw to
 21 take students home; is that correct?

22 A. Correct.

23 Q. And how do you know that?

24 A. Like I said, there were times where I did
 25 stay after school and the bus did not show up.

1 Q. Were you waiting for the bus?
 2 A. Actually, I was and I wasn't. I had
 3 either two options of either catching that bus or
 4 calling for a ride. And so I waited until -- I
 5 mean I waited until during the time the bus was
 6 supposed to come. It just so happened my bus
 7 driver that usually takes me home right after
 8 school just so happened to pass through and she
 9 took me home.
 10 Q. Drove you home in her personal car?
 11 A. No, she was on a bus. Because they had a
 12 football game on those days and she happened to
 13 drove by because she was at the football game and
 14 she took me and a couple other students home on her
 15 bus.
 16 Q. So were you waiting for the other bus,
 17 though?
 18 A. Like I say, yes and no. I didn't -- it
 19 was a option of either me calling for
 20 transportation or catching that late bus.
 21 Q. And so -- I'm just trying to understand
 22 how you know that the bus didn't actually come.
 23 Were you standing there waiting for it or what?
 24 A. Yes. I waited until maybe 5:30 or so and
 25 the bus never showed up. And my bus driver pulled

1 for the bus and your bus driver came by and picked
 2 you up at around 6:00?
 3 A. I can't remember. It was sometime
 4 during -- I mean it --
 5 Q. 10th grade?
 6 A. It was in 9th grade.
 7 Q. That was the 9th grade also?
 8 A. Yes.
 9 Q. Did you ever ask anybody at the school
 10 about the late bus that leaves from Crenshaw?
 11 A. Yes, I did.
 12 Q. Who did you ask about it?
 13 A. Miss Garrison.
 14 Q. Did you ask anyone else about it?
 15 A. No, I didn't.
 16 Q. When did you ask Miss Garrison about it?
 17 A. It was sometime -- it was on that same day
 18 I was waiting for the bus.
 19 Q. And when you think that the bus didn't
 20 arrive at 5:30 and you got a ride home with your
 21 other bus driver at around 6:00, is that the same
 22 day?
 23 A. Correct.
 24 Q. And when did you see Miss Garrison then
 25 that day?

1 up around 6:00.
 2 Q. Were you waiting at the stop where the bus
 3 ordinarily leaves to take children home at 5:30?
 4 A. Yes.
 5 Q. How do you know that's where the bus
 6 ordinarily leaves from?
 7 A. Because there were times where students --
 8 there were other students that were going to catch
 9 the late bus, and they were also waiting at the
 10 same stop. And I asked them was this the stop
 11 where the bus picks up, and they said yes.
 12 Q. Okay. When was that that you asked those
 13 students?
 14 A. I can't remember.
 15 Q. Was it 9th grade or 10th grade?
 16 A. It was during the 9th grade.
 17 Q. First semester?
 18 A. No, actually -- yeah, it was during
 19 the 9th grade, first semester.
 20 Q. First semester?
 21 A. I think it's the first semester.
 22 Q. Okay. When was it --
 23 A. It could have been the second semester but
 24 I'm not too sure.
 25 Q. When was this time that you were waiting

1 A. When I went back into the building to call
 2 for my transportation. And during that time I went
 3 to her office to see if I could make a phone call.
 4 And I asked her what happened to the bus. And she
 5 told me that the bus should be out there. And she
 6 told me to go wait outside a little bit longer. I
 7 went outside and that's my -- that's when my bus
 8 driver pulled up.
 9 Q. Do you know what time it was you spoke
 10 with Miss Garrison?
 11 A. I'm guessing around 5:40 or so.
 12 Q. Okay. Did she tell you what time the bus
 13 is scheduled to arrive at Crenshaw to take children
 14 home?
 15 A. No.
 16 Q. And so when you went back outside, you
 17 didn't have to wait much longer before your bus
 18 driver came through; is that correct?
 19 A. Correct.
 20 Q. So you don't know one way or the other
 21 whether that bus actually came to Crenshaw at some
 22 point that afternoon, do you?
 23 A. No, I do not.
 24 Q. Okay. And with respect to that
 25 conversation with Miss Garrison, did you discuss

1 anything else about the buses? For example, what
2 days and times the late bus ordinarily leaves or
3 anything of that nature?

4 A. No, I didn't.

5 Q. Is it correct to say that you never asked
6 anyone at Crenshaw if a bus -- if there was a late
7 bus for any of the days during the week?

8 A. Actually, I asked -- I believe it was
9 Miss Canon.

10 Q. Okay. Did you talk to anyone else about
11 the buses or bus schedules, the late buses at
12 Crenshaw?

13 A. Before that, that's who it was,
14 Miss Canon.

15 Q. Miss Canon?

16 A. I believe it was Miss Canon. It was
17 someone in the principal's office. I believe it
18 was Miss Canon.

19 Q. Was there anyone else other than
20 Miss Canon and the one conversation you described
21 with Miss Garrison that you can think of that you
22 discussed buses with at Crenshaw?

23 A. Other than when I asked the students that
24 were at the bus stop what time the bus come, and
25 that's about it.

1 Q. Other than that one conversation with
2 Miss Canon, you didn't have any others. Did you
3 ever get a bus schedule from Miss Canon or from
4 anyone else?

5 A. No, I didn't.

6 Q. So you don't know one way or the other if
7 there was a change in the bus schedule for your
8 10th grade year and if any buses were offered by
9 the school to come home late, do you?

10 A. No, I don't.

11 Q. Okay. And just to make sure that the
12 record is clear. There isn't anything else that
13 you believe you could have done to improve your
14 performance in your Spanish class that year; is
15 that correct?

16 MR. FOX: I assume you are excluding the
17 fact that he didn't have a book to take home in
18 Spanish?

19 MS. STRONG: I don't believe he ever
20 mentioned that. And I would appreciate it if you
21 would make your objections for the record instead
22 of trying to testify on behalf of your client.

23 MR. FOX: I'm not testifying for him.

24 MS. STRONG: The record would reflect it
25 does. He didn't mention that.

1 Q. When did you speak with Miss Canon about
2 the buses at Crenshaw?

3 A. This was sometime during the first
4 semester of 9th grade.

5 Q. And what did you ask Miss Canon?

6 A. I just asked her -- well, I was supposed
7 to be staying after school to work on a project.
8 And I asked her is there any way that -- I mean, is
9 there any late buses that comes to Crenshaw. And
10 she said yes, there is. Like I said, it's
11 somewhere approximately around 5:30. Either 4:30
12 or 5:30, that the bus would come.

13 Q. This is what she told you?

14 A. Yes.

15 Q. Go ahead.

16 A. That was at this time.

17 Q. Did she tell you what days?

18 A. Yes, she did. I think it was Monday and
19 Thursday.

20 MR. FOX: I have high noon. I don't know
21 if this is a good time for you to stop or as good
22 as any.

23 MS. STRONG: Why don't I try and complete
24 this line of questions and we'll come to a stopping
25 point.

1 MR. FOX: Is there anything else that you
2 could have done?

3 MS. STRONG: I'm asking the questions. Do
4 you have an objection to make to the question I'm
5 asking?

6 MR. FOX: Objection. Vague and ambiguous
7 to the extent it doesn't reflect whether or not you
8 are talking about --

9 MS. STRONG: That's a speaking objection.
10 Objection, vague and ambiguous, is a proper
11 objection. If that's what you want to make, fine.
12 A speaking objection is not permissible. You can
13 stop at that point. Okay?

14 MR. FOX: The objection is on the record.
15 Fine.

16 BY MS. STRONG:

17 Q. Is there anything other than what you have
18 already testified to, Mr. Lampkin, that you believe
19 you could have done to improve your grade in the
20 Spanish or your performance in the Spanish class?

21 A. Other than that -- other than books, no.

22 Q. What other than books?

23 A. I mean -- well, the books -- I mean, of
24 course, like I said, the books are, like I say, I
25 always -- it always would be a need for me to take

1 it home. But because they weren't there, that
 2 would, you know -- it would keep me from studying
 3 more.
 4 Q. Okay. I don't believe that you testified
 5 that your book in Spanish class was something that
 6 you thought you needed to take home to improve your
 7 performance in Spanish class. Is that what you are
 8 now testifying to?
 9 A. Yes. Well, you did say other than what I
 10 already said, so I am adding on to it.
 11 Q. Let me clarify for the record because I
 12 believe I did this before but I want to make sure
 13 it's absolutely clear. Your testimony earlier
 14 today when you said in all of your classes you want
 15 to have a book, I said we are going to limit that
 16 to the world history class that we were speaking of
 17 at that moment. If that's how you feel with
 18 respect to each class, I assume that's something
 19 that you can remember to testify to when we address
 20 each class.
 21 Do you understand?
 22 A. I understand.
 23 MR. FOX: I don't think you have to impose
 24 that obligation on him. He testified he would like
 25 a book in every class. If you are going to say you

1 have to say that, otherwise that request to the
 2 state is deemed waived, that's not the case.
 3 MS. STRONG: That's absolutely not true.
 4 But when I'm asking specific questions regarding
 5 specific classes, I would appreciate it if he would
 6 give me a full answer with respect to that class
 7 because then I can ask how it is that -- I mean
 8 otherwise we will go class by class and how it is
 9 that he thinks a book would affect his performance.
 10 Let's just deal with the questions I ask and keep
 11 this in a coherent fashion.
 12 Can you repeat the last question I asked
 13 of the witness and his answer to that question.
 14 (The following question was read by the
 15 reporter):
 16 "Q. And just to make sure that the record
 17 is clear. There isn't anything else that
 18 you believe you could have done to
 19 improve your performance in your Spanish
 20 class that year, is that correct?"
 21 MR. FOX: Are you reasking the question?
 22 MS. STRONG: Yes.
 23 MR. FOX: Objection. Asked and answered.
 24 THE WITNESS: I did answer that, and I
 25 was -- and that was when I said other than books.

1 BY MS. STRONG:
 2 Q. What do you mean "other than books"?
 3 A. With the books, like I said if I had the
 4 books in order to pass my class, I could study
 5 more. I mean if I had the books to take home I
 6 would be able to study more and I would be able to
 7 keep up with the work.
 8 Q. Okay. I think I testified you never had
 9 asked to take a book home for your Spanish class in
 10 10th grade; is that correct?
 11 A. Correct.
 12 MR. FOX: Why don't we break now. Is that
 13 the end of that line of questions?
 14 MS. STRONG: That's fine.
 15 (At the hour of 12:03 P.M., a luncheon
 16 recess was taken. The deposition resumed at
 17 1:03 P.M., the same persons being present.)
 18
 19
 20
 21
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 24
 25

1 LOS ANGELES, CALIFORNIA; SUNDAY, JUNE 17, 2001
 2 1:03 P.M.
 3
 4 EXAMINATION (Resumed)
 5
 6 BY MS. STRONG:
 7 Q. Good afternoon, Mr. Delwin.
 8 A. Good afternoon.
 9 Q. Mr. Delwin Lampkin, I should say.
 10 Did you have anything at lunch, either
 11 medication, alcohol, or any other substance, that
 12 would affect your ability to testify here this
 13 afternoon?
 14 A. No, I have not.
 15 Q. Do you understand that you are still under
 16 oath?
 17 A. Yes, I do.
 18 Q. For science in 9th grade you had
 19 [REDACTED] for the year; is that correct?
 20 A. Correct.
 21 Q. Do you think [REDACTED] was a good
 22 teacher?
 23 A. Pretty much. Well, she -- she was okay.
 24 She was okay.
 25 Q. Okay. How would you rate [REDACTED] on a

- 1 scale of 1 to 10, 10 being the best?
 2 A. Maybe a 6.
 3 Q. Were there any other teachers in that
 4 class?
 5 A. No, there wasn't.
 6 Q. What is it that's different about
 7 [REDACTED] and the other teachers that you've
 8 already discussed with me, as to why she should
 9 receive a 6 instead of a higher score?
 10 A. I have to say her interaction with the
 11 class, having the students get more involved with
 12 labs, and, you know, like with labs and
 13 experiments.
 14 Q. She does involve more students in the
 15 class?
 16 A. She doesn't.
 17 Q. She does not?
 18 A. Right.
 19 Q. Okay. Is there anything else that you
 20 believe is a problem with the way [REDACTED] --
 21 A. Not that I can think of right now.
 22 Q. The only problem you have with her is she
 23 doesn't involve the students as much in the science
 24 experiments in class; is that correct?
 25 A. Correct. And, I mean, she doesn't do --

- 1 class, do you know the name of that book in 9th
 2 grade?
 3 A. I can't remember it, but I believe it had
 4 to do with life science.
 5 Q. Did you have your own copy of the book to
 6 use in class?
 7 A. Yes, I did.
 8 Q. Did all of the students in that class have
 9 their own copy of the science book to use in class?
 10 MR. FOX: Objection. Lacks foundation.
 11 Calls for speculation.
 12 THE WITNESS: I believe so.
 13 BY MS. STRONG:
 14 Q. Did you ever take your science book home
 15 in that class?
 16 A. Yes, I did.
 17 Q. Do you know whether each of the students
 18 in the science class were able to take their books
 19 home?
 20 A. I mean, they were able to, yes.
 21 Q. Okay. Did you take your science book home
 22 every day?
 23 A. Yes.
 24 Q. Did you ever forget to bring it home with
 25 you?

- 1 doesn't do that many group discussions. She
 2 doesn't interact the students that much.
 3 Q. Okay. Do you do science experiments in
 4 her class?
 5 A. There was maybe one or two. Actually, no,
 6 there was just one that I can think of.
 7 Q. How did she teach the class then?
 8 A. Mostly through book work. Book work.
 9 Q. Did you have a textbook in that class?
 10 A. Yes, I did.
 11 Q. Did you ever talk with [REDACTED] about
 12 science outside of class?
 13 A. No, I did not.
 14 Q. Did you ever try to talk with her outside
 15 of class regarding science?
 16 A. No, I did not.
 17 Q. Okay. Did you ever miss that class?
 18 A. Yes, I did.
 19 Q. How many times did you miss the class?
 20 A. Maybe twice.
 21 Q. Do you remember what that was for?
 22 A. School activities.
 23 Q. Were you ever late to that class?
 24 A. No, I was not.
 25 Q. The book that you used for the science

- 1 A. No, I did not.
 2 Q. Okay. Did you always use your science
 3 book each night that you took it home?
 4 A. No, I didn't.
 5 Q. And why is it that you didn't use it every
 6 night that you took it home?
 7 A. Because we didn't have any homework
 8 assignments that required to use the book.
 9 Q. So if you didn't have a homework
 10 assignment requiring the use of the book, then you
 11 wouldn't use the book; is that correct?
 12 A. Not necessarily. I would study every now
 13 and then. But it wasn't like I studied every day
 14 of the week.
 15 Q. Okay. So do you remember using -- do you
 16 remember a specific time when you used your science
 17 book but you didn't actually have a homework
 18 assignment for it that night?
 19 A. Yes. There were some -- there were a
 20 couple times.
 21 Q. How many times? Two times?
 22 A. I mean -- well, there were a couple times
 23 I could remember, actually.
 24 Q. Okay. So there are two times that you can
 25 remember; is that correct?

- 1 A. Yes.
 2 Q. Do you remember when they were?
 3 A. No, I do not.
 4 Q. Do you remember what it was that you
 5 looked at in the science book on those two
 6 occasions?
 7 A. I believe it was when I was preparing for
 8 a lab. There was another time when I was looking
 9 at the heart system.
 10 Q. Why were you looking at the heart system?
 11 A. It was for another assignment earlier
 12 during the school year, another assignment that
 13 was -- that we were doing in class.
 14 Q. So was it in response to an assignment
 15 that you were looking at the heart system in the
 16 book?
 17 A. Yes.
 18 Q. And does your teacher ask that you prepare
 19 for labs at home?
 20 A. No, she doesn't.
 21 Q. Does she ask you to prepare for a lab at
 22 any time?
 23 A. As far as in class, writing down the
 24 procedure, yes. But other than that, just reading
 25 over it, and that's it.

- 1 Q. In that science class, did you see people
 2 sharing books?
 3 A. Yes.
 4 Q. Okay. But you don't -- as far as you're
 5 aware, each student did have a book that was issued
 6 to them; is that correct?
 7 A. Correct.
 8 Q. Okay. What was the condition of your
 9 science book?
 10 A. Fair condition.
 11 Q. Do you have any concerns about the
 12 condition of that book?
 13 A. No, other than they had bent edges. I
 14 know there was one time I did have a page ripped
 15 out.
 16 Q. In your science book?
 17 A. Yes.
 18 Q. Was it one page that you noticed being
 19 ripped out?
 20 A. Yes.
 21 Q. Do you know how that page was ripped out
 22 of the book?
 23 A. No, I do not.
 24 Q. How did you learn about the page being
 25 ripped out of the book?

- 1 Q. So the book that you use in class, is that
 2 the same book that you also take home?
 3 A. Yes.
 4 Q. Do you know if students ever forget to
 5 bring their textbooks with them to class?
 6 A. I don't know.
 7 Q. Did you ever forget to bring your textbook
 8 with you to class --
 9 A. No.
 10 Q. -- in the science class?
 11 A. No.
 12 Q. Do you use the science textbook in class?
 13 A. Yes.
 14 Q. Have you ever seen a student ask the
 15 teacher to use a science book of hers, or from
 16 an -- in class because they left theirs at home?
 17 A. No.
 18 Q. Did you ever have to share a book with any
 19 student who left theirs at home?
 20 A. No.
 21 Q. Did you ever see any student sharing books
 22 because one had left their book at home?
 23 A. I've seen students sharing books, but I
 24 don't know if it was because they left their book
 25 at home.

- 1 A. When we were reading in the class.
 2 Q. What happened?
 3 A. I turned the page. It wasn't there. I
 4 mean --
 5 Q. So what did you do?
 6 A. I let the teacher know. And I ended up
 7 looking at another book that she had. It was
 8 another copy of a book that she did have.
 9 Q. Okay. And so with this additional copy
 10 that she gave you, you were able to follow along
 11 with the assignment that day?
 12 A. Yes.
 13 Q. Are there any other concerns that you have
 14 regarding your textbook in that class?
 15 A. No.
 16 Q. Did [REDACTED] use any other types of
 17 materials to teach science, other than that one
 18 book?
 19 A. None that I can remember.
 20 Q. And were you assigned -- I believe you
 21 testified that you were assigned homework in that
 22 class; is that correct?
 23 A. Yes.
 24 Q. How often were you assigned homework in
 25 that class?

- 1 A. Yes. Actually, like, maybe once a week.
 2 Q. What type of homework were you assigned?
 3 A. Just study, basically, to look over -- I
 4 mean, look over certain chapters.
 5 Q. Were you satisfied with the homework you
 6 were given in that class?
 7 A. Yes, pretty much.
 8 Q. Is there any reason you weren't satisfied
 9 with the homework you were given in that class?
 10 A. No.
 11 Q. Do you know what grade you received in
 12 your science class for first semester in 9th grade?
 13 A. I can't remember.
 14 Q. Actually, I believe you might have
 15 testified earlier that you received a [REDACTED] in that
 16 class. Does that sound accurate? If you can't
 17 remember, don't guess.
 18 A. It probably was. I can't remember.
 19 Q. Okay. And do you remember what grade you
 20 received in that science class in 9th grade?
 21 A. Probably a [REDACTED] or a [REDACTED].
 22 Q. And from what you recall, do you believe
 23 that your grades in that class adequately reflected
 24 your performance in those classes?
 25 A. Yes.

- 1 deposition; is that correct?
 2 A. Correct.
 3 Q. How would you rank Miss Beasley?
 4 A. A 10.
 5 Q. Do you think you learned a lot in
 6 Miss Beasley's class?
 7 A. Yes.
 8 Q. Did you talk to Miss Beasley outside of
 9 class regarding biology?
 10 A. Yes.
 11 Q. How often would you do that?
 12 A. Maybe three times a week.
 13 Q. Did you have tutoring by Miss Beasley?
 14 A. Yes.
 15 Q. Is that the tutoring that you referred to
 16 that started in November --
 17 A. Yes.
 18 Q. -- of your 10th-grade year?
 19 A. Yes.
 20 Q. Why did you start to take tutoring from
 21 Miss Beasley?
 22 A. I had to catch up on work, even though I
 23 was passing the class. Also she was talking about
 24 how she was going to bring in -- I can't remember
 25 what it's called. But there was a student from

- 1 Q. Do you think you could have done better in
 2 your science class in 9th grade?
 3 A. Yes.
 4 Q. Why do you think you could have done
 5 better?
 6 A. Well, during that time I didn't have any
 7 tutor for that class. Also, I mean, if I had the
 8 time, I could have read the book more.
 9 Q. Is there anything else that you think you
 10 could have done that would have improved your
 11 performance in that science class?
 12 A. No.
 13 Q. Why don't we go to your biology class in
 14 10th grade. You had Miss Beasley; is that correct?
 15 A. Correct.
 16 Q. Do you believe that Miss Beasley was a
 17 good teacher?
 18 A. Yes.
 19 Q. And --
 20 A. You already asked me that.
 21 Q. I'm sorry. Miss Beasley is one of your
 22 favorite teachers; is that correct?
 23 A. Correct.
 24 Q. So you discussed how you appreciated her
 25 behavior in the class, the first day of your

- 1 UCLA or a university that was going to come in and
 2 teach the class. I guess he's in some kind of
 3 program or something.
 4 And, basically, I wanted to prepare myself
 5 for when he starts teaching, because I didn't know
 6 for sure whether he was going to teach another
 7 subject or not. I mean, not necessarily another
 8 subject, but another -- yeah, I guess you could say
 9 subject in her class.
 10 Q. So you wanted to make sure -- I'm not sure
 11 if I totally understand.
 12 You wanted to make sure you were prepared
 13 for when this other person came in to teach the
 14 class?
 15 A. Correct.
 16 Q. And was there a particular reason why you
 17 wanted to be prepared for him in a way that you
 18 were not prepared for Miss Beasley?
 19 A. Because she did say that she wasn't --
 20 that the person that was going to come in wasn't
 21 going to teach the same thing she's teaching. He
 22 might have his own agenda. He is also receiving a
 23 performance rating, or something like that, as far
 24 as how he's teaching. I wasn't too familiar with
 25 some parts of science. So I didn't -- because I

1 didn't know what he was going to teach, I thought I
2 would prepare myself for it.

3 Q. Did you have concerns that maybe he
4 couldn't teach you the things that he needed to
5 teach you? Is that what you are trying to tell me?

6 A. No. Basically I'm just saying that I
7 didn't know exactly what he was going to teach, so
8 I thought by me going to tutoring, then that way I
9 know -- I have somewhat of an idea what he's going
10 to teach. And if I didn't know how to do it or
11 anything, I could probably get some assistance.

12 Q. Okay. So this had nothing to do with any
13 fears about that incoming teacher? You just wanted
14 to make sure you knew as much about biology as you
15 could before he came to the class; is that correct?

16 A. Correct.

17 Q. And when was this individual anticipated
18 to come to the class?

19 A. Sometime during the second semester.

20 Q. And was Miss Beasley going to stay
21 teaching the class with this individual or not?

22 A. She would sometimes object, or interrupt
23 him. I mean, not like on purpose or anything like
24 that. But just to assist him in teaching. But he
25 was mostly doing -- he was doing mostly the

1 correct?

2 A. Correct.

3 Q. Was Miss Beasley always available during
4 the lunch period to meet with you?

5 A. Not all the time. But I can understand,
6 it's lunch and she has her break. But I did also
7 get help from other students when she wasn't there.

8 Q. So were there certain days that you would
9 go to Miss Beasley's room to meet with her, to talk
10 with her?

11 A. Yes. Actually, I was in that class for
12 fourth period, and lunch was right after fourth
13 period, so I would already be inside that class.

14 Q. So sometimes, essentially, you would just
15 stay after class and talk with her; is that what
16 you have been describing to me?

17 A. Correct.

18 Q. How long would you stay with her during
19 the lunch period?

20 A. I would stay the whole period.

21 Q. Okay. I think you testified that you did
22 this approximately three times a week starting in
23 November?

24 A. Correct.

25 Q. Did any other students stay at the lunch

1 teaching.

2 Q. But Miss Beasley was going to stay with
3 the class while he was teaching; is that correct?

4 A. Correct.

5 Q. Did you ask Miss Beasley to participate in
6 tutoring?

7 A. No, I didn't. Actually, I just -- I
8 didn't ask her if I can tutor or anything. I
9 asked -- during lunch, I would ask questions about
10 certain parts of science. And then I would also
11 ask other students who were in higher grade levels
12 than me about --

13 Q. I'm sorry, were you finished?

14 A. -- about other -- what they've learned.

15 Q. Okay. Was this a formal tutoring session
16 then with her?

17 A. No, it wasn't.

18 Q. None of the sessions that you took part in
19 with her were formal?

20 A. No.

21 Q. Okay. And they weren't scheduled, for
22 example?

23 A. Correct.

24 Q. Was Miss Beasley always available during
25 her -- this was during her lunch period; is that

1 period with you?

2 A. Yes.

3 Q. How many students would stay,
4 approximately?

5 A. Maybe around 10.

6 Q. Did you talk about things other than
7 biology during the lunch period when you'd stay
8 with her?

9 A. No.

10 Q. Did you use a textbook in Miss Beasley's
11 class?

12 A. Yes.

13 Q. Do you remember the name of the textbook?

14 A. No, I can't remember.

15 Q. Okay. Did you have your own book to use
16 in class, in Miss Beasley's class?

17 A. Yes, but it wasn't assigned to me.

18 Q. So it was one of a class set; is that
19 correct?

20 A. Correct.

21 Q. And were there enough books in the class
22 for each student to use in class, if you know?

23 A. During the beginning, there was. But
24 towards the end of second -- I mean, first
25 semester, beginning of second semester, there

1 wasn't.
 2 Q. Okay. Why is that?
 3 A. I don't know.
 4 Q. Well, how do you know that there weren't
 5 enough books for each student to use in class
 6 towards the end of first semester and the beginning
 7 of the second semester in 10th grade?
 8 A. Because there were some students that
 9 would tell me there was no more books in the
 10 cabinet. And there was maybe ones that had to
 11 share books.
 12 Q. I know you've given me a general
 13 approximation of the time period of this, but can
 14 you be a bit more specific as to when the first
 15 time you noticed there wasn't enough books for the
 16 students in that class?
 17 A. No, I can't. I don't know exact, you
 18 know, period of time.
 19 Q. And the first semester ends in January; is
 20 that correct?
 21 A. Correct.
 22 Q. Do you think it might have been in January
 23 when this problem started?
 24 A. No. It was probably more so before, in
 25 the break before our winter break.

1 would miss some books, if students were telling her
 2 that there aren't any more books in the cabinet.
 3 Q. Do you know if any students ever told her
 4 there wasn't a book in the cabinet?
 5 MR. FOX: Objection. Asked and answered.
 6 He previously testified that, yes, he did.
 7 MS. STRONG: No, he testified that he
 8 heard them say that, not what the --
 9 Q. Go ahead, you can answer my question.
 10 A. Yes, they did tell Miss Beasley. And I
 11 did hear when they told Miss Beasley.
 12 Q. Okay. Did Miss Beasley respond to those
 13 students, that you know of?
 14 A. During that time when they told her that
 15 they were any more books in the cabinet, she did
 16 say share with another student. I mean, other than
 17 that, what she was going to do about the situation,
 18 I don't know.
 19 Q. She never talked to you about that?
 20 A. No.
 21 Q. And do you know if Miss Beasley ever got
 22 more books while you were in that class? Do you
 23 know one way or the other?
 24 A. No, I don't.
 25 Q. Did you use the textbooks for anything

1 Q. So sometime in December of 199- --
 2 December of 2000; is that correct?
 3 MR. FOX: Objection. Mischaracterizes his
 4 testimony.
 5 BY MS. STRONG:
 6 Q. Go ahead.
 7 A. Somewhere around that time.
 8 Q. And what would you do with the books in
 9 class? How would you use them in class?
 10 A. Basically they were lab books. We would
 11 use them -- basically we had labs every week. So
 12 with the books, we would copy down what was in the
 13 book to prepare for our labs the next day.
 14 Q. Did you do the labs in groups?
 15 A. Yes.
 16 Q. How many students per group for the lab?
 17 A. Four.
 18 Q. And did you share other materials, or did
 19 you share materials when you were doing lab
 20 projects then, since you were working in a group?
 21 A. Yes.
 22 Q. Do you know one way or the other whether
 23 Miss Beasley was aware that she may have been
 24 missing one or two books for students in the class?
 25 A. I'm quite sure she was aware that she

1 other than preparing for labs in that class?
 2 A. No.
 3 Q. And she gave you time in class to prepare
 4 for the lab; is that correct?
 5 A. Correct.
 6 Q. Did you ever take that science book home
 7 for any reason?
 8 A. No, I didn't.
 9 Q. Did you ever ask Miss Beasley to take that
 10 science book home?
 11 A. No, I didn't.
 12 Q. Did you want to take that science book
 13 home?
 14 A. No, I didn't.
 15 Q. Do you remember the conditions of the
 16 books in that class?
 17 A. Actually, they were pretty good. I mean,
 18 I didn't notice anything wrong with them.
 19 Q. Did the teacher use other types of
 20 instruction materials other than what she used for
 21 the experiments and the textbook in that class?
 22 A. Yes.
 23 Q. What would she use?
 24 A. Illustrations of pictures. Like
 25 specimens. Other than that, that's all I can think

- 1 of right now.
- 2 Q. Did Miss Beasley assign homework?
- 3 A. I guess you could say yes. And I would
- 4 just base it on the -- just read over the criteria,
- 5 everything, lab procedures.
- 6 Q. Are these things that you had taken down
- 7 in class in preparing for the lab; is that correct?
- 8 A. Correct.
- 9 Q. So she asked you to read over the notes
- 10 that you had created in class for homework?
- 11 A. Correct. And when we started with -- I
- 12 guess you could say peer teaching, where we would
- 13 go to a nearby school and teach elementary
- 14 students. That was just basically where we
- 15 basically planned our -- I guess you could say,
- 16 what we were going to teach them, or our -- I guess
- 17 we'd make a plan or something, what we were going
- 18 to teach them, do illustrations, do -- make a
- 19 project for them. I mean, like a project made for
- 20 their age.
- 21 Q. And how old were these students?
- 22 A. The group that I had was -- they were in
- 23 the 2nd grade. So I'm thinking maybe around 6, 7.
- 24 Q. That was the other thing you could think
- 25 of as a homework assignment?

- 1 A. Yes.
- 2 Q. Anything else you can think of?
- 3 A. No.
- 4 Q. That was -- you were okay with the
- 5 homework Miss Beasley gave you in that science
- 6 class?
- 7 A. Yes.
- 8 Q. In preparing for those class lessons that
- 9 you were just describing, would you use any
- 10 materials to help you prepare for that?
- 11 A. Yes.
- 12 Q. What would you use?
- 13 A. Materials that were inside the classroom,
- 14 that Miss Beasley had bought herself.
- 15 Q. Did you use any materials from home when
- 16 you were preparing those lessons?
- 17 A. Paper we would draw on.
- 18 Q. Okay.
- 19 A. Anything else that we thought might be
- 20 interesting for the students, we brought those in.
- 21 Q. Do you remember what grade you received in
- 22 Miss Beasley's class?
- 23 A. An [REDACTED]
- 24 Q. Do you believe that that grade adequately
- 25 reflects your performance in that class?

- 1 A. Yes.
- 2 Q. Do you think there was anything that you
- 3 could have done that would have allowed you to
- 4 perform even better in her class?
- 5 A. No. I mean, with the books, it didn't
- 6 require us to have books in that class. But other
- 7 than that, no.
- 8 Q. Your algebra class in the 9th grade, you
- 9 had [REDACTED] first semester; is that correct?
- 10 A. Correct.
- 11 Q. And you had [REDACTED] for second
- 12 semester in Math Investigations that year; is that
- 13 correct?
- 14 A. Correct.
- 15 Q. What do you think of [REDACTED] as a
- 16 teacher?
- 17 A. I think she didn't meet up to the
- 18 standards as a teacher.
- 19 Q. How would you rank her?
- 20 A. A 2.
- 21 Q. Why is that?
- 22 A. Because she wasn't there on time. I can't
- 23 think of one time she came on time to school.
- 24 There were certain assignments that were
- 25 given, and she didn't show us how to do it. We

- 1 were just expected to know how to do it.
- 2 She didn't keep her classroom clean. Even
- 3 though that's not her job, it's the janitor's job.
- 4 Let's see.
- 5 There really wasn't -- the assignments
- 6 were okay, but they weren't assignments we needed
- 7 to advance to Algebra I-B.
- 8 Q. Any other reason why you think she's not
- 9 such a good teacher?
- 10 A. That's all I can think of right now.
- 11 Q. Did you ever try and meet with
- 12 [REDACTED] outside of class to discuss math?
- 13 A. No.
- 14 Q. When you say that she gave assignments but
- 15 she didn't show you how to do them, what do you
- 16 mean by that?
- 17 A. She would put assignments on the board, or
- 18 she will give us book work. Even though in the
- 19 book, it does show the instructions on how to do
- 20 it -- but usually, any other teacher, even though
- 21 it has the directions in the book, will show you
- 22 how to do it -- they would show us how to do it on
- 23 the board.
- 24 With her, she would just give us an
- 25 assignment, put it on the board, and that was it.

1 And we were expected to do it in the class or for
 2 homework.
 3 Q. Did you ever try to ask her questions when
 4 you didn't understand an assignment?
 5 A. Yes.
 6 Q. How many times did you try and ask her
 7 questions when you didn't understand an assignment?
 8 A. 20, 30 times.
 9 Q. Okay. And what would happen when you
 10 would ask her a question if you didn't understand
 11 an assignment?
 12 A. Sometimes it wouldn't just be me that
 13 would ask her a question, it would be other
 14 students.
 15 She got to the point where she says, do
 16 the work. Sometimes she says, do the best you can.
 17 I mean, there was like other various things she
 18 would tell us. Sometimes she asked us to ask
 19 another student. But even that student didn't know
 20 how to do it. There were times she would say she
 21 would show us the next day.
 22 Other than that, I mean, that's all I can
 23 think of right now. I mean, it's a variety of
 24 things she would tell us.
 25 Q. Okay. Do you ever remember her answering

1 mean, sometimes I asked her.
 2 MR. FOX: I think the problem we're having
 3 is you're asking two questions at the same time.
 4 One is how many times you asked for assistance, and
 5 you got a 25 to 30. The other is how many times
 6 did she actually give you assistance, and that was
 7 three or four. Right?
 8 THE WITNESS: Right.
 9 MS. STRONG: I'm not sure that's the way
 10 the record will read.
 11 Q. Actually, she gave you assistance two or
 12 three times; is that what you believe?
 13 A. Correct, yes.



1 a question and giving you the assistance that you
 2 needed in class when you had a question?
 3 A. There was only maybe a few times. Like I
 4 say, maybe three or four times that she showed us
 5 how to do the work.
 6 Q. Was that in response to your specific
 7 question to her, or was that just when she was
 8 showing the entire class?
 9 A. Showing the entire class. Now, when I
 10 asked her specifically, maybe about two or three
 11 times.
 12 Q. Not the 20 or 30 that you mentioned
 13 earlier?
 14 A. No.
 15 Q. That was when the class would ask
 16 questions?
 17 A. Yes.
 18 Q. Okay. So on your own, you asked her maybe
 19 two or three times?
 20 A. No, on my own, I asked her 20 or 30 times.
 21 Q. I'm sorry.
 22 A. On my own, I asked her 20 or 30 times.
 23 Well, okay, I been including the times she
 24 did answer my question, I'd say about, okay, about
 25 35. So -- and then, I mean, just an estimate. I

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 23 Q. Do you believe you were able to complete
 24 the assignments satisfactorily?
 25 A. Yes.



1 Q. And so you actually did know how to
2 complete the assignments when they were given to
3 you?

4 A. Yes.

5 Q. You didn't really need the teacher to show
6 you how to do them, because you knew how to do
7 them; is that correct?

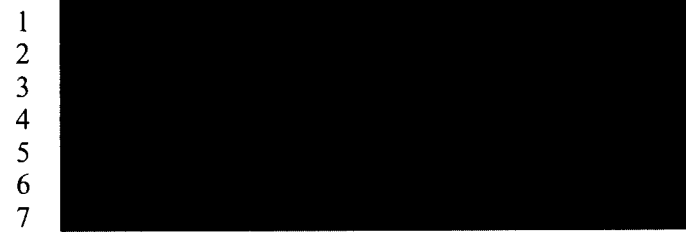
8 A. Not necessarily. Because they were in the
9 summer. It's in between periods when, I mean,
10 between middle school and high school. I mean, so,
11 basically me, I understand with her giving a
12 refresh course, but not throughout the whole school
13 year. I was more so hoping she would apply what we
14 learned to more advanced algebra. So it was more
15 so -- I mean, it was necessary, but not throughout
16 the whole school year.

17 Q. What was necessary? Her explanations?

18 A. No, no, the refresh, like how she was
19 refreshing us with the assignments.

20 Q. Okay. So you're telling me that all of
21 her assignments were refresh assignments,
22 throughout the school year; is that correct?

23 A. Correct.
24
25



8 Q. Do you think it's important that you know
9 how to do each of the assignments that are given to
10 you before you progress on to the next level of
11 assignments?

12 A. Yes.

13 Q. Did you use a textbook in that class?

14 A. Yes.

15 Q. I'm sorry. Did you ever miss that class?

16 A. Yes.

17 Q. How many times did you miss the class?

18 A. Maybe three times.

19 Q. Okay. Were you late to the class?

20 A. No, I wasn't.

21 Q. What was the textbook that you used in
22 that class?

23 A. I can't remember.

24 Q. Okay. So for your Algebra I class, was
25 the book that you used assigned to you?



1 A. Yes.

2 Q. Was it solely assigned to you for in-class
3 use, or were you allowed to take it home?

4 A. It was for class use. It wasn't for me to
5 take home.

6 Q. Yet you had your own book assigned to you
7 in class; is that correct?

8 A. Yes.

9 Q. Do you know if all students in that class
10 had their own book to use in class?

11 A. Yes.

12 Q. And did you ever take your algebra book
13 home?

14 A. Yes.

15 Q. Why did you take your algebra book home?

16 A. So I could finish assignments.

17 Q. Was there ever a time when you wanted to
18 take your algebra book home but you couldn't?

19 MR. FOX: Objection. Asked and answered.
20 I think we went through this area of testimony
21 already.

22 THE WITNESS: Yes, we did.

23 BY MS. STRONG:

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

25 A. Yes. Sometime during the early part of

1 the first semester, sometime during, I believe,
 2 October.
 3 Q. Okay. How many times did you want to take
 4 your Algebra I book home but you couldn't?
 5 MR. FOX: Again, objection. Asked and
 6 answered as to all textbooks.
 7 THE WITNESS: Maybe about twice, I
 8 believe.
 9 BY MS. STRONG:
 10 Q. Twice?
 11 A. Yes.
 12 Q. And on those two occasions -- let's start
 13 with the first occasion. Why were you unable to
 14 take that book home?
 15 A. Because she wasn't there for me to get the
 16 book, receive the book.
 17 Q. Okay. Can you describe to me the
 18 circumstances?
 19 A. We had a sub. And basically the sub -- I
 20 mean, to sum it all up, the sub wouldn't let us
 21 take it home because she didn't know who they were
 22 assigned to, didn't know how to give them out. She
 23 didn't know anything as far as circulation of the
 24 book was, so she wasn't going to allow anyone to
 25 take it home.

1 Q. And on that day, did you ask anyone else
 2 at school if you could get access to an algebra
 3 book to take home that day?
 4 A. No.
 5 Q. I'm sorry if you already testified to
 6 this. Why did you want to take it home that
 7 particular day?
 8 A. To finish assignments.
 9 Q. And was that an assignment that was given
 10 to you by the substitute?
 11 A. No. It was an assignment given to me by
 12 [REDACTED]
 13 Q. Okay. Did you have time in class that day
 14 with the substitute to work on that assignment?
 15 A. No.
 16 Q. Why not?
 17 A. Because [REDACTED] left another
 18 assignment for us to do.
 19 Q. Were you able to turn in that assignment
 20 on time?
 21 A. Yes.
 22 Q. When did you complete the assignment that
 23 you wanted to complete that night?
 24 A. When she returned.
 25 Q. The second time that you remember wanting

1 to take a book home in Algebra I but not being able
 2 to do that, when was that?
 3 A. Some were around -- I can't remember. I
 4 think in maybe the second semester.
 5 Q. In the Math Investigations class?
 6 A. Yes.
 7 Q. Do you know why it was that you were
 8 unable to take it home?
 9 A. No, I do not. I was just told that I
 10 couldn't take it home.
 11 Q. And who told you that?
 12 A. [REDACTED]
 13 Q. Did you tell her why you wanted to take it
 14 home that day?
 15 A. No, I did not.
 16 Q. Did you have an assignment you were trying
 17 to complete in that class?
 18 A. Yes.
 19 Q. What was the assignment, do you remember?
 20 A. No, I can't. But it was a class
 21 assignment.
 22 Q. Did [REDACTED] give you time in class
 23 to complete the assignment?
 24 A. Yes.
 25 Q. What was the condition of your algebra

1 textbook?
 2 A. Fair condition.
 3 Q. Fair?
 4 A. Fair condition.
 5 Q. Did you have any problems with it?
 6 A. Not as much problems, but there were
 7 scratches -- and the book had bent edges. It did
 8 have graffiti in it.
 9 Q. Where was the graffiti in the book?
 10 A. On certain pages.
 11 Q. Did it affect your ability to use that
 12 textbook, the condition of it?
 13 A. Not really, but just like the whole
 14 condition of the book -- I mean, a book shouldn't
 15 be that way. I mean, even though it didn't affect
 16 my learning ability, the next person that might use
 17 it might have a different -- would have a different
 18 opinion. They might have a problem with learning
 19 the material in the book.
 20 Q. But you don't know that one way or the
 21 other, because for you it was okay, correct?
 22 A. Of course, yeah, correct.
 23 Q. Did [REDACTED] use any other type of
 24 instruction materials in the algebra class, other
 25 than that book?

1 A. No.
 2 Q. Were you given a homework assignment in
 3 [REDACTED] class?
 4 A. Yes.
 5 Q. What was your homework assignment?
 6 A. You mean specific assignments?
 7 Q. What were your homework -- let's start
 8 with -- how often were you given homework in that
 9 class?
 10 A. About three times a week.
 11 Q. What kind of assignments would she give
 12 you to do at home?
 13 A. Algebra assignments. There were questions
 14 that we'd -- like, problems you have to copy down.
 15 You mean like specific assignments or --
 16 Q. Well, is -- one thing she would ask you to
 17 do is copy down problems in a book in class and
 18 take them home and complete them at home; is that
 19 correct?
 20 A. Correct.
 21 Q. Can you think of other types of
 22 assignments she would give to you for homework?
 23 A. No.
 24 Q. Did she ever give you materials to take
 25 home, other than the textbook?

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 A. No.
 2 Q. Were you satisfied with the homework that
 3 you were given in that class?
 4 A. Yes.
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
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 15 [REDACTED]
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 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
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 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 Q. Are all of the grades -- are there -- the
 13 classes there, do they appear to be accurate to you
 14 for 9th grade?
 15 MR. FOX: Objection. Vague and ambiguous.
 16 Do you mean are those the classes that he had?
 17 BY MS. STRONG:
 18 Q. Does anything else -- does your 9th-grade
 19 record here appear to be accurate?
 20 A. Pretty much, except for it's been
 21 switched. My algebra class was first period.
 22 Q. Does anything on this cumulative record
 23 reflect that your algebra class is something other
 24 than first period?
 25 A. Yes. It shows that Algebra I-A, it's

1 third period.
 2 Q. Why do you believe that it shows that it's
 3 third period?
 4 A. Because the way it's marked on report
 5 cards and transcripts, first, you have Periods 1
 6 through 6. Like I said, homeroom on the bottom, I
 7 guess you can count that as Period 7.
 8 Also on my second semester, English was
 9 second period.
 10 Q. Okay. So it doesn't look like the classes
 11 that are listed -- I think what I'm -- what I want
 12 to make sure the record reflects is that on
 13 Delwin's 9th-grade transcript for the fall, algebra
 14 is listed as the third subject. It does not
 15 indicate anything regarding what period algebra was
 16 held, but it looks like it's the third subject on
 17 the list.
 18 Is that correct, Delwin?
 19 A. Correct.
 20 Q. Did you notice that the -- on your
 21 10th-grade -- or 9th-grade transcript for second
 22 semester, are the classes listed in the order that
 23 you took them in school?
 24 A. No, they are not.
 25 Q. Okay. So it doesn't look like your

1 Q. Okay. And which grade is that?
 2 A. For Algebra I-A, it was a [REDACTED]
 3 Q. And does anything else appear to be
 4 inaccurate to you?
 5 A. For my second semester, English was not
 6 first period. It was second period.
 7 Q. Okay. And again, we've already
 8 established that --
 9 A. Okay.
 10 Q. -- the classes, the way they are listed on
 11 the transcript for 9th grade in both first and
 12 second semester, the classes do not correspond with
 13 the way -- the periods that you took them, in terms
 14 of the way that they are listed; is that correct?
 15 A. Correct.
 16 Q. So other than the classes being out of the
 17 order that you took them, and other than the grade
 18 in your Algebra I class for first semester in
 19 the 9th grade, do you notice anything else that is
 20 not correct?
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 cumulative record transcript corresponds with the
 2 periods that you had the classes; is that correct?
 3 A. Correct.
 4 Q. Okay. And, for example, homeroom, what
 5 time of day did you have homeroom at Crenshaw?
 6 A. Homeroom was right after second period,
 7 during the first semester.
 8 Q. Okay. And yet it's listed on the
 9 transcript as the seventh class that you took; is
 10 that correct?
 11 A. Yes. But that's -- that's supposed to be
 12 there. That's the way that's -- now, that is
 13 correct. It is listed last.
 14 Q. And what do you -- correct in terms of
 15 what?
 16 A. That is -- it's not considered seventh
 17 period, but on the -- on the report card, it is
 18 listed as a 7 under the period, even though it is
 19 in seventh period.
 20 Q. Okay. So other than the classes being out
 21 of the order that you took them during your
 22 9th-grade year for both first and second semester,
 23 do you notice anything else regarding this
 24 transcript here that appears to be inaccurate?
 25 A. My grade.

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]

16 Q. Okay. And then at that point, you did
 17 proceed to Algebra I-B for the second semester of
 18 10th grade; is that correct?

19 A. Correct.

20 Also, another thing that's missing is my
 21 transcripts for the first semester of the 10th
 22 grade.

23 Q. First semester of the 10th grade?

24 A. I don't know where it goes. I think it's
 25 right here, but there's a sticker that's supposed

1 is that the way the 10th grade, first semester,
 2 grades are placed on his cumulative record, they
 3 are in a script that is different than what he's
 4 accustomed to seeing his grades in.

5 Is that correct?

6 A. Correct.

7 Q. Is there anything else that appears to be
 8 unusual to you with respect to the 10th-grade
 9 grades that are on the cumulative record here?

10 A. Biology A, I have no idea what the A is
 11 for. I understood I was supposed to be in honors
 12 biology.

13 Q. Is the grade accurate for that biology
 14 class?

15 A. For the grade, I believe so.

16 MR. FOX: I'm sorry. Help me out. I'm
 17 slow. Where are the grades?

18 THE WITNESS: Right here. (Indicating.)

19 MR. FOX: Is this --

20 THE WITNESS: Here. (Indicating.)

21 MS. STRONG: I believe the cumulative
 22 record states you received a [REDACTED] in biology for 10th
 23 grade, first semester; is that correct?

24 THE WITNESS: I'm not going to say --
 25 if -- if it shows up here, it could be a [REDACTED]

1 to go here. Okay. This is it. Let's see. Okay.
 2 This one is correct for this. Okay, it's correct.

3 Q. So you now have found where your
 4 10th-grade transcript is located on your cumulative
 5 record; is that correct?

6 A. Yes, for the first semester.

7 MR. FOX: So we have a clear record, let's
 8 let the record reflect he's referring to the box in
 9 the lower left-hand corner on Exhibit 2.

10 THE WITNESS: Okay. And there's something
 11 else -- no, it's not. Okay.

12 BY MS. STRONG:

13 Q. Do you still -- sorry, go ahead.

14 A. For example, this is how it's really
 15 supposed to look for -- it's supposed to have this
 16 type of text. I never seen this text before on my
 17 transcripts. But I'm thinking it's supposed to be
 18 like this text.

19 And this example here, where it shows the
 20 listings from our schedule, that's how it's
 21 supposed to be listed on my other transcripts.

22 Q. I think -- I'm not sure that I understand
 23 what you are saying. But I'm going to try and make
 24 sure the record reflects what you are saying.

25 And what Delwin Lampkin has just told me

1 BY MS. STRONG:

2 Q. You don't remember one way or the other?

3 A. I know I said an [REDACTED] earlier, but it could
 4 be a [REDACTED]

5 Q. Okay. Is there anything else about this
 6 cumulative record that you feel is inaccurate?

7 A. The percentage sign on world history where
 8 it says DSS, next to DSS -- I don't know if that
 9 means I didn't receive credits. I don't know what
 10 that is. I should have received five credits for
 11 it.

12 Q. Okay. Anything else that concerns you on
 13 the cumulative record, Exhibit 2?

14 A. That's about it.

15 Q. Do you have the report cards from 9th
 16 grade that reflect what you remember the grade in
 17 Algebra I-A and Math Investigations to be?

18 A. I don't think I do.

19 Q. I want to make sure it's clear that when
 20 you were placed in Math Investigations class, you
 21 didn't go and ask anybody why you were placed in
 22 it, because you had received a [REDACTED] in that class,
 23 correct?

24 A. Actually, I asked [REDACTED], which
 25 I've stated the first day of my deposition.

1 Q. Okay. Is there anything else that you'd
2 like to testify to about what you discussed with
3 [REDACTED] other than what you've already
4 testified to?

5 A. No.

6 (Discussion off the record.)

7 BY MS. STRONG:

8 Q. I've asked you questions about the book
9 you used, and so forth, for algebra in 9th grade.

10 Did any of that change, as far as the
11 materials that you used, when you entered Math
12 Investigations with the same teacher,
13 [REDACTED] for second semester?

14 A. No, it didn't.

15 Q. So you were using the same book and had
16 access to the same materials that you've already
17 described to me; is that correct?

18 A. Correct.

19 Q. And with respect to the homework that was
20 given, you've already described to me that
21 homework, when you were answering the questions
22 with respect to algebra that year; is that correct?

23 A. Correct.

24 Q. Is there anything else that would be
25 different -- that would be different about second

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 Q. And were you having tutoring in math
5 during your 9th-grade year?

6 A. No, I wasn't.

7 Q. Were you going to the Community Coalition
8 at that time?

9 A. During the --

10 Q. 9th-grade year.

11 A. Yes, I was.

12 Q. But you didn't receive any tutoring in
13 math at that time?

14 A. No.

15 Q. And do you consider yourself good in math
16 in general?

17 A. Yes.

18 Q. Why is that?

19 A. I mean, I knew I could perform well in
20 math if I was -- if I was taught, I mean,
21 certain -- if I was taught how to do it. But it
22 seems like the -- it's like more and more I get
23 into high school, it seems like I'm not being
24 taught what I'm supposed to be taught, so,
25 therefore, that's going to weaken my strengths in

1 semester in Math Investigations, that you would
2 like to identify for me?

3 A. No.

4 Q. Okay. Do you think that the grade that
5 you received in Math Investigations and in
6 Algebra I adequately reflects your performance in
7 that class?

8 A. Yes.

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

1 math.

2 Q. Prior to high school, you think you were
3 taught what you needed to know in math?

4 A. Yes.

5 Q. And you think that you performed well in
6 your prior math classes?

7 A. Pretty much.

8 Q. Okay. What do you think you could have
9 done yourself to improve your performance in math
10 during the 9th-grade year?

11 A. Tutoring and -- I mean, being able to take
12 home my book, not just summertime, but basically
13 all the time. Like in normal schools, they have
14 books they are able to take home. I mean, I have
15 books I'm able to take home in other classes. But,
16 I mean, like for all classes, I should be able to
17 take home a book.

18 Q. Anything else?

19 A. No, that's about it.

20 Q. Do you think that the teacher could have
21 given you something other than a book that would
22 have helped improve your performance?

23 A. Yes.

24 Q. Like what?

25 A. Probably more worksheets. I mean, not

1 that that's a good thing, but it can add on to the
 2 books, if we were able to take them home.
 3 Q. What about photocopies of some of the
 4 things from the book, do you think that would be
 5 useful?
 6 A. It could. It could be useful. Yes, it
 7 could be useful.
 8 Q. Do you think you could live up to your
 9 potential in a particular class without having a
 10 book to take home?
 11 A. No.
 12 MR. FOX: Objection. Calls for expert
 13 testimony.
 14 BY MS. STRONG:
 15 Q. Go ahead.
 16 A. No.
 17 Q. No?
 18 A. Personally? No.
 19 Q. You need to have a book to take home to
 20 live up to your potential; is that what you are
 21 saying?
 22 A. Yes.
 23 Q. What do you base that on?
 24 A. Really, I base it on if I'm not able to
 25 have a book to take home, and I go out and do my

1 own studies on certain assignments, sometimes, you
 2 know, certain -- certain texts have different
 3 answers to certain questions.
 4 Like there are some books that have --
 5 that talk about one thing. And when you look into
 6 another book, it has something totally different.
 7 Everybody has their own point of view, in a certain
 8 book. Like, I mean, a book is not a -- I mean,
 9 basically, you have one book that's written by one
 10 author that has one thing he knows, he's
 11 experienced. You have another book where you have
 12 the same thing, that, like I said, is based on what
 13 he knows and what he experiences.
 14 So with me being able to take home that
 15 book, it offers me a better chance to know what the
 16 teacher wants us to do, not what is supposed to be
 17 known. Some teachers look for different things.
 18 Q. Do you think living up to your potential
 19 is based on a teacher's expectation of you?
 20 MR. FOX: Objection. Vague and ambiguous.
 21 THE WITNESS: Could you rephrase the
 22 question?
 23 BY MS. STRONG:
 24 Q. Well, I'm trying to understand your
 25 answer. And it seems like you were suggesting that

1 you base whether or not you are living up to your
 2 potential on whether or not you perform to what the
 3 teacher's expectations of you are. Is that
 4 correct?
 5 MR. FOX: Objection. Mischaracterizes
 6 testimony.
 7 THE WITNESS: Not necessarily. But based
 8 on what that teacher wants me to learn -- she's the
 9 one who does the grades. She's the one who wants
 10 to know what could I learn from her class, not from
 11 anybody else, anyone's class. Basically, what she
 12 wants me to learn, she expects me to know it.
 13 So it is basically going -- with me
 14 knowing the certain things that she wants me to
 15 learn, that's what's going to reflect on my grade
 16 for me to be able to advance, going to college,
 17 getting a job, a good-paying job.
 18 BY MS. STRONG:
 19 Q. So are you equating your grades to
 20 whether -- I'm sorry. Let me rephrase that.
 21 Do you believe that if you get a good
 22 grade in a class, that means you live up to your
 23 potential expectations in that class?
 24 A. Not necessarily. But that's -- I mean
 25 it's one start. It's one start.

1 Of course, any person that earns all A's,
 2 that doesn't necessarily mean they know everything.
 3 You have to -- you have to earn good grades and at
 4 the same time do your own independent study.
 5 That's one thing I've learned, you have to do your
 6 own independent study. Because like I say,
 7 everyone has their own opinion about certain things
 8 in the world.
 9 Q. Is there a reason why you didn't get
 10 tutoring for math in 9th grade?
 11 A. Simply because I didn't think it was
 12 really that necessary. And also I didn't have a
 13 tutor or anything like that to assist me.
 14 Q. Why didn't you think it was that
 15 necessary?
 16 A. It was -- well, I seen it as like a, you
 17 know, a new start. I was just now getting into
 18 high school. With me learning some of the things
 19 in the school -- I mean, in the class, I more so
 20 based it on whether she was going to be there or
 21 not. That's probably why I needed help in certain
 22 subjects, because she wasn't there to teach it.
 23 Q. Who are you referring to?
 24 A. [REDACTED]
 25 Like I was saying, she wasn't really there

1 on time. There were some days where she was
2 absent. So therefore, where was I going to get the
3 tutoring from?

4 I know I could have talked to another
5 teacher, but some teachers -- like I said, some
6 teachers had their own way of teaching. Some
7 teachers, they show you one way. [REDACTED]
8 she probably wants it another way.

9 Q. You know you could have gone to another
10 teacher to talk to them about algebra?

11 A. Of course.

12 Q. But you didn't do that?

13 A. No, I didn't.

14 And not only that, it was my first year.
15 I didn't know of any teachers until close to the
16 end of the second semester. I didn't know of any
17 other math teachers.

18 Q. Did you ever ask anybody for assistance in
19 the class during the first semester?

20 A. Yes, I did ask my English teacher. He
21 knew a little bit about math.

22 Q. Did you ask anybody in the administration
23 if you could have assistance with respect to that
24 class?

25 A. No.

1 he turned out to be my teacher for the whole
2 semester.

3 Q. Did you like Mr. Jones?

4 A. Yeah. Yes.

5 Q. How would you rate Mr. Jones on a scale of
6 1 to 10? 10 being the best.

7 A. A 9.

8 Q. What was it that you liked about
9 Mr. Jones?

10 A. Basically with Mr. Jones, he experienced
11 health. I mean, like he was a nutritionist. His
12 wife, she -- I forgot what was it that she does.
13 But I know she teaches exercising or something like
14 that, probably aerobics. But he used to play
15 football, so he knows a lot about dieting, a lot
16 about health. He has, like -- he was sharing the
17 experience about injuries he had, and he related it
18 to health and how it affects certain parts of the
19 body.

20 Q. Did you think you learned a lot in his
21 class?

22 A. Yes.

23 Q. Did you have a textbook in that class?

24 A. I believe so. I think so.

25 Q. Do you remember if it was one that was

1 Q. Delwin, I'd like you to look at your
2 cumulative record again, which is Exhibit 2. And
3 if you would, please look at your 8th-grade
4 transcript. I believe it states that you took
5 Math 8-B in the spring semester at Audubon
6 High School; is that correct?

7 A. Correct.

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Q. Okay. Let's go to your health class
21 in 9th grade. I believe you said the teacher was
22 Mr. Jones.

23 A. Yes. Really, he wasn't the teacher for
24 that year. The way I understood it was, he was
25 supposed to be subbing for a couple of weeks, but

1 assigned to you in class?

2 A. No, I can't remember it.

3 Q. Okay.

4 A. I can't remember that.

5 Q. Okay.

6 A. But I -- we did have a textbook in that
7 class. I just can't remember if it was assigned to
8 us or not. I don't remember taking it home.

9 Q. Do you remember if there were enough
10 textbooks for all the students to have in that
11 class?

12 A. I believe there were.

13 MR. FOX: To use in class?

14 THE WITNESS: Yes.

15 BY MS. STRONG:

16 Q. You don't believe you were ever issued a
17 textbook to take home?

18 A. I can't remember.

19 Q. You could have been issued a textbook to
20 take home, but you just don't recall?

21 A. Correct.

22 Q. Do you remember the condition of the book
23 in the class? I mean -- I don't know if you
24 remember that or not.

25 A. The book I used, it was a -- it was fair.

1 Q. Okay.
 2 A. I didn't notice anything that would be a
 3 problem or a distraction.
 4 Q. So you had no complaints about that book
 5 in the class?
 6 A. No.
 7 Q. Did you use other instructional materials
 8 in the class, that you can recall?
 9 A. I believe there were some worksheets where
 10 we had to label parts of the body.
 11 Q. Okay. Anything else you can think of?
 12 A. No.
 13 Q. All right. Were you assigned homework in
 14 that class?
 15 A. No.
 16 Q. Did you want homework in that class?
 17 A. Not really.
 18 Q. Why is that?
 19 A. Because it didn't really require that we
 20 had homework. I mean, most of the assignments,
 21 they were already pretty straightforward. Either
 22 you knew it or you didn't know it. If anything,
 23 what could you do at home that can prepare -- I
 24 didn't see anything that you could do at home that
 25 could prepare you, other than study. I mean,

1 Q. Or did you study at home?
 2 A. No. I did study at home. And I used a --
 3 it was the Internet. When I had a question, I used
 4 the Internet. When I was at the Coalition, before
 5 I got the Internet at home.
 6 Q. When did you get Internet at home?
 7 A. Actually, just recently, like maybe about
 8 March. I mean, that's not recent, but --
 9 Q. But you had access to the Internet at the
 10 Coalition?
 11 A. Community Coalition, yes.
 12 Q. Was there also computers with Internet
 13 access at your school?
 14 A. Yes. Well, actually the -- it depends.
 15 Around what time?
 16 Q. Anytime you were at Crenshaw.
 17 A. During the first semester in 9th grade, I
 18 didn't. During the second semester in 9th grade
 19 and 10th-grade semester, I did. But within a month
 20 period, a majority of the computers broke down.
 21 Some of them, they -- the printer wouldn't work.
 22 Some of them, they would work, but they lost the
 23 Internet.
 24 Q. Okay. I think we'll discuss the computers
 25 a little bit later.

1 unless you want to consider that a homework
 2 assignment.
 3 Q. Did your teacher ask you to study at home?
 4 A. Yes, he did.
 5 Q. Okay. And what did he want you to study
 6 at home?
 7 A. He didn't say anything he wanted us to
 8 study. Basically before we left class, he would
 9 say, "Make sure you guys study." Or he might say,
 10 "Study. We have a quiz tomorrow, or an exam
 11 tomorrow."
 12 Q. What do you believe he wanted you to
 13 study?
 14 A. Whatever subject we were working with.
 15 Q. But what materials do you believe that he
 16 wanted you to study with at home?
 17 A. I don't know. I mean, it didn't -- I
 18 mean, either way you were going to get the
 19 information. With that class, basically everything
 20 is the same. You can go anywhere and find a label
 21 of a heart. You can go anywhere. You can look in
 22 the book and find the same thing. I mean, it's all
 23 the same.
 24 Q. And so what did you use to study at home?
 25 A. Actually I --

1 Did you ever study your notes from your
 2 health class while you were at home?
 3 A. Yes.
 4 Q. Do you think that's what the teacher was
 5 referring to when he said study at home?
 6 A. Probably so.
 7 Q. Okay.
 8 A. I'm not too sure.
 9 Q. You thought that that was sufficient for
 10 you to learn in his class?
 11 A. Yes.
 12 Q. Do you feel that you could live up to your
 13 potential in his class?
 14 MR. FOX: Again, objection. It's vague
 15 and ambiguous.
 16 MS. STRONG: Okay. Vague and ambiguous.
 17 MR. FOX: I think it calls for expert
 18 testimony.
 19 BY MS. STRONG:
 20 Q. Go ahead.
 21 A. Yes. I mean, depend on what career I'm
 22 going into. It depend on what career a person
 23 would go into.
 24 Q. I'm asking about living up to your
 25 potential in that class. That's all I'm asking

1 about.
 2 A. As far as passing that class?
 3 Q. No. As far as living up to your
 4 potential, did you believe that you could live up
 5 to your potential in that class, based on the
 6 materials that were given to you?
 7 MR. FOX: Same objections.
 8 THE WITNESS: Can you rephrase that
 9 question?
 10 BY MS. STRONG:
 11 Q. What part of it don't you understand?
 12 A. Living up to your potential, I don't -- I
 13 mean by as far as living up -- I mean, what my
 14 goals are.
 15 Q. What you feel you could accomplish in the
 16 health class, what you could learn.
 17 A. Oh, yes.
 18 Q. You didn't need anything else in that
 19 class to reach your learning potential in that
 20 class; is that correct?
 21 MR. FOX: Same objections.
 22 BY MS. STRONG:
 23 Q. Go ahead.
 24 A. Yes.
 25 Q. Okay. You had Mr. Savage for education

1 career planning class?
 2 A. I believe it was called "Life Skills."
 3 Not too sure about that. I believe "Life Skills."
 4 Q. Were you assigned your own book?
 5 A. No, I wasn't.
 6 Q. You used one of the in-class set of books?
 7 A. Yes.
 8 Q. Were there enough books for all the
 9 students in the class?
 10 A. No.
 11 Q. How do you know that?
 12 A. Because one time we weren't using the
 13 books, and the reason we weren't using them,
 14 because he didn't have a class set. When we
 15 started using the books, there were -- well, some
 16 of the books weren't even the same editions. I
 17 mean, some of the books had different covers. But
 18 they -- but they all said the same thing in the
 19 book, but it's just, they weren't -- they were just
 20 two different editions.
 21 He did receive more books. I'm not sure
 22 what time. And the reason why I say "received more
 23 books" was because when we did pass them out for
 24 the first time, there were enough for the whole
 25 class.

1 career planning in second semester of 9th grade; is
 2 that correct?
 3 A. Correct.
 4 Q. And I know you briefly described that
 5 class during our first day of deposition.
 6 But did you use a book in that class?
 7 A. Yes, I did.
 8 Q. First of all, how did you like Mr. Savage?
 9 He was one of your favorite teachers, correct?
 10 A. Yes. I think you asked that question.
 11 Q. How would you rank him?
 12 A. Maybe a 9.
 13 Q. Why wasn't he a 10?
 14 A. I mean, there's -- there's -- there's --
 15 let's see -- I mean -- it's like -- I didn't see
 16 any problems with him or anything. I mean --
 17 Q. Okay.
 18 A. So I guess you could rate him a 10. But I
 19 mean, you know, a 9.
 20 Q. He was still really good?
 21 A. Yeah. Leave room for improvement.
 22 Q. I was curious, because he's one of your
 23 favorite teachers. Leave room for improvement;
 24 that is fair.
 25 What book did you use in your education

1 Q. There were by the time you received more
 2 books?
 3 A. Yes.
 4 Q. Do you know if education career planning
 5 is a core course?
 6 MR. FOX: Objection. Vague and ambiguous.
 7 THE WITNESS: What do you mean by a core
 8 course?
 9 BY MS. STRONG:
 10 Q. Have you heard the term "core course"
 11 before?
 12 A. No, I haven't.
 13 Q. Is it required to graduate?
 14 A. I believe so, yes.
 15 Q. Okay. Did you think that you learned a
 16 lot in that class?
 17 A. Yes.
 18 Q. And were you pleased with what you learned
 19 in that class?
 20 A. Yes.
 21 Q. Okay. And just so that I understand what
 22 happened with the books in the class -- when you
 23 first arrived in class, was there a set of in-class
 24 books for the class to use?
 25 A. I didn't see any books.

1 Q. Okay. And were you being given
2 assignments in the class from the day you arrived
3 in class?

4 A. Yes.

5 Q. What kind of assignments were you being
6 given?

7 A. Time lines, how to fill out rTsumTs.
8 There were a lot of group discussions. Career
9 goals. Path leads. We had to work out a -- that's
10 all I could think of right now.

11 Q. Do you think that you needed a book for
12 the assignments that were given initially at class?

13 A. No.

14 Q. Okay. Eventually were you given a book in
15 that class?

16 A. Not -- I was given a book, but not issued
17 a book.

18 Q. Eventually a book was provided to you for
19 use in class?

20 A. Correct.

21 Q. When was that?

22 A. Probably sometime during the middle of the
23 semester.

24 Q. Okay. Somewhere like in March? Does that
25 sound accurate?

1 participate and complete those assignments, as far
2 as you are aware?

3 A. I don't know if they were able to complete
4 the assignment. I mean -- I don't even know if
5 they did the assignment or not. But they could
6 have.

7 Q. Okay. Do you know if each of the students
8 had access to textbooks to participate in the
9 assignment, that you are aware of?

10 A. Yes, I believe so.

11 Q. Okay. At some point did you notice that
12 students in the class did not have access to the
13 textbooks?

14 A. None that I can notice.

15 Q. Yet you believe there was a time when
16 there was not enough textbooks in the class; is
17 that correct?

18 A. Yes.

19 Q. And why is that?

20 A. Like I say, Mr. Savage told us that there
21 weren't enough textbooks, before March. He didn't
22 say before March. But before we had received the
23 books, he did tell us that there weren't enough
24 textbooks.

25 Q. When did he tell you that?

1 A. Yes.

2 Q. Okay. So prior to March, were you given
3 any assignment where you felt you needed a book to
4 complete the assignment?

5 A. No, not really. Well, beside the rTsumT,
6 even though I did know how to fill out a rTsumT,
7 the book could have been useful.

8 Q. Do you know if the teacher wanted you to
9 use a book while you were completing the rTsumT
10 project?

11 A. No, I do not.

12 Q. Do you know if there was material in the
13 book that was applicable to the rTsumT project?

14 A. After I received the book, I did find a
15 section for filling out rTsumTs.

16 Q. So in March there were books in class.

17 Was an assignment given that used the
18 textbook at that time?

19 A. Yes.

20 Q. That's the first time you remember seeing
21 the books?

22 A. Yes.

23 Q. Was that an in-class assignment?

24 A. Yes.

25 Q. Were each of the students able to

1 A. In the early part of the second semester.
2 I can't remember exactly.

3 Q. In what context did he tell you that?

4 A. I mean, I have no -- I mean, I don't know
5 how the conversation got started or anything. I'm
6 not --

7 Q. He just announced to the class, "We don't
8 have enough textbooks"?

9 A. I'm quite sure he did it. It's so long
10 ago that I can't remember.

11 Q. From March on, though, you did have
12 sufficient textbooks in the class for each student;
13 is that correct?

14 A. Yes.

15 Q. And the conditions of those textbooks, did
16 you have any complaints regarding the conditions of
17 them?

18 A. I know that some of them, the spine was
19 broken out of them. They weren't broken out, but,
20 I mean, basically the book couldn't stand on its
21 own. I mean, there were some graffiti in some of
22 the books, on certain pages. And of course they
23 had bent edges. And that's about it.

24 Q. Did any of the -- did the conditions of
25 the book affect your ability to learn in that

1 class?
 2 MR. FOX: Objection. Vague and ambiguous.
 3 Calls for expert testimony.
 4 THE WITNESS: For me, yes, there were
 5 certain times that I would get a book and it would
 6 almost fall apart, basically.
 7 BY MS. STRONG:
 8 Q. Were you not able to use the book?
 9 A. I was able to use the book.
 10 And also because of the graffiti, there
 11 were some things you couldn't read.
 12 Q. Did it affect your ability to learn in
 13 that class?
 14 A. Yes.
 15 MR. FOX: Same objections.
 16 BY MS. STRONG:
 17 Q. How was that?
 18 A. Because you couldn't read some of the
 19 text.
 20 Q. Were you able to figure out what that text
 21 was by some other means?
 22 A. Yes.
 23 Q. How was that?
 24 A. If another student -- if I borrowed a book
 25 from another student. If I asked someone what does

1 Q. Do you know who puts the graffiti in the
 2 book?
 3 A. I do not.
 4 Q. Do you think it's a student who put the
 5 graffiti in the book?
 6 A. I don't know. I can't speak for them.
 7 Could be, couldn't be. I don't know.
 8 Q. How do you think that problem should be
 9 prevented?
 10 A. Well, one way it could be prevented is to
 11 have books that are more up-to-date. I mean, you
 12 have books that are, like, copyright in '89. And
 13 people have graffiti through them. It's just like
 14 it has too much graffiti on them. That's one thing
 15 that's stopping students from learning, because you
 16 have so many people that do graffiti through the
 17 book.
 18 Whereas if you had an up-to-date book,
 19 those people that graduated a long time ago or no
 20 longer go to the school or no longer need the
 21 books -- I mean, it wouldn't have their graffiti
 22 still in the book.
 23 Q. But that doesn't prevent the problem of
 24 actually getting the graffiti in the book, does it?
 25 A. Of course not. It really doesn't. But, I

1 it say.
 2 Q. Were you able to learn, notwithstanding
 3 the conditions of your books in that class?
 4 A. Yes.
 5 Q. Did you ever take that textbook home?
 6 A. No.
 7 Q. Did you ever want to take that textbook
 8 home?
 9 A. No.
 10 Q. I take it you never asked to take it home
 11 because you never wanted to; is that correct?
 12 A. Correct.
 13 Let me just say, I mean, like with the --
 14 with the textbooks having the graffiti and
 15 everything, although it wasn't much of a
 16 distraction for me learning, I mean, that's not
 17 something that a student should have to go through
 18 in order to learn out of a textbook.
 19 I mean, you have, like, people that don't
 20 have any graffiti in their textbooks, and they are
 21 able to read fine. But it's like there's always a
 22 problem in a way, in order for -- I mean, for you
 23 to stop and pause. I mean, it's like a distraction
 24 to have the graffiti in the book, and wastes time
 25 trying to find out what the information says.

1 mean, that's one way of how it can help. You don't
 2 have 30 students tagging one book in one day, think
 3 about it. Or one period.
 4 Q. But can one student do as much graffiti in
 5 a book as 30 students can?
 6 A. It can happen. By that time he'll be
 7 caught. If you think about it, you're sitting in a
 8 classroom, you're graffitiing the book up and
 9 everything, if it takes that long -- it's going to
 10 take a long time for him to do that much damage to
 11 the book.
 12 Other than that, there's no suggestions I
 13 can actually give as far as how you can prevent it
 14 from happening, none that I can think of right now.
 15 I mean, I'm quite sure there's some --
 16 Q. You're supposed to buy new books every
 17 time there's graffiti in the book, buy a new book
 18 to replace it?
 19 A. Not necessarily. I'm saying if you think
 20 about how old the books are, so many people can
 21 graffiti in it, so there's an obstruction to
 22 viewing the page.
 23 Q. One thing you said about your health
 24 textbook, you said there were different editions?
 25 A. For ACP class.

1 Q. How do you know there were different
2 editions of the book in that class?

3 A. By the covers. The covers were totally
4 different.

5 As a matter of fact, that was the same
6 thing in my biology book. They had different --
7 they had different covers on it. One had an owl,
8 one had a turtle.

9 Q. Anything different about the cover that
10 was different in the books that you noticed?

11 A. I didn't read through all the books, so I
12 wouldn't know.

13 Q. Other than that, you didn't notice
14 anything else?

15 A. No.

16 Q. Correct?

17 A. Correct.

18 Q. For Algebra I in 10th grade you had
19 Miss Smith at Crenshaw; is that correct?

20 A. Correct.

21 Q. What did you think of Miss Smith? Did you
22 think she was a good teacher?

23 A. Yes, she was a pretty good teacher. Rate
24 her a 9.

25 Q. You'd rate her a 9?

1 my first day, that was one thing that she did want
2 to get out.

3 Q. One thing she wanted to get out?

4 A. That's one thing she wanted to tell the
5 administrators, let the administrators know about
6 how she's coming out of her own pockets for
7 materials.

8 Q. The reason why you liked Miss Smith so
9 much is really the attention she gave to you and
10 the assistance she gave to you in class and during
11 tutoring periods; is that correct?

12 A. Correct. It wasn't just attention towards
13 me. It was attention towards other students as
14 well.

15 Q. Okay. And that's -- that was the key
16 difference in why you learned in Miss Smith's
17 class; is that correct?

18 A. Correct.

19 Q. Okay. Did you have a text in Miss Smith's
20 class?

21 A. Yes.

22 Q. And what was the book?

23 A. I can't remember.

24 Q. Okay.

25 A. I mean, I should remember that one,

1 A. Yes.

2 Q. Did you think you learned a lot in
3 Miss Smith's class?

4 A. Yes.

5 Q. Why do you think you learned so much in
6 Miss Smith's class?

7 [REDACTED]
8 [REDACTED], she really
9 pushed me through the math class. She saw I had
10 defects as far as what I learned in [REDACTED]
11 class.

12 That was the teacher that really was there
13 to help me out with my tutoring. I would go to her
14 every Tuesday, and she would help me out in
15 everything. Basically she was always there, even
16 though she could have been doing other things.
17 With her explaining things -- we would never have
18 an assignment without her explaining it first. If
19 there was one time where we would get out earlier,
20 there was a time where she wouldn't be able to teach
21 us something, we wouldn't have work for that day,
22 or we wouldn't have class work for that day.

23 As far as the textbooks, she made sure we
24 had textbooks assigned to us.

25 Like I said, the letter I talked about on

1 though.

2 Q. Was it one that was assigned to you?

3 A. Yes. As a matter of fact, the book was
4 called something algebra. I know it had the word
5 "algebra" in it. I can't think of the book. I
6 should remember that, though.

7 Q. Was it assigned to you for in-class use or
8 to take home as well?

9 A. To take home as well.

10 Q. Did you use the same book in class and at
11 home?

12 A. Yes.

13 Q. Do you know if there were enough books for
14 each of the students in the class to have one of
15 their own?

16 A. I believe there was.

17 Q. Okay. Did you take that textbook home on
18 occasion?

19 A. Yes.

20 Q. How often did you take it home?

21 A. Every day.

22 Q. Did she assign homework every day?

23 A. Yes, she did, except Fridays.

24 Q. Would you take it home on Fridays then?

25 A. Yes.

1 Q. Would you study out of it if she didn't
 2 give you homework?
 3 A. Now and then, when I would go to tutoring.
 4 And also when I would study at home.
 5 Q. But not always if she didn't give you
 6 homework; is that correct?
 7 A. Not all the time.
 8 Q. How often did she give you homework in
 9 that class?
 10 A. Every week, four times. It was
 11 something -- every now and then she would give us
 12 homework on a Friday, but it was rare. About four
 13 times a week.
 14 Q. Were you satisfied with the homework that
 15 you were getting?
 16 A. Yes.
 17 Q. The condition of that textbook, did you
 18 have any concerns about the condition of it?
 19 A. No. Just -- I mean, no concerns, but it
 20 did have problems with the bent edges. Other than
 21 that, there was no concerns though.
 22 Q. Nothing bothered you about the textbook,
 23 the condition of it, that is?
 24 A. No.
 25 Q. Is that correct?

1 A. Correct.
 2 Q. Okay.
 3 MR. FOX: Can we go off for one second?
 4 (Discussion off the record.)
 5 MS. STRONG: What was my last question?
 6 (The following text was read by the
 7 reporter):
 8 "Q. Nothing bothered you about the
 9 textbook, the condition of it,
 10 that is?
 11 "A. No.
 12 "Q. Is that correct?
 13 "A. Correct."
 14 BY MS. STRONG:
 15 Q. There's nothing that bothered you at all
 16 about that textbook, to make it absolutely clear;
 17 is that correct?
 18 A. Correct.
 19 Q. What grade did you receive in Miss Smith's
 20 Algebra I class?
 21 A. A [REDACTED]
 22 Q. Did we go over that?
 23 A. No, we didn't go over it, but it's there.
 24 [REDACTED]
 25 [REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 Q. Do you know what performance indicators --
 22 strike that.
 23 Do you know the letters after your grade
 24 on your transcript? For example, E's, S's and U's,
 25 are you familiar with those?

1 A. Yes.
 2 Q. What do they stand for, do you know?
 3 A. E is for excellent, S for satisfactory, U
 4 is for unsatisfactory. It has it here.
 5 Q. Do you know what the two categories are?
 6 A. Yes. It's mark -- it's three categories.
 7 It's mark, work habits, and cooperation.
 8 Q. Is that the order they appear on your
 9 transcript?
 10 A. Yes.
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 Q. So do you understand work habits to .

1 reflect your actual performance as opposed to how
 2 you studied for the class?
 3 A. Pretty much, yes.
 4 Q. That's also what's reflected in your
 5 actual grade; is that true?
 6 A. I'm not sure of the percentage, but it
 7 does reflect in the mark.
 8 Q. Okay. So you don't think that the [REDACTED]
 9 reflects anything with respect to how your teacher
 10 viewed you studying for the class?
 11 A. No, not really. Because really, if she --
 12 really, the mark is what shows whether I was
 13 studying or not. Because if she's -- if she knows
 14 that I wasn't studying for anything, or noticed
 15 that I wasn't working to my full potential, I could
 16 have had a [REDACTED] I mean, she knew that I was showing
 17 a little bit -- more determination. So that's -- I
 18 think that's -- I think that's one of the reasons
 19 why I earned a [REDACTED]
 20 Q. Okay. You are currently enrolled in
 21 Algebra II at Washington -- I'm sorry, Algebra I-B?
 22 A. Correct.
 23 Q. -- at Washington; is that correct?
 24 A. Correct.
 25 [REDACTED]

1 says or does. But other than that, she's okay.
 2 Q. Did you take the Stanford-9 while you were
 3 at Crenshaw?
 4 A. Yes.
 5 Q. For both 9th and 10th grade?
 6 A. For 9th grade.
 7 Q. Okay. And did you do anything special to
 8 study for that exam?
 9 A. No, not really. I didn't do anything
 10 special, except for I got more sleep.
 11 Q. You got more sleep?
 12 A. Yeah. Because I know how the test is.
 13 It's really dragging and everything.
 14 Q. But you don't remember focusing on any
 15 particular materials to study for the exam?
 16 A. No. Because while I was at Crenshaw,
 17 everything I was being taught related to the
 18 Stanford-9.
 19 Q. And that's for all of your classes?
 20 A. Yes.
 21 Q. Okay. And how do you know that?
 22 A. Because when I -- when I entered into
 23 those classes, basically the -- the teacher was
 24 saying that their whole goal is to improve the
 25 testing scores as far as Stanford-9 and SAT scores.

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 Q. Okay. And do you have a book to take home
 17 in that class?
 18 A. Yes.
 19 Q. You're pleased with the resources that you
 20 have in that class?
 21 A. Yes.
 22 Q. Do you think you have a good teacher in
 23 that class?
 24 A. I guess you could say she's okay. She's
 25 okay. I don't agree with some of the things she

1 That was one of the things they did say we were
 2 going to do. Not in the same exact words, of
 3 course. But that's what the teachers' goals were.
 4 And every now and then when we were in
 5 class, they would tell us, you know, "Make sure you
 6 study for this, because this is going to be in the
 7 Stanford-9," or -- you never know what's going to
 8 be on it. Like I said, not in the exact words, but
 9 that's what some of them were saying.
 10 Q. Do you think you were prepared for the
 11 Stanford-9?
 12 A. Pretty much, except for, well, my math
 13 class.
 14 Q. Except for math you felt that you were
 15 prepared?
 16 A. Yes.
 17 Q. Were you pleased with your performance on
 18 the test?
 19 A. Pretty much, especially in my world
 20 history. They -- I guess you could say they were
 21 okay.
 22 Q. Have you ever complained about the
 23 conditions of the textbooks at Crenshaw to anyone
 24 at Crenshaw?
 25 MR. FOX: Objection. I think we went

1 through this in day one.
 2 BY MS. STRONG:
 3 Q. Go ahead.
 4 A. Of course I did. Not just me personally,
 5 but with other groups and other people throughout
 6 the school, because I'm in the Community Coalition.
 7 That's one thing we do, we try to focus on
 8 conditions around our schools, as far as resources,
 9 so, yes, I have complained.
 10 Q. Who at Crenshaw did you complain to about
 11 textbooks?
 12 A. Actually --
 13 MR. FOX: Same objection. I think we did
 14 this last time.
 15 THE WITNESS: I believe so.
 16 BY MS. STRONG:
 17 Q. Go ahead.
 18 A. I believe so.
 19 It was Mr. Kiel.
 20 Q. Okay.
 21 A. It wasn't people at Crenshaw.
 22 We complained to Romer, Janithea Hays, the
 23 school board, of course.
 24 And basically just because we felt the
 25 teachers and people under the principal,

1 Q. When did you speak with Mr. Kiel about
 2 textbooks at Crenshaw?
 3 A. Somewhere during the time -- it was around
 4 my 9th-grade year, I think, around the early part
 5 of the second semester, second semester. I'm not
 6 too sure.
 7 Q. Do you remember where you were when you
 8 discussed this?
 9 A. I believe I was in his office. And --
 10 Q. Do you remember what you said to him?
 11 A. Not exactly. I mean, it was -- we were
 12 actually discussing how [REDACTED] is coming
 13 late to class and everything. I asked what was
 14 wrong with textbooks and getting new textbooks, and
 15 I can't remember how the conversation went.
 16 Q. Did you go to Mr. Kiel to discuss
 17 textbooks with him?
 18 A. It wasn't for that purpose. I didn't go
 19 to discuss textbooks, just off the bat. Like I
 20 said, it was regarding [REDACTED].
 21 Q. You went to Mr. Kiel to speak regarding
 22 [REDACTED]. I think I asked all the times you
 23 talked to Mr. Kiel.
 24 A. I told you, very few times. And I told
 25 you, one time I was in his office, and maybe one

1 administrators, some aren't responsible for some of
 2 the conditions at the school. There's really much
 3 they can't do about -- as far as getting books. I
 4 mean, we're quite sure there's someone that's in
 5 charge of getting books. But, I mean, what can
 6 they do?
 7 MS. STRONG: Some of this testimony may
 8 have been touched upon, but I don't believe so.
 9 I'm positive there's no conversation with Mr. Kiel.
 10 Do you agree with that?
 11 MR. FOX: Agreed.
 12 BY MS. STRONG:
 13 Q. And I want to be clear that I'm going to
 14 focus this testimony, to try and get through it as
 15 quickly as we can, on things that you said and
 16 complaints you made regarding textbooks. Maybe
 17 that can help with this testimony.
 18 A. Okay.
 19 Q. You identified you spoke to Mr. Kiel,
 20 Mr. Romer, Miss Janithea Hays, and the school
 21 board; is that correct?
 22 A. Correct.
 23 Q. Anyone else you can think of, regarding
 24 the conditions of textbooks at your school?
 25 A. None that I can think of.

1 other time I would walk by to say hi to him, every
 2 now and then.
 3 Q. Yes, that's correct.
 4 So that one time in the office, did you
 5 already describe to me the content of that
 6 conversation?
 7 A. I believe so, yes, I did. I believe so.
 8 Q. I don't believe I remember hearing
 9 anything regarding any complaint regarding
 10 textbooks.
 11 Can you please explain to me what you said
 12 to Mr. Kiel specifically regarding textbooks, if
 13 you can remember.
 14 A. Actually, I can't remember. Like I said,
 15 I mean, it was -- I just asked him what was up with
 16 textbooks. And other than that, I can't remember.
 17 And I did discuss with you the other time
 18 that I was in Mr. Hornbeck's class and he sent me
 19 to Miss Canon, I believe, about the textbooks and
 20 everything.
 21 Q. But that was a specific request of
 22 Mr. Hornbeck; is that correct?
 23 A. That's correct.
 24 Q. Now, when you said you were asking about
 25 what's up with textbooks, I mean, what was your

1 concern about textbooks, when you were standing in
2 front of Mr. Kiel?
3 A. As far as the conditions of the textbook.
4 Q. Meaning like they weren't in physically
5 good condition?
6 A. Correct.
7 Q. Okay. And were you complaining about any
8 particular class at that time when you were talking
9 to Mr. Kiel?
10 A. No, I wasn't.
11 Q. Okay.
12 A. Like I said, I mean -- I mean, it was -- I
13 can't remember exactly. But I know I wasn't
14 talking about one specific class.
15 Q. Did you discuss availability of textbooks
16 with him?
17 A. No, I didn't.
18 Q. And do you remember Mr. Kiel's response
19 about the condition question?
20 A. No.
21 Q. Okay. And the time with Mr. Romer, when
22 was that?
23 A. That was back in, I believe, December.
24 Q. Was that related to a protest?
25 A. Yes.

1 Q. You were there regarding AP classes?
2 A. Correct.
3 Q. That was the focus of the protest,
4 correct?
5 A. Correct.
6 Q. And Janithea Hays, did you go to see her
7 to discuss textbooks with her?
8 A. She was also at the meeting.
9 Q. The same one with Mr. Romer?
10 A. Yes.
11 Q. Was there anything else that you didn't
12 say to her that you didn't say to Roy Romer?
13 A. No.
14 Another time, I didn't speak to her
15 personally, but during the protest, what she did --
16 she was at -- I don't want to say Union Square, but
17 it was an office building downtown where we did
18 speak to her as far as books and availability to
19 resources.
20 Q. You didn't speak to her?
21 A. Not specifically.
22 Q. Who spoke to her?
23 A. I don't know exactly who spoke to her. It
24 was like a number of students, that their protest
25 was over after she spoke, and after the protest was

1 Q. Did you already describe the content of
2 that protest to me?
3 A. I believe so.
4 Q. Did you have an opportunity to talk to
5 Mr. Romer individually?
6 A. Yes.
7 Q. Okay. What did you say to him
8 individually?
9 A. Basically I was asking him -- you know, he
10 already knew we wanted it. I said, "Well, you are
11 already aware of the availability of AP classes."
12 And I asked him about the textbooks. I
13 told him, I said, "I know you have been
14 superintendent for not that long of a time -- I
15 mean, a long period of time. But --" I asked him
16 what was he going to do with textbooks.
17 He said he's working with that. And he
18 gave me a couple of names. I can't remember the
19 names. But he gave me a couple of names as
20 references to go speak to.
21 Other than that, that's all I can remember
22 right now.
23 Q. Were you there to see Mr. Romer about
24 textbooks?
25 A. No.

1 over.
2 Q. Do you remember her response?
3 A. No.
4 Q. And the school board, when did you
5 personally speak with the school board?
6 A. During the time we were -- Zacharias was
7 superintendent. And I also spoke to him about
8 textbooks. That was one thing I talked to him
9 about was the textbooks. And that was also during
10 the time we had the Fremont survey.
11 And basically I asked him what was going
12 on with the books. And he somewhat repeated
13 exactly what -- he somewhat repeated exactly what
14 he was saying to everyone in the crowd, when I
15 spoke to him personally.
16 That's about it.
17 Q. Which was what?
18 A. Basically he was saying that he's going to
19 put someone in charge of having resources --
20 resources given -- I mean, equally throughout the
21 schools as far as -- I mean, with Prop BB campaign,
22 how that would work with giving out books, how he
23 was going to give out the money equally; for us to
24 get not just books, but other resources.
25 Q. Do you think Mr. Zacharias was successful

1 in his campaign?

2 A. No. [REDACTED]

3 Q. When you are given a book or issued a book
4 to take home at Crenshaw, is there a process that
5 you have to go through to be able to take that book
6 home?

7 A. Yes. You have to go down to a textbook
8 room. You did receive a book. The book goes into
9 the -- the book number goes into the computer along
10 with your name and your I.D. number. They file a
11 blue card and a white card, which is kept by the
12 textbook room. I believe the white card is kept by
13 the textbook room, and the blue card is kept by the
14 teacher.

15 After you fill out the information, you
16 give it to the teacher, and the teacher -- you give
17 both cards to the teacher. The teacher sends the
18 white copy to the textbook room, and you're able to
19 take the book home.

20 Q. Okay. So for each of the books that you
21 were able to take home, did you go through that
22 process?

23 A. Yes.

24 Q. And then who was responsible for taking
25 care of the books when they were taken home?

1 A. Yes.

2 Q. Okay.

3 A. But that doesn't mean you are able to take
4 them home.

5 Q. Can you take an in-class book out to the
6 yard, that you know of?

7 A. Not that I know of.

8 Q. Are some teachers more concerned about how
9 students take care of their books than others?

10 A. As far as my teachers, they really don't
11 get into that, as far as how to treat a book. I
12 mean, that's not really one of their concerns.
13 They are more concerned what we're going to learn.

14 There are some teachers, like when we
15 first get the books, that they do tell us to cover.
16 But other than that, you don't hear them saying
17 anything until after -- after that day.

18 Q. Do you know if there are any punishments
19 for students if they don't cover their book, for
20 example?

21 A. No.

22 Q. You're not aware of any?

23 A. No.

24 Q. Have you ever written in one of your
25 textbooks?

1 A. The students.

2 Q. Does the school tell the students how to
3 take care of the books?

4 A. Not really. The only thing it tells us to
5 do is put a cover on it. But what's the use of a
6 paper cover when it's still going to get bent? The
7 cover is going to rip. I mean --

8 Q. Did you put a cover on your books?

9 A. Yes, I did.

10 Q. Do you know of any students who did not
11 put covers on their books?

12 A. I'm quite sure there are students that
13 didn't, but I don't remember who they were.

14 Q. Do you remember seeing books on campus
15 without covers on them?

16 A. Yes.

17 Q. Those were books that students had been
18 taking home that should have had covers on them; is
19 that correct?

20 A. They could have been. I mean, I don't
21 know.

22 Q. Did you see these books out, like, in the
23 yard, for example?

24 A. Yes.

25 Q. Without covers?

1 A. No, I have not.

2 Q. Have you ever torn a page in one of your
3 textbooks?

4 A. No, I have not.

5 Q. Have you seen other students tear pages
6 out of the textbooks?

7 A. No, I have not.

8 Q. Have you seen -- well, have you ever left
9 your book out at the lunch area?

10 A. No, I have not.

11 Q. Have you seen other books left out at the
12 lunch area?

13 A. No, I haven't.

14 Q. Have you seen any students play catch with
15 a textbook?

16 A. No, I have not.

17 Q. Is there a school policy regarding
18 returning textbooks?

19 A. I believe -- I'm not sure if it's a
20 policy. But -- well, I guess you could say it's a
21 policy, yes.

22 Q. Okay. What's that?

23 A. They have a, I think, stock clearance.
24 That's basically where -- actually, it's another
25 name. I can't think of the name right now. But

1 basically, at the end of the school year, students
2 are to return books.

3 I know at some schools, you don't have to
4 return -- I mean, well, you don't have to return
5 the book right away. They do recommend that you do
6 it, but some students aren't able to find their
7 books, so they hold on to them until maybe their
8 senior year. I mean, they finally find them during
9 their senior year and return them.

10 I think there's a fee if you bring it
11 late. I know there's a fee if you don't return it.
12 Basically you pay for the cost of the book.

13 As far as if the book is torn or anything
14 like that, if it's returned torn or anything,
15 there's a fee you do pay.

16 I know there's some students that buy the
17 book. They buy the book just for future
18 references.

19 Other than that -- I mean, when I was in
20 middle school, I know there's a time when I
21 explained the A through -- I believe it was F, A
22 through F conditions of the book -- well, actually
23 A through D conditions of the book, there were
24 some -- if it dropped down a condition, you have to
25 pay for it.

1 you know that some of them were from the 9th grade,
2 and that they didn't return them until their senior
3 year; is that correct?

4 A. Correct.

5 Q. Okay. Do you know what classes -- what --
6 what books for what classes they had in their
7 possession until their senior year, even though
8 they should have returned them in the 9th grade?

9 A. No.

10 Q. Do you know any of the books that they had
11 that they failed to return on time?

12 A. No.

13 Q. Okay. And then you said that some of the
14 students buy the books so that they can have them
15 for future reference.

16 A. Yes.

17 Q. What do you mean by that?

18 A. There are some students at Washington,
19 actually, that have AP classes, where they buy
20 their books. And they keep them -- like I say,
21 they keep them for future references so that way
22 they'll, you know, be able to look back in the book
23 later on throughout the year.

24 Q. Did you know that this ever took place at
25 Crenshaw?

1 Other than that, that's it.

2 Q. Okay. You said that some students can't
3 find their books until their senior year. What do
4 you know about that?

5 A. I know there was, like, a few students
6 that didn't find their books until, like, their
7 senior year, and they finally returned them. I
8 mean, of course, there's other students that return
9 their books earlier than that, you know.

10 Q. Were these books from their 9th-grade
11 year, or do you know?

12 A. Some of them were. Some of them weren't.

13 Q. And they held on to them --

14 MR. FOX: Don't speculate.

15 THE WITNESS: I'm not going to say -- I
16 mean, I guess you could say some of them were.
17 Like I say, some of them were, some of them
18 weren't. I don't know for sure.

19 BY MS. STRONG:

20 Q. Do you know these people?

21 A. Yeah, I do. But I -- let's see. I can't
22 remember anyone's name. I mean, I don't -- I don't
23 even talk to them no more, so --

24 Q. Okay. But that's how you know that some
25 of them -- I mean, you knew them, and that's how

1 A. No.

2 Q. Okay. Were those books that the teachers
3 wanted the students to buy?

4 MR. FOX: Objection. Calls for
5 speculation.

6 BY MS. STRONG:

7 Q. If you know.

8 A. I know there's one person that did buy her
9 book because the teacher wanted her to buy it. But
10 there were other students that bought their books
11 for future reference.

12 Q. When you say bought their books, that
13 means they held on to it, didn't return it, and
14 paid the fee?

15 A. No, they paid for it during the time when
16 they go get the book.

17 Q. Okay. So it was their intention, when
18 they actually had the book checked out to them,
19 that they purchase the book?

20 A. Correct.

21 Q. Okay. So the fact that some students
22 don't turn their books in on time, is that one of
23 the reasons why Crenshaw doesn't have enough books,
24 in your mind?

25 MR. FOX: Objection. Calls for

1 speculation.

2 THE WITNESS: I don't know.

3 BY MS. STRONG:

4 Q. Do you think that would impact the
5 availability of books at Crenshaw?

6 MR. FOX: Same objection.

7 THE WITNESS: I really don't know. I
8 can't answer that because I don't know how many
9 books are in stock or how many books are at the
10 headquarters that are circulated throughout the
11 schools.

12 I'm assuming that there should be enough
13 books, even if the person -- I mean, if they are
14 being allowed to buy them, I don't see how -- why
15 they shouldn't have, like, a reserve number of
16 books or, like, a reserve storage or something.

17 BY MS. STRONG:

18 Q. But you don't know of anyone being allowed
19 to buy them at Crenshaw; is that correct?

20 A. Correct.

21 Q. Have you ever purchased any supplies for
22 any of your classes at Crenshaw?

23 A. Yes.

24 Q. What have you purchased in terms of
25 supplies for your classes at Crenshaw?

1 purchased by the school; is that correct?

2 A. Correct.

3 Q. Is there anything else that you can think
4 of in terms of supplies that you had to purchase at
5 Crenshaw that you believe should have been provided
6 by the school?

7 A. None that I can think of. But I'd love to
8 come back to that question later on if I can think
9 of any.

10 Q. As you sit here now, is there anything
11 that you could have that would help refresh your
12 recollection as to this?

13 A. No.

14 Q. Why did you have to buy graphing paper?

15 A. Because I needed it for my math class.

16 Q. Was it required for your math class?

17 A. Yes, during the time that we were doing
18 graphing.

19 Q. Did the teacher ask you to buy the graph
20 paper?

21 A. At one point she did, until she received
22 graphing paper. And there was a -- one point where
23 we had to do a project. She only could give us, I
24 believe, it was one sheet of graphing paper. If we
25 messed it up, we had to borrow because she had a

1 A. Of course, folders. Of course, that's not
2 really a thing I should supply. Graphing paper.
3 Drawing paper for assignments.

4 There was one thing I did purchase that I
5 had to have. Oh, there was, like, an assignment we
6 had to do where we had to buy our own journals.

7 There is a student store you can purchase
8 certain items, as far as folders, pens, pencils.

9 Q. But I have down here on my list of things
10 that you remember having purchased in terms of
11 supplies at Crenshaw, you've got folders, graphing
12 paper, drawing paper, and journals; is that
13 correct?

14 A. Correct.

15 Q. Okay. Of these things, do you believe
16 that any of them should have been provided by the
17 school?

18 A. Possibly the graphing paper and the
19 journal. Because I know that LAUSD does have
20 journals; they have journals they can provide.
21 Because I have one at Washington now, that they did
22 provide.

23 Q. You believe that graphing paper and
24 journals are two items that you had to purchase
25 while you were at Crenshaw but should have been

1 low supply.

2 Q. Did you ever tell the teacher that you
3 didn't want to buy graph paper?

4 A. No.

5 Q. Could you ask the teacher if there's
6 anything else that you could do other than to
7 purchase graph paper for the project?

8 A. No.

9 Q. So you don't know if you could have
10 created your own graph paper by drawing it, for
11 example?

12 A. I know for sure we couldn't do that.

13 Q. Why not?

14 A. Simply because the grid wouldn't be
15 accurate.

16 Q. You couldn't have copied graph paper that
17 the teacher provided for you?

18 A. Copy graph paper? I mean, that would
19 take, like, a long time to do.

20 Q. It would take a long time. But could you
21 do it?

22 A. No, not in her class, we couldn't.

23 Q. Did you ask her?

24 A. No, because I knew for sure we couldn't.
25 We couldn't graph our own paper. That's --

1 Q. But you didn't ask her; is that correct?

2 A. No.

3 (Recess.)

4 MS. STRONG: Can you repeat the last
5 question and answer.

6 (The following text was read by the
7 reporter):

8 "Q. But you didn't ask her; is that
9 correct?"

10 "A. No."

11 BY MS. STRONG:

12 Q. Was that correct?

13 A. Correct.

14 Q. With respect -- strike that.

15 You said eventually the teacher did give
16 you graph paper; is that true?

17 A. Correct.

18 Q. And how much --

19 A. Well, I said she had graph paper
20 available.

21 Q. Okay. How much graph paper did you have
22 to buy for that class, in your mind? Let me
23 rephrase that.

24 How much graph paper did you think you
25 were required to buy for that class?

1 A. Yes, I was.

2 Q. And for what class was that?

3 A. That was -- what class was that?

4 Miss Mims. That was my world history teacher.

5 I knew I would come back to this question.

6 Index cards for my Spanish class, I had to buy
7 index cards.

8 Q. Does that fit into a category of items
9 that you think the school should have provided for
10 you?

11 A. Yes.

12 Q. Is there anything else that you can think
13 of that you --

14 A. Not right now.

15 Q. Let me finish.

16 Is there anything else that you can think
17 of that you purchased, that the school -- that you
18 believe the school should have provided for you?

19 A. No.

20 Q. Okay. So back to Miss Mims and the
21 journal.

22 Why do you believe you were required to
23 buy a journal for Miss Mims' class?

24 A. It was basically so we can hold all of our
25 assignments and so -- hold our grading scale

1 A. I didn't know. I didn't know what the
2 assignments we were going to do. All I know is we
3 needed graph paper.

4 Q. How much did you actually buy for that
5 class?

6 A. Actually, I already had a set of graph
7 paper I had bought before, so I just brought that
8 home from school. I still brought it. But, I
9 mean, it was, like, maybe about, say, about a year
10 old. I still brought it, but it was so long ago.

11 Q. So you had some graph paper at home that
12 you had bought about a year prior; is that correct?

13 A. Correct.

14 Q. And you were able to use that graph paper?

15 A. Correct.

16 Q. Do you know how many sheets of paper you
17 had to use for that class?

18 A. I didn't count them. I don't know.

19 Q. Was it, you know, more than ten?

20 A. Yes.

21 Q. Was it less than 20?

22 A. Probably so.

23 Q. Probably so, okay.

24 And with respect to the journal, were you
25 required to purchase a journal?

1 record. Actually, the grading scale record was so
2 we could keep up with what assignments we did and
3 what grade we got on assignments.

4 Q. Did you ask her if there was any other way
5 of complying with the assignment without buying the
6 journal?

7 A. No, I did not.

8 Q. Why is that?

9 A. Because it wasn't -- I guess because it
10 wasn't in my place to ask that kind of question.

11 Q. Why is that?

12 A. I mean, basically, it -- she tells us to
13 buy a journal, you buy a journal. I mean, what
14 else --

15 Q. And -- go ahead.

16 A. I mean, I felt that -- I mean that they
17 should have provided journals. Even though that's
18 not a question I'm going to ask her.

19 Q. It wasn't difficult for you to buy the
20 journal; is that correct?

21 MR. FOX: Objection. Mischaracterizes the
22 witness's testimony.

23 MS. STRONG: I was asking if that's
24 correct. He can clarify.

25 THE WITNESS: That's not correct.

1 BY MS. STRONG:

2 Q. Okay. Did you believe it was
3 inappropriate for you to have to purchase the
4 journal?

5 A. Yes.

6 Q. And why is that?

7 A. Because I think that the school should
8 have provided the journals.

9 Q. Why do you think the school should have
10 provided the journals?

11 A. Because I know they have journals for us
12 to use. Like I said, I have one at Washington now
13 which I'm able to use. I mean, that's about it.

14 Q. Did you ever complain to anyone about
15 having to buy graphing paper or the journal?

16 A. No.

17 Q. Okay. And with respect to index cards,
18 why did you believe -- do you think that you were
19 required to purchase index cards for your Spanish
20 class?

21 A. Yes.

22 Q. Who was the teacher?

23 A. [REDACTED]

24 Q. Okay. Why do you believe that you were
25 required to buy the index cards?

1 or --

2 Q. But she didn't tell you that that was
3 improper for you to do that, that day?

4 A. No, she never told me.

5 Q. Okay. And did you ask her, with respect
6 to the following days, if you could do something
7 else other than purchase index cards to comply with
8 her requirement of the class?

9 A. No. Because we weren't working with index
10 cards after that day.

11 Q. Okay. So there's never a time in that
12 class when you asked her if you could use something
13 other than index cards to comply with her request,
14 other than the day when you ran out and you cut up
15 a sheet of paper for in-class use; is that correct?

16 A. Correct.

17 Q. Do you know how much money you spent on
18 the journal that you purchased for Miss Mims'
19 class, if any?

20 A. Uh-uh.

21 Q. Was the journal given to you?

22 A. No. I did buy it. I did purchase it. I
23 can't remember. It was less than five dollars.

24 Q. On the index cards that you used for
25 [REDACTED] class, do you know how much money you

1 A. Because she told us that we were required
2 to bring index cards. And if we didn't, we would
3 lose points. If we didn't bring them in a certain
4 amount of time, we would lose points. And also we
5 wouldn't be able to use them for our quiz. And I
6 believe there was one other reason. I mean -- not
7 reason, but another consequence if we didn't bring
8 our index cards.

9 Q. Did you ever ask [REDACTED] if there was
10 something else you could do other than purchase
11 index cards to comply with her request?

12 A. Yes.

13 Q. What did you ask her?

14 A. I was running out of index cards, and I
15 told her I was running out of index cards, and I
16 asked her if I could cut a sheet of paper and just
17 do it for that day, which I did. I cut a sheet of
18 paper into four pieces and made them into index
19 cards and used them.

20 Q. Was that okay with her for that day?

21 A. I don't know if it was okay for her. I
22 told her I was going to do it. She didn't give me
23 a response. I don't know why. She never looked at
24 the index cards after I did it, so, therefore -- I
25 mean, I don't know if she was unhappy about it

1 spent on those, if any?

2 A. I can't remember.

3 Q. Again, less than five dollars, though, do
4 you think?

5 A. Probably so, yeah.

6 Q. Okay.

7 A. Index cards don't cost that much.

8 Q. I don't think I asked this. Did you ever
9 complain about having to purchase index cards for
10 her class?

11 A. No.

12 Q. Do you know if extra credit was ever given
13 to students who brought in supplies to class at
14 Crenshaw?

15 A. I recall them, but I can't remember what
16 they were.

17 Q. What do you mean you recall them?

18 A. Oh, in Miss Beasley's class, she asked if
19 we could bring in any paper, tissue, tape, bottles,
20 cans, napkins, soap. I mean, there was like a
21 whole lot that she asked for in that class, and it
22 was in order for us to do our project. Bags,
23 two-liter bottles -- there were other things that I
24 can't recall right now.

25 Q. You understood that a student could

1 receive extra credit for bringing those?

2 A. Yes.

3 Q. Is that what the teacher said to you?

4 A. Yes.

5 Q. What kind of extra credit was given?

6 A. Just ten points, extra credit, the extra
7 credit. Actually it was five points for each item
8 you bring in, which you only could bring in two
9 items which equaled up to ten points. After that,
10 you brought it in voluntarily, even though she
11 still needed it.

12 Q. Did you ever bring any of those items into
13 her class?

14 A. Yes.

15 Q. What did you bring in?

16 A. Tape.

17 Q. And did you receive extra credit for that?

18 A. Yes, I did.

19 Q. How many points did you receive?

20 A. I received, I believe, ten. Because I
21 brought in a large roll of tape.

22 Q. Did you ever bring in any more supplies
23 after you received your ten points of extra credit?

24 A. I did bring in bottles, but it wasn't for
25 extra credit. It was for labs, and she needed

1 home.

2 You have to think about it. What if
3 there's some students that don't drink soda, or
4 what if there are some students that are able to
5 bring certain materials that other students are
6 able to bring. You have to think about that.
7 There's a lot of people that normally, you know,
8 don't really buy tape. I mean, if they do, like
9 for what?

10 Like I said, I mean, they could just -- I
11 don't see a problem with the school recycling.

12 Q. Anything else that bothered you about
13 having to bring in those bottles and cans?

14 A. Yeah, because it's also a distraction,
15 making sure you have it, going through your
16 classes. Like, for example, I had a fourth period.
17 So I'm trying to hold on to cans throughout PE,
18 throughout second and third period, and not only
19 that, trying to hold on to them through lunch.

20 I understand you can bring them during a
21 passing period, but what if you are late for that
22 class? Or you could bring it in, in nutrition.
23 And what if you don't have that much time during
24 nutrition? And nutrition isn't enough time. It's
25 only 13 minutes.

1 certain items.

2 Q. That's what I'm asking --

3 A. Yes, sir.

4 Q. -- is what other items did you bring into
5 class.

6 A. Bottles, two-liter bottles, a can.
7 Actually, it was more than one can. I believe
8 around two cans, three cans. Let's see. I believe
9 that's it.

10 Q. Okay. And these two-liter bottles and
11 cans, were they used cans that you had at your
12 home?

13 A. Yes.

14 Q. Did it bother you that you had to bring in
15 these items from home to Miss Beasley's class?

16 A. Yes.

17 Q. Why is that?

18 A. Basically there are vending machines that
19 do sell canned sodas. There are vending machines
20 that do sell bottles of soda. I don't see why they
21 don't recycle those, and let the students use them.
22 It's a way of recycling. I don't know where they
23 take all of the cans or whatever. If the students
24 need them, I'm quite sure they can find some use
25 for the students instead of us bringing it from

1 Q. Anything else that bothers you about
2 having to bring them in?

3 A. Also there are some students that have
4 them in their backpacks, or leave them in their
5 backpacks overnight. That could cause insect
6 problems.

7 Q. This is a problem for you?

8 A. For me -- I see a concern with it. That's
9 why I am saying it's a problem for me, because I
10 can see a concern with it. Even with it being
11 another student. Another student can be sitting
12 next to me and they can have soda cans in their
13 backpack, and it causes insects throughout the
14 classroom.

15 Q. Have you ever seen that happen?

16 A. Yes, I have.

17 Q. From a soda?

18 A. Actually, it was from a bottle, a soda
19 bottle. There was a spider in it. And there was a
20 roach that came out that ate the spider.

21 Q. That must have been interesting.

22 A. And the roach came out of the backpack.

23 And he also had McDonald's in his
24 backpack -- in his backpack, in another bag, which
25 he couldn't eat. And also it caused, I guess you

1 could say, like a smell in the classroom, an odor,
2 which I'm not sure -- including that, just to say
3 it's just something else in his backpack.

4 You never know how that odor could have
5 got started. He bought the McDonald that morning.
6 So maybe the insects could have -- I mean, you
7 never know. I'm not an insect expert or anything
8 like that. I mean, you never know what the roach
9 could have did to it which could have caused the
10 odor.

11 Q. And he had the McDonald in his backpack
12 because of what?

13 A. Next to the bottle, where the spider --
14 and however the roach got in there.

15 Q. But the McDonald was for him to eat; is
16 that right?

17 A. Yes, correct.

18 Even with that, if he had it outside the
19 backpack, insects -- you know, of course they smell
20 things. It could have climbed out the backpack
21 and, I mean, still --

22 Q. We are talking about the McDonald's?

23 A. I mean, with the insect, you know, and the
24 spider in the bottle.

25 Q. Do you have any other concerns about

1 bring items into Miss Beasley's class.

2 MR. FOX: I apologize.

3 BY MS. STRONG:

4 Q. Is that how you understood that, Delwin?

5 A. Yes.

6 With the bottle situation, it was a
7 requirement. And with the can situation, it was a
8 requirement.

9 With the bottles, you have to bring them
10 in for a project dealing with guppies and snails
11 and plant life. If you didn't have the bottle, you
12 couldn't do the project, which you would receive a
13 fail for. And it just so happened there were extra
14 bottles sitting around, or someone who brought an
15 extra bottle for you.

16 With the can, that was the same situation.
17 But that was involving thermal heat. It was
18 somewhat like a contest. If you didn't have a can,
19 you failed, unless somebody had an extra one.

20 Q. Other than with respect to the two
21 assignments that you have referenced where one
22 required a bottle and the other required a can,
23 students were not required to bring in any of the
24 other items at any other time; is that correct?

25 A. Correct.

1 having to bring those items to school, or have we
2 exhausted them yet?

3 A. Other than money cost. I mean, some
4 people, they have to buy sodas and drink real quick
5 so they can take it to school the next day. I
6 don't care if it's one cent, it's still money.
7 It's the whole cost of the resource.

8 Q. Okay. Any other concerns?

9 A. Other than that, no.

10 Q. Okay. Now, just to make it clear, no
11 student was required to bring any of these items
12 into class, correct?

13 MR. FOX: Objection. Argumentative.
14 Asked and answered. I think he already testified
15 that, yeah, students were required.

16 MS. STRONG: I think that misstates his
17 testimony.

18 Q. Can you answer the question?

19 MR. FOX: I'm sorry, if you are talking
20 about the last group of things, and not graphing
21 paper, journals.

22 MS. STRONG: I'm talking about the items,
23 because that's what we're focusing his concern
24 right now that he expressed. This long laundry
25 list of things we got was in reference to having to

1 Q. And I believe one of your concerns is that
2 you felt that there was cans and bottles or other
3 materials that were being used on campus that could
4 be provided to the students in your class; is that
5 correct?

6 A. Correct.

7 Q. Okay. Do you know if any of the students
8 were able to go and ask someone at the school if
9 they could use those items for the class?

10 A. Actually, I did it myself. There was one
11 time where I did go ask for ice, and I also asked
12 for cans. I know there was one time janitors would
13 collect the cans and take them home so they could
14 go to the recycle place or whatever and get money
15 for the cans, and that's how I know that they were
16 available.

17 But because they were -- some were being
18 taken and some were just being thrown in the trash
19 can, we weren't able to be -- to have access to the
20 cans or bottles or anything like that.

21 Q. Okay. Did you ever ask your teacher if
22 you could get some of the supplies from on campus?

23 A. Yes. Me and a couple students asked
24 Miss Beasley if we could go get cans possibly out
25 of the cafeteria, to see if one of the janitors had

1 some that we could use. She did say we can go.
 2 Turns out there weren't any. So there was
 3 one student that brought his own soda, and we ended
 4 up sharing that. We ended up working as a group
 5 and sharing that one can.

6 Q. Okay. So my question was: Did you ask
 7 her? You said yes.

8 A. Yes.

9 Q. And I believe you also testified that she
 10 said that, yes, you could go see if you could get a
 11 can from on campus; is that correct?

12 A. Correct.

13 Q. Okay. And when you went to go see about
 14 getting a can on campus, who did you speak to at
 15 that point?

16 A. I don't know her name. But it was someone
 17 in the cafeteria. I don't know of any -- I don't
 18 know of any of the cafeteria workers.

19 Q. You spoke with somebody in the cafeteria;
 20 is that correct?

21 A. Correct.

22 Q. And what did the cafeteria workers say to
 23 you?

24 A. She told me that janitors aren't in --
 25 aren't in the cafeteria. She told me that they

1 they first arrived at school in the morning?

2 A. I'm quite sure they would -- that she
 3 would.

4 Q. Okay. And with respect to the assignments
 5 where you believe it was required to bring in a
 6 bottle and a can, those two assignments, did you
 7 ask Miss Beasley if there was a way you could
 8 participate in the project without having to
 9 purchase or bring in a bottle or a can yourself?

10 A. No, I didn't. Before I even attempted to
 11 go get a can? No, I didn't.

12 Q. Do you know if any students asked
 13 Miss Beasley if there was some way that they could
 14 participate, because they were unable to find a
 15 bottle or purchase a bottle or can?

16 A. No.

17 Q. Did you ever make any complaint to anyone
 18 at the school about Miss Beasley's class in
 19 reference to the items that she requested students
 20 bring in?

21 A. No, I did not.

22 Q. In fact, did you ever complain to
 23 Miss Beasley about the items she requested to
 24 students to bring into the class?

25 A. No, because I knew she understand that

1 didn't have any cans. And that was about it.

2 So we went back -- we went back to class
 3 before the student -- I mean, after the student had
 4 brought a can.

5 Q. Okay. Did you go to the office to ask
 6 about the cans on campus?

7 A. I didn't see a reason to.

8 Q. Okay. Did you try and find a janitor on
 9 campus to ask him or her about cans on campus?

10 A. No, because, number one, that would have
 11 wasted time as far as doing the project. And,
 12 number two, I wasn't obligated to go look for
 13 anyone about any cans. I just asked as a favor so
 14 we can be able to do the project.

15 Q. Okay. So I think the answer to that
 16 question was, no, you didn't; is that correct?

17 A. Correct.

18 Q. I think one of your other concerns was you
 19 had to hold on to cans throughout the day, or that
 20 students in your class might possibly have to hold
 21 on to cans and bottles throughout the day, and that
 22 was a concern with this situation; is that correct?

23 A. Correct.

24 Q. Do you know if Miss Beasley would have
 25 allowed the students to come drop off a can when

1 with us, it was going to be a problem with us
 2 bringing in cans, of course. And not because we
 3 couldn't pay for them. But for some people -- not
 4 because they couldn't pay for them, but because
 5 they -- I mean, who want to carry a can to school?
 6 And there was some that just don't get to school in
 7 time to sit it down, and having to watch it. And
 8 there were some students that it just so happened
 9 that they left their cans in the classroom, or
 10 whatever items they brought for their projects.

11 Q. It was difficult for the students to be
 12 responsible for these cans; is that what you are
 13 saying?

14 A. Correct.

15 Q. Do you think that might have been part of
 16 the assignment, when she gave it to you, is to have
 17 the students take some responsibility for items
 18 being used in class?

19 MR. FOX: Calls for speculation.

20 THE WITNESS: I don't believe that was a
 21 requirement. I believe that was the only thing
 22 that she told us to do. I mean, I know she didn't
 23 tell us to do that, but --

24 BY MS. STRONG:

25 Q. You don't know if that was something she

1 was thinking of or not?
 2 A. No.
 3 Q. Other than what you already testified to,
 4 do you know of any other student that was required
 5 to purchase supplies for any class at Crenshaw?
 6 A. Yes.
 7 Q. Okay. Who was that?
 8 A. Shana. I don't know her last name.
 9 Q. Anyone else you can think of?
 10 A. Lance. That's all the names I can think
 11 of. I know of other people.
 12 Q. Was it all for the same class, for the
 13 same situation?
 14 A. Yes.
 15 Q. Okay. So why don't you describe that to
 16 me.
 17 A. Well, it was actually during the time we
 18 were working with the elementary students, and we
 19 were working on an earthworm project. And we were
 20 told if we want -- basically if we wanted to show
 21 the class how to -- how does the earthworm digest
 22 food or whatever you want to call it.
 23 We were to bring in our own trash and
 24 everything, which is like kind of -- that's
 25 embarrassing, trying to carry around trash around

1 campus.
 2 I mean, I thought that, you know, they --
 3 me personally, I thought that the cafeteria could
 4 have supplied food or something, or apples, you
 5 know, small little things. Like Miss Beasley, I'm
 6 quite sure they had extras for her to use in her
 7 classrooms.
 8 And I think, as a matter of fact, I was
 9 with both Shana and Lance.
 10 Other than that, there were times when we
 11 had to bring in -- where we all had to bring in
 12 bottles. They basically had the same situation as
 13 far as where they were going to put it.
 14 Q. Is this something in addition to
 15 Miss Beasley's class that we've already talked
 16 about?
 17 A. No.
 18 Q. This is the same thing we've just talked
 19 about?
 20 A. Correct.
 21 Q. Okay. And so Shana and Lance had to
 22 purchase things for Miss Beasley's class; is that
 23 what you are saying?
 24 A. Right.
 25 Q. I thought I said other than what you

1 already testified to. Is this some other aspect of
 2 the class where they were required to bring in --
 3 A. Oh, just that trash. And that was
 4 different. And the one I was about to explain,
 5 that was with -- with the bottle situation.
 6 Q. Okay. So the additional things here are
 7 for the projects relating to the elementary school
 8 students; is that correct?
 9 A. Correct.
 10 Q. The trash relates to that, correct?
 11 A. Correct. And that's it.
 12 Q. And there was some other bottle situation
 13 that was --
 14 A. Yes, where she forgot -- actually, it was
 15 the same bottle situation that I talked about
 16 earlier.
 17 Q. I thought the whole class had to purchase
 18 bottles.
 19 A. They did. But that was two examples that
 20 I were using, as far as her leaving her bottle in
 21 the classroom. I was going to get to where she
 22 left her bottle in the classroom.
 23 And with Shana and Lance, that was where
 24 they both brought in trash for the elementary
 25 assignment.

1 Q. Again, this is Miss Beasley's class,
 2 right?
 3 A. Correct.
 4 Q. And do you know if they were required to
 5 bring in the trash?
 6 A. Not necessarily. No, they weren't.
 7 Q. Why do you say not necessarily?
 8 A. Because it was -- basically, we were
 9 coming up with our own project. But, like I said,
 10 whatever we were going to use for the elementary
 11 students, we had to bring our own.
 12 Q. Trash, you don't have to purchase?
 13 A. That's true. True, correct.
 14 Q. Was there something unique about the
 15 bottle situation relating to Shana?
 16 A. No, I was using her as an example, when
 17 she left her bottle in the classroom in the other
 18 first-period classroom, and when she got to fourth
 19 period, I was actually in a group with her. She
 20 forgot it in a classroom. I asked her where was
 21 it. She said she left it in the classroom. We
 22 walked back to the classroom, and it wasn't there.
 23 Q. The bottle she brought with her to school
 24 that day, she didn't remember to keep it with her
 25 that day, so she didn't have it at the time she got

1 to Miss Beasley's class, which is --
 2 A. Fourth period.
 3 Q. Is that correct?
 4 A. Correct.
 5 Q. Do you know of any other students who had
 6 to purchase anything for school, other than what
 7 you've already testified to?
 8 MR. FOX: So we have a clear record --
 9 THE WITNESS: Then I --
 10 MR. FOX: So we have a clear record, it
 11 would be helpful, I think, to remind Delwin about
 12 his earlier testimony about journals and graph
 13 paper.
 14 I think we're willing to stipulate that,
 15 you know, people in his classes, people in those
 16 classes were also required to buy materials.
 17 BY MS. STRONG:
 18 Q. Is that your understanding?
 19 A. Yes.
 20 Q. Okay. Other than that, can you think of
 21 anything else?
 22 A. Not right now.
 23 Q. Do you know of any teacher who purchased
 24 supplies for his or her class at Crenshaw?
 25 A. I know [REDACTED] did. I already talked

1 Q. And you placed it on her desk?
 2 A. Correct.
 3 Q. And you never discussed that with her, I
 4 believe you testified to that earlier; is that
 5 correct?
 6 A. Correct.
 7 Q. Who was the letter addressed to?
 8 A. I can't remember.
 9 Q. I believe you said it looked like notes,
 10 in your prior testimony. Do you know if it was
 11 addressed to anybody?
 12 A. No, I can't remember. I know it was
 13 addressed to the administrators. I just can't
 14 remember which administrator specifically.
 15 Q. How do you know it was addressed to an
 16 administrator?
 17 A. Because it -- I mean, I recall -- I don't
 18 recall the exact name, but I know it was -- I
 19 remember it was an administrator's name.
 20 Q. You remember it being addressed, and it
 21 was addressed to somebody who was an administrator;
 22 you just can't recall right now?
 23 A. Correct.
 24 Q. I'm asking this because I believe the
 25 record was a bit unclear.

1 to you about that, during the first deposition,
 2 about having the letter that I did read.
 3 Miss Beasley did have to buy some of her
 4 own supplies.
 5 Let's see. That's all the teachers I can
 6 think of right now.
 7 Q. Okay. With respect to [REDACTED] you
 8 said you found the letter outside of her door, and
 9 you read it and then you told her about it. She
 10 said she didn't need it, and you just placed it on
 11 her desk; is that correct?
 12 A. Actually, I didn't tell her -- I didn't
 13 ask her if she needed it. I just went and put it
 14 back on her desk.
 15 Q. I think you testified that you told her
 16 you found a letter, and she said, "I didn't need
 17 it," but you went and put it on her desk anyways.
 18 A. No.
 19 Q. You don't recall that testimony?
 20 A. No.
 21 Q. Your understanding is you found the
 22 letter?
 23 A. Correct.
 24 Q. And you read the letter?
 25 A. Correct.

1 Did the letter specifically state that
 2 Miss Beasley had purchased supplies out of her own
 3 pocket?
 4 A. No.
 5 Q. It talked in a more general fashion; is
 6 that correct?
 7 A. As far as the math department being -- not
 8 responsible, but having to pay for certain
 9 supplies.
 10 Q. Do you know where this information came
 11 from?
 12 A. No, I do not.
 13 Q. You don't know if [REDACTED] -- I'm sorry.
 14 Do you know if the letter -- I misspoke earlier.
 15 Do you know if the letter stated that
 16 [REDACTED] herself had to purchase supplies out of
 17 her own pocket?
 18 A. I assumed that it was her that was the one
 19 that was buying their own supplies, because she's
 20 head of the math department.
 21 Q. Okay. But nothing in the letter
 22 specifically stated that [REDACTED] had purchased
 23 supplies with her own money; is that correct?
 24 A. Correct.
 25 Q. You have no reason to believe that it was

1 in fact her, from any other source; is that
2 correct?

3 A. Correct.

4 Q. Now, with respect to Miss Beasley, you
5 said that she had to purchase supplies for her
6 class. What did she have to purchase for her
7 class?

8 A. As far as the tanks she had, the supplies
9 for the tank, as far as filters. I believe she
10 brought the snake cage. I'm not too sure about
11 that, but I believe she did buy that.

12 Of course all the supplies I mentioned.
13 If she didn't have enough of them, she would have
14 to buy them on her own.

15 I believe she brought certain plants or
16 seeds for the garden in the back. And that's all I
17 can think of right now.

18 Q. Okay. With respect to the tanks, what
19 tanks are you referring to?

20 A. She had an aquarium tank which held
21 turtles and other plants.

22 Q. Is it one tank?

23 A. Well, it's one tank -- it's a -- multiple
24 tanks put together. There is another tank where
25 she has guppies in it. There is another tank where

1 A. I believe there was a catalog. I know she
2 orders them, though.

3 Q. Okay. And do you know whether she's
4 required to purchase the tanks for the classroom?

5 A. I'm quite sure she's not required. I
6 mean --

7 Q. Okay. Do you know if she got reimbursed
8 for purchasing the tanks for the classroom?

9 A. I don't know.

10 Q. You didn't ask her one way or the other?

11 A. No.

12 Q. And with respect to the supplies for the
13 tank, why is it that you believe she purchased the
14 supplies for the tanks?

15 A. Because what -- when she gets the tanks,
16 she told me that she -- that some of the filters
17 come with them, and some of them she has to buy.

18 Q. Again, did you ever ask her if she seeks
19 reimbursement from the school for the supplies she
20 buys for the tanks?

21 A. No.

22 Q. Do you know one way or the other whether
23 she does get reimbursed?

24 A. No.

25 Q. With respect to the snake cage, how do you

1 she has -- I don't know what they are. They look
2 like black tadpoles or something like that. I
3 don't know what they are. I never asked her. She
4 has one where she has more fish in it, another tank
5 where she has more fish.

6 Q. Essentially, she's got tanks with fish in
7 it?

8 A. Yes. I'm trying to go around the
9 classroom.

10 Q. I want to know generally what they were
11 for.

12 A. Okay. And a snake cage.

13 Q. Okay. I have got that.

14 How do you know that she purchased the
15 tanks?

16 A. Because every time she would get a new
17 tank, I would ask her where she got it from. She
18 orders them out of a catalog, I believe. I know
19 she orders them.

20 And I mean, like -- because I was more
21 interested in, you know, what she was going to put
22 into the tanks and everything. So that's how I
23 found out.

24 Q. You asked her, and she said she ordered
25 them from the catalog; is that correct?

1 know that she purchased the snake cage?

2 A. Well, actually, I mean, because it sits
3 inside of her classroom. I know it's her snake.
4 And I know they did tell her at one time, well, if
5 you want to hold your snake, you have to put it in
6 a cage.

7 It's a huge snake. It's a huge cage, too.
8 Either she purchased it or she built it herself.

9 Q. Do you think that's something that the
10 school should pay for?

11 A. No, not -- well, in a way it could be,
12 because it's on display. There are students that
13 do come in and they do study the snake and
14 everything. Students can use it as a learning
15 experience. They can use her whole classroom as a
16 learning experience, so, therefore, it could be
17 something that they should pay for.

18 Q. Now, do you know if she ever tried to get
19 reimbursement for the snake cage in any way?

20 A. No.

21 Q. And I can ask these questions together to
22 save time.

23 The other supplies that you mentioned for
24 the experiments that you talked about and for the
25 plants and seeds that are -- that are in the back

1 of her class, or behind her classroom, how do you
2 know that she purchased them?

3 A. Because she -- at some point she -- at one
4 point, she scheduled every student on a Friday to
5 go out and plant seeds or fix the garden in the
6 back or something. It was like an extra-credit
7 activity or assignment sometimes.

8 And she would tell us that -- it was like
9 in a general statement, "When I go buy the seeds,
10 we would plant them in the back."

11 Q. Anything -- with respect to the supplies
12 for the experiments, any reason to believe she
13 purchased them herself?

14 A. With the supplies -- I mean, you've -- I
15 mean, you have to think about it. If she wants us
16 to bring them in for extra credit, that means that
17 they are not going to supply the school.

18 If she -- if we didn't bring them into the
19 school, then, I mean, that must mean that they have
20 them at the school for her to use.

21 Q. Do you know one way or the other whether
22 she purchased those supplies or not? I'm just
23 asking if you know.

24 A. Yes, I do know.

25 Q. How do you know?

1 MR. FOX: It's an extremely overbroad
2 question.

3 MS. STRONG: It's based on the
4 allegations.

5 THE WITNESS: Just on what I've stated, or
6 everything else in the school?

7 MS. STRONG: Can I have a minute?

8 (Discussion off the record.)

9 BY MS. STRONG:

10 Q. Is there something you are looking at?

11 A. Just looking over it.

12 Q. Do you believe that Crenshaw lacks
13 supplies for their classrooms?

14 A. Yes.

15 Q. Do you base that belief on what you
16 already testified to here today?

17 A. Yes.

18 Q. Do you base it on anything other than what
19 you've testified to here today?

20 MR. FOX: Again, objection. Vague and
21 ambiguous and overbroad.

22 I don't know that the record reflects what
23 types of supplies we're talking about.

24 THE WITNESS: As far as?

25 BY MS. STRONG:

1 A. And, I mean, not only that, there are
2 times that she did say she purchased the supplies,
3 as far as Kleenex and everything, because at one
4 time she did tell us she was running out of
5 Kleenex, and she said she had to buy more.

6 Q. Do you know if she ever sought
7 reimbursement for any of those supplies or plants
8 or seeds that were brought into school?

9 A. No, I don't know.

10 Q. Do you know of any parent who has
11 purchased supplies for a class at Crenshaw?

12 A. No, I do not.

13 Q. Is it your testimony that, based on what
14 you've testified to here today, you believe that
15 Crenshaw lacks sufficient supplies for the
16 students?

17 A. Yes.

18 Q. Do you base that belief on anything other
19 than what you've testified here to today?

20 MR. FOX: Objection. Vague and ambiguous.

21 Are we talking about the types of supplies
22 we have gone over, or are we talking about the
23 entire school?

24 MS. STRONG: Talking about supplies for
25 the school.

1 Q. Supplies for the classrooms for its
2 students. Do you understand that?

3 A. I understand what you are saying, but I
4 don't know if you are talking about -- okay.

5 Q. You told me that you believe Crenshaw
6 lacks supplies for its students in its classrooms,
7 correct?

8 A. Correct.

9 Q. I want to know what you base those beliefs
10 on. Is it anything more than what you have already
11 testified to here today?

12 A. That I can think of, yes.

13 Q. You think it is based on something other
14 than that?

15 A. It could be.

16 Q. Okay. What do you think that's based on,
17 then?

18 A. I mean, there's -- I mean, I can't think
19 of them right now. As far as the bathrooms --

20 Q. We'll get to bathrooms. I'm talking about
21 the classrooms. I thought I made that clear. Did
22 you not understand that?

23 A. I understood it.

24 Q. Okay.

25 A. Ceiling tiles.

1 Q. Ceiling tiles?
 2 A. Yes.
 3 Q. Do you consider a ceiling tile a school
 4 supply?
 5 A. Yes, I do.
 6 Q. Is there anything else that you can think
 7 of?
 8 A. Cleaning supplies.
 9 Q. You consider a cleaning supply a school
 10 supply?
 11 A. Yes, I do.
 12 Q. Anything else that you can think of?
 13 A. Markers for the boards, chalk. That's all
 14 I can think of right now.
 15 Q. Are you sure? I have all the time in the
 16 world. If there's anything else, please feel free
 17 to let me know.
 18 Is there anything else you can think of?
 19 A. Not right now. Like I say, I'll come back
 20 to that.
 21 Q. Okay. Feel free to do so.
 22 Do you believe that all of the plaintiffs
 23 would agree that ceiling tiles and cleaning
 24 supplies are supplies for the classroom?
 25 MR. FOX: Objection. Calls for

1 your concern regarding cleaning supplies at
 2 Crenshaw?
 3 A. Well, I mean, like you have some desks
 4 that are just -- I mean, have graffiti on them.
 5 There are some tables that have graffiti and other
 6 substances on them. Cleaning the board, there are
 7 some times where -- there are certain items like
 8 erasers that can't clean the board.
 9 Q. So these are really -- you're focusing on
 10 the facility as opposed to the cleaning supplies,
 11 it appears. Is there something specific to
 12 cleaning supplies that you'd like to tell me about?
 13 What's your concern with cleaning supplies?
 14 A. There's none in the classroom.
 15 Q. How do you know there are no cleaning
 16 supplies in the classrooms?
 17 A. Because there are students that spill
 18 things on the floors, and if they ask if they can
 19 get something to clean it up, there's nothing
 20 there.
 21 There are times when there are things on
 22 the board. Sometimes the marker won't come off all
 23 the way. You try to erase it with the eraser, that
 24 doesn't work. Which they do have sprays for it,
 25 which some teachers do have, but they ran out very

1 speculation.
 2 THE WITNESS: I can't answer -- I mean, I
 3 can't say all of them, but --
 4 BY MS. STRONG:
 5 Q. If you were representing the plaintiffs in
 6 the capacity --
 7 A. Of course.
 8 Q. -- do you think that you are representing
 9 them with the understanding that ceiling tiles and
 10 cleaning supplies are supplies for the classroom?
 11 A. Yes.
 12 Q. So when the complaint states in part that
 13 students are lacking supplies in their classrooms,
 14 they are referring in part to ceiling tiles and
 15 cleaning supplies; is that what you are saying?
 16 MR. FOX: Calls for speculation, calls for
 17 a legal conclusion, lacks foundation.
 18 BY MS. STRONG:
 19 Q. Is that your understanding of how it's
 20 used in the complaint?
 21 A. Not just that.
 22 Q. But it would include ceiling tiles and
 23 cleaning supplies?
 24 A. Yes.
 25 Q. With respect to cleaning supplies, what is

1 quickly.
 2 As far as markers --
 3 Q. I'm talking about cleaning supplies.
 4 A. It's --
 5 Q. Is this cleaning supplies?
 6 A. Yes. That's about it.
 7 Q. Can you identify for me the times when you
 8 saw something spill on the floor and there was
 9 nothing to clean it up?
 10 A. I can't say the exact times. But I know
 11 there have been times when people have spilled
 12 things on the floor. It's happened maybe six
 13 times, maybe six or seven times.
 14 Q. Okay. And in each of those occasions, has
 15 there not been something to clean the spill up?
 16 A. Only in one situation there was.
 17 Q. Okay.
 18 A. The other times, the janitors had -- had
 19 to be called in after the period was over, or the
 20 teacher would have to leave in between periods in
 21 order to go get cleaning supplies to clean it up.
 22 Or there were times where a student would have to
 23 go get the supply to clean it up, paper towels or
 24 whatever you want to call it, pick it up.
 25 Q. I want to deal with your specific

1 recollection of the events, rather than just what
2 you think might have happened. You said there
3 were --

4 A. I know they've happened. Just in certain
5 times, they happened. I can't remember exact --
6 even if I give a month, that's not specific.

7 Q. We may not be able to identify the times
8 of each of these incidents, but I'd like to
9 understand your recollection of each incident. Why
10 don't we start with the first one, okay?

11 When was the first time you remember there
12 being a spill in the classroom?

13 MR. FOX: Objection. Asked and answered.
14 He said he didn't remember specific instances, but
15 he knew they happened.

16 MS. STRONG: No. He said he didn't
17 remember exactly when it happened.

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

19 A. There was a substance spilled, I believe
20 it was either juice or something, soda or
21 something, that was spilled on the floor.

22 Q. Do you remember what year it was?

23 A. 9th-grade year.

24 Q. Do you remember which class you were in?

25 A. I believe my second period class, English.

1 A. Yes, it did.

2 Q. Okay.

3 A. I mean, killed a couple of trees, but --

4 Q. It killed a couple trees.

5 A. I mean, just figure of speech.

6 Q. I don't find this funny, going through
7 these allegations.

8 MR. FOX: Let's go off the record for a
9 second.

10 MS. STRONG: We're off the record.
11 (Discussion off the record.)

12 MS. STRONG: Can you repeat the last
13 question to the witness, and the answer. I'm
14 sorry.

15 (The following text was read by the
16 reporter):

17 "Q. Okay. Did that resolve the problem?"

18 "A. Yes, it did."

19 BY MS. STRONG:

20 Q. The second incident you can remember where
21 something was spilled in the classroom, can you
22 describe it to me.

23 A. I believe it was that he -- that was also
24 in Mr. Hornbeck's class, I believe. I don't

25 remember -- I can't remember the semester. I mean,

1 Q. Do you remember who the teacher was?

2 A. Mr. Hornbeck.

3 Q. Do you remember if that was the first
4 semester or second semester?

5 A. No, I can't remember.

6 Q. Okay. What happened?

7 A. I mean, I didn't watch it fall. I mean, I
8 just -- it spilled, and the teacher told him to go
9 find something to clean it up with. There was
10 nothing there. He told him --

11 Q. Where did he tell him to go to find
12 something to clean it up with?

13 A. Well, actually, he told him to look around
14 and find something to clean it up with. There was
15 nothing to clean it up with.

16 So they got a piece of paper, you know, a
17 notebook and -- piece of paper, and cleaned it off
18 themselves or --

19 Q. It is either/or, or what happened that
20 time? I want to know what happened.

21 A. During that time the students got a piece
22 of paper and sat it on the floor and let it soak
23 into the paper, and they cleaned it up that way.
24 And it was notebook paper they used.

25 Q. Okay. Did that resolve the problem?

1 I'm not putting them in order or anything because I
2 can't remember what order they went in. But I went
3 down to the janitor's office to get paper towels.

4 Q. Did you spill in the class?

5 A. No, I didn't.

6 Q. Why is it that you went down to get paper
7 towels?

8 A. I was trying to help one of my students
9 out. I mean, I went ahead and went to go get it.

10 Q. Did the teacher ask you to go get paper
11 towels?

12 A. No. I told him myself, I'll go get it.
13 First she asked, were there any paper towels. And
14 he said no. So I said, I'll go get it.

15 Q. So you went and got some paper towels from
16 a bathroom; is that correct?

17 A. No, from the janitor's office.

18 Q. Okay. And you brought them back to the
19 class. Did that take care of the problem?

20 A. Yes.

21 Q. Okay. The third time you remember a spill
22 in the classroom?

23 A. Yes. That was in Mr. Savage's class. It
24 happened he had a couple of paper towels, and that
25 got it up. I didn't clean it up myself, but got it

1 up.

2 Q. The teacher had some paper towels with
3 him, and he was able to clean up the spill?

4 A. Yes.

5 Q. And was the problem satisfactorily
6 resolved in your mind?

7 A. Yes.

8 Q. The fourth time you can think of specific
9 incidents?

10 MR. FOX: I object to these questions as a
11 waste of time.

12 MS. STRONG: He identified there was a
13 lack of supplies in the school, and he was giving
14 me an explanation as to -- which was that there
15 were spills that were not able to be cleaned up.
16 And so I'm exploring those and --

17 MR. FOX: I think it's a waste of time;
18 that we don't have to go through every spill in a
19 classroom. But if you want to use your time that
20 way, fine.

21 MS. STRONG: No, it's the time -- I'm
22 exploring the allegations that he's making, and I
23 feel I have that obligation. It's not a matter of
24 how I want to use my time; it's my obligation to my
25 client.

1 bathroom, I believe, and there were some paper
2 towels. It wasn't that many. It was only like
3 maybe three or four. I put it on the sponge of the
4 mop, and I wrapped it with some tape. And one of
5 the students went across the floor with it.

6 Q. Do you know how that -- who spilled a
7 substance in that class that day?

8 MR. FOX: Same objection. This line of
9 questioning is a waste of time.

10 BY MS. STRONG:

11 Q. Go ahead.

12 A. I can't remember.

13 Q. Was it a student?

14 A. Yes.

15 Q. Were you able to resolve the problem with
16 your creative approach with the paper towels?

17 A. Yes.

18 Q. Was there any other time you can think of
19 there was a spill in the classroom?

20 MR. FOX: Same objection.

21 THE WITNESS: No.

22 BY MS. STRONG:

23 Q. No.

24 A. No.

25 Q. Just to make sure. The problem in that

1 MR. FOX: Okay. And I stated my
2 objection.

3 BY MS. STRONG:

4 Q. Go ahead.

5 A. There was one time when --

6 Q. This is the fourth time that you can
7 recall?

8 A. Yes.

9 Q. Okay.

10 A. There was one time when it wasn't a spill.
11 It was graffiti on a desk.

12 Q. Hold it there for a minute.

13 Can you think of any other times when
14 there was a spill in a classroom?

15 A. Yes.

16 Q. Let's cover the spills first, and we'll go
17 on to another topic.

18 A. There was one time in [REDACTED]
19 class, there was a spill. The only thing she had,
20 I don't know what it's called. It's a push mop.
21 It's not a mop. It's like a sponge. She kept
22 putting that -- she kept wiping that across the
23 floor. It wouldn't work.

24 Then there was another -- well, actually,
25 I had got like a piece of -- I went to the

1 class was resolved to your satisfaction?

2 A. The floor was still wet, so it -- I wasn't
3 satisfied. And there was nothing I could do about
4 it, so I, therefore, should leave it alone.

5 Q. Did it affect you?

6 A. Yes. If you are walking across the floor,
7 as a safety hazard, if you slip. And if someone
8 would walk across the classroom and they didn't
9 know that water was there, or substance was there,
10 they could have slipped.

11 Q. Did it actually affect your class that
12 day?

13 MR. FOX: Asked and answered.

14 MS. STRONG: I don't believe that was
15 answered.

16 Q. Go ahead.

17 A. Yes, it did.

18 Q. How did it affect your class that day?

19 A. Because the students couldn't walk in
20 certain areas. It was right in the middle of the
21 aisle. Therefore, students -- you have to be real
22 cautious when you are going across the floor, which
23 could cause a problem.

24 Q. So did that affect the students' ability
25 to learn in the class that day?

1 MR. FOX: Calls for speculation.
 2 THE WITNESS: For me, no, not really.
 3 But, like I say, it was the whole factor of it
 4 being on the floor. For other students, I don't
 5 know.

6 BY MS. STRONG:

7 Q. You don't know one way or the other.
 8 Okay.

9 With respect to -- erasers. I believe
 10 that was the one other cleaning supply that you
 11 mentioned earlier, that you felt supported your
 12 belief that the school lacked supplies in the
 13 classroom with respect to cleaning supplies; is
 14 that correct?

15 A. Correct.

16 Q. And is it based on a lack of erasers? I'm
 17 sorry, I don't know if I understood.

18 A. For some classes, yes, and for some
 19 classes, no. There was some classes that did have
 20 erasers. But although they did have the erasers,
 21 they wouldn't work half the time. They would only
 22 get maybe a -- I mean, a small amount off the
 23 board.

24 Q. I just want -- we can maybe skip all of
 25 this testimony. You know, your belief that the

1 that to be a problem? Would that be easier?

2 A. Yes.

3 Q. Okay. In what classes do you believe that
 4 you encountered a problem with an eraser either not
 5 functioning or not existing?

6 MR. FOX: Again, I object to these
 7 questions as a waste of time.

8 THE WITNESS: My third-period math. Well,
 9 my -- my third-period Spanish. Sixth-period
 10 Spanish.

11 Are we speaking of Washington or --

12 BY MS. STRONG:

13 Q. I'm talking about Crenshaw.

14 A. Okay, Crenshaw.

15 Q. You haven't made any allegations anywhere
 16 with respect to Washington, have you?

17 A. No, I haven't.

18 Q. Okay. So we're referring to your
 19 allegations you made with respect to Crenshaw.

20 A. Okay. Let's see. That's all I can think
 21 of right now.

22 Q. Okay. So your third-period Spanish. What
 23 year was that?

24 MR. FOX: Same objection. Nowhere in the
 25 complaint is there an allegation about erasers.

1 school lacks supplies for its classrooms, such as
 2 cleaning supplies, markers, and chalk, do you feel
 3 that that affects the students' education at the
 4 school?

5 MR. FOX: Objection. Calls for
 6 speculation and seeks expert testimony to which
 7 Delwin is not qualified to testify.

8 BY MS. STRONG:

9 Q. Go ahead. Do you believe, Delwin --

10 A. For me, yes.

11 Q. So I think we should proceed with these
 12 questions.

13 So you said in some circumstances there's
 14 a lack of erasers, and sometimes erasers just don't
 15 work. Is that what you are trying to explain to
 16 me?

17 A. Correct.

18 Q. How many times have you noticed that
 19 that's a problem?

20 A. Well, it began a number of times. I
 21 can't --

22 Q. Okay.

23 A. I mean, not even a quick estimate.

24 Q. Maybe we can talk about in terms of
 25 classes. Can you identify which classes you found

1 MS. STRONG: There's allegations about
 2 supplies. And to the extent plaintiffs may say
 3 that we have notice of an allegation about the lack
 4 of supplies at schools, and Delwin believes he
 5 lacks supplies, such as erasers, I believe that I
 6 have an obligation to explore what Delwin may
 7 testify to regarding supplies at Crenshaw High
 8 School.

9 MR. FOX: You want testimony about every
 10 eraser that's missing in every class? And you
 11 would propose to take 10 days of his time and our
 12 time, rather than going in and looking at the
 13 school yourself?

14 MS. STRONG: I'm supposed to accept your
 15 generalization as to a lack of supplies, and not
 16 investigate it? Is that your position?

17 We obviously have agreed. I'm going to
 18 proceed with these questions.

19 MR. FOX: I'm interested in finding the
 20 truth as much as you are, but I don't think we need
 21 to spend an inordinate amount of time going into
 22 erasers in each class. Okay?

23 MS. STRONG: Delwin has explained the
 24 reasons LAUSD -- so I feel I have an obligation to
 25 look into it.

1 Q. We'll continue, Delwin.
 2 MS. STRONG: What was the last substantive
 3 question and answer?
 4 One other thing. If you'd like to
 5 stipulate that Delwin will not testify about any
 6 lack of erasers or cleaning supplies in his
 7 classroom at Crenshaw as a basis for why there may
 8 be -- or that any of that information will be used
 9 in this lawsuit, I will be happy to skip over this
 10 line of questioning.
 11 Are you willing to stipulate to that?
 12 MR. FOX: I'll stipulate it's not
 13 necessary to spend 10 days in deposition talking
 14 about erasers.
 15 MS. STRONG: That's not the stipulation.
 16 Will you stipulate that it won't be used
 17 in this litigation, and Delwin will not testify to
 18 it, and no allegation will exist that Crenshaw
 19 lacks erasers and cleaning supplies, and that's
 20 why --
 21 MR. FOX: I will stipulate Delwin will not
 22 spend 10 days on the stand talking about erasers.
 23 MS. STRONG: Obviously you are not willing
 24 to stipulate to that.
 25 MR. FOX: I don't know what's going to

1 happen at trial. And I think we probably could
 2 give you --
 3 MS. STRONG: Neither do I.
 4 MR. FOX: -- we could give you that kind
 5 of stipulation, but I'm not prepared to give it
 6 now.
 7 MS. STRONG: If you're prepared to give
 8 that kind of stipulation, I would be more than
 9 happy to stop these questions right now.
 10 MR. FOX: I tell you what. Since it's
 11 three to 5:00, we can go another three minutes, and
 12 revisit this in between Session II and Session III.
 13 MS. STRONG: I would be thrilled, if you
 14 would represent to us and stipulate that we will
 15 not have any allegations or any evidence submitted
 16 that there are erasers missing at Crenshaw or that
 17 there are cleaning supplies missing at Crenshaw as
 18 a basis for any of the allegations in this
 19 complaint, I can be fairly confident that we will
 20 not be able to go into this line of questioning
 21 with Delwin right now, so you can look into it and
 22 see.
 23 MR. FOX: That's obvious. But I don't
 24 think we need to spend everyone's time doing an
 25 eraser-by-eraser analysis by deposition.

1 BY MS. STRONG:
 2 Q. I think the last question, Delwin, was
 3 what class -- you said 3rd-period Spanish. What
 4 year was that?
 5 A. 9th-grade year.
 6 Q. And what was the problem with an eraser in
 7 your 9th-grade third-period Spanish?
 8 A. I believe it would get the majority of the
 9 marker off, but other than that, you have to use
 10 another substance or a spray.
 11 (Recess.)
 12 MS. STRONG: Where were we?
 13 (The following text was read by the
 14 reporter):
 15 "Q. So your third-period Spanish.
 16 What year was that?
 17 "A. 9th-grade year.
 18 "Q. And what was the problem with an
 19 eraser in your 9th-grade third-period
 20 Spanish?
 21 "A. I believe it would get the majority.
 22 of the marker off, but other than that,
 23 you have to use another substance or a
 24 spray."
 25 BY MS. STRONG:

1 Q. Delwin, your attorney represented to me
 2 that he'd like to end this deposition now that it's
 3 after 5:00. And I think it would take a good
 4 ten minutes to proceed through the end of this line
 5 of questioning.
 6 Are we going to proceed through this line
 7 of questioning, or are we going to leave at this
 8 time?
 9 A. We're going to leave.
 10 Q. You're not willing to continue testifying
 11 an additional ten minutes to finish this line of
 12 questioning?
 13 A. No.
 14 MS. STRONG: Okay. Based on that, it's --
 15 we've already discussed this off the record, but
 16 it's evident we're going to need at least a third
 17 day, if not longer, to complete this deposition.
 18 And that's something that, you know, we
 19 can't predict, except -- given that I don't know
 20 how Delwin will respond to the remainder of my
 21 questions.
 22 We've agreed to -- the attorneys present
 23 have agreed to contact one another on Monday to try
 24 and determine when the next available date will be
 25 for the continuation of this deposition.

1 I know that I am available next Sunday,
2 June 24th. I believe Chris Fernandes of LAUSD is
3 available June 24th. I believe Ben Fox's schedule
4 is not available with him, so he's not sure.

5 I believe the deponent is available on
6 June 24?

7 THE WITNESS: I'm not sure.

8 MS. STRONG: You already stated that you
9 are not available on the 23rd; is that correct,
10 Delwin?

11 THE WITNESS: Correct.

12 MR. FOX: Again, I've -- I'm sorry to
13 interrupt you, but I have agreed that we're willing
14 to talk about a third day; and we're not going to
15 conclude -- say that the deposition is concluded at
16 the end of today, but we're not going to agree to
17 go on indefinitely as well. So I hope that day
18 three will be our last.

19 MS. STRONG: I hope it will be, too.

20 MR. FERNANDES: I want to make clear for
21 the record what we discussed off the record, about
22 my intention to ask questions at the culmination of
23 the state's questioning. So I think everyone has
24 that understanding. And unless we're going to
25 proceed in some other manner, I don't know what

1 One other matter regarding available dates
2 for the continuation of the deposition. I believe
3 Delwin Lampkin has told me that he will be finished
4 with school on the 26th of June, or that's the last
5 day of his school.

6 THE WITNESS: Around that time.

7 MS. STRONG: Okay. So in addition to the
8 weekend, we may have some days during the week that
9 the deponent may be available to continue with this
10 deposition.

11 As to the closing stipulation: May we
12 stipulate that copies of the documents attached to
13 the deposition may be used as originals. May we
14 stipulate that the original of this deposition can
15 signed under penalty of perjury; that the original
16 be delivered to the office of Morrison & Foerster,
17 attention Ben Fox; that the reporter is relieved of
18 liability for the original of the deposition; that
19 the witness will have 15 days from the date of the
20 court reporter's transmittal letter to Ben Fox at
21 Morrison & Foerster to sign and correct the
22 deposition; and that Ben Fox should notify all
23 parties in writing of any changes in the
24 deposition; and if there are no such changes or
25 signature within that time, that any unsigned and

1 time that will be either, whether it's the end of
2 the third day or the end of the fourth day.

3 MS. STRONG: Nor do you know how long it's
4 going to take to complete your questioning; is that
5 accurate?

6 MR. FERNANDES: At this point I do not
7 know.

8 MR. FOX: Maybe when we reconvene, we can
9 talk about whether you can ask some questions
10 during the next session.

11 MS. STRONG: Well --

12 MR. FERNANDES: However we want to work it
13 out -- I thought it was -- the way it's worked out,
14 I think it's more efficient because she is covering
15 some of the things and I'm crossing things off of
16 my list.

17 However we want to work it out, I wanted
18 to make it clear that that's been my intention and
19 our understanding all along, is that I would wait
20 until the end of the state's questioning, and then
21 I would start asking my questions.

22 MS. STRONG: It's my intention that I will
23 continue with my questions until I'm finished with
24 my questions before allowing the district to
25 proceed.

1 uncorrected copy may be used for all purposes as if
2 signed and corrected.

3 MR. FOX: That's fine. But I didn't think
4 that the deposition transcript was coming to us at
5 the end of today.

6 MS. STRONG: It says from the date the
7 court transmittal letter is received by you.

8 MR. FOX: We are doing the stipulation,
9 although we are agreeing today --

10 MS. STRONG: You do the stipulation with
11 respect to the transcript for each day at the end
12 of the deposition.

13 MR. FOX: Okay.

14 MS. STRONG: Does that sound agreeable to
15 you?

16 MR. FOX: That sounds fine. I thought we
17 would wait until it was concluded.

18 MS. STRONG: We did this with our first
19 day of the deposition, if you recall.

20 MR. FOX: Yes.

21 MS. STRONG: Do you recall that?

22 MR. FERNANDES: Yes.

23 MS. STRONG: Is that agreeable to you?

24 MR. FOX: Fine by me.

25 I'd like an e-mail draft.

1 THE REPORTER: Do you need the condensed?
 2 MR. FOX: Yes.
 3 THE REPORTER: And an ASCII disk?
 4 MR. FOX: Please.
 5 MR. FERNANDES: Same.
 6 (The deposition was recessed at 5:02 P.M.)
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1 I, ASHALA TYLOR, a Certified Shorthand
 2 Reporter for the State of California, do hereby
 3 certify:
 4 That prior to being examined, the witness
 5 named in the foregoing deposition, was by me duly
 6 sworn to testify as to the truth, the whole truth,
 7 and nothing but the truth pursuant to
 8 Section No. 2093 of the Code of Civil Procedure;
 9 That said deposition was taken before me
 10 at the time and place therein set forth, and was
 11 taken down by me in shorthand and thereafter
 12 reduced to typewriting via computer-aided
 13 transcription under my direction;
 14 I further certify that I am neither
 15 counsel for, nor related to, any party to said
 16 action, nor in anywise interested in the outcome
 17 thereof.
 18 IN WITNESS WHEREOF, I have hereunto
 19 subscribed my name this 25th day of
 20 June, 2001.
 21
 22 _____
 23 ASHALA TYLOR
 24 CSR No. 2436, RPR, CRR
 25

DECLARATION

1
 2
 3
 4
 5 I hereby declare I am the deponent in the
 6 within matter; that I have read the foregoing
 7 deposition and know the contents thereof, and I
 8 declare that the same is true of my knowledge,
 9 except as to the matters which are therein stated
 10 upon my information or belief, and as to those
 11 matters, I believe it to be true.
 12 I declare under the penalties of perjury
 13 of the State of California that the foregoing is
 14 true and correct.
 15 Executed on the _____ day of
 16 _____, 2001.
 17 _____, California.
 18
 19
 20
 21
 22 _____
 23 WITNESS
 24
 25