

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

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

vs.) No. 312236

STATE OF CALIFORNIA; DELAINE) VOLUME I
EASTIN, State Superintendent)
of Public Education; STATE)
DEPARTMENT OF EDUCATION;)
STATE BOARD OF EDUCATION,)
Defendants.)

Deposition of LAWRENCE LANE, at
Menlo Park, California, on Friday,
June 1, 2001, commencing at 10:05
A.M., before Theresa A. Darnell,
CSR No. 9966.

1 APPEARANCES OF COUNSEL:
 2
 3 FOR THE PLAINTIFFS:
 4
 5 MORRISON & FOERSTER LLP
 6 BY: LOIS PERRIN, ESQ.
 7 HELENE N. SILVERBERG, ESQ.
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 9 San Francisco, California 94105-2482
 10 (415) 268-7415
 11
 12 FOR DEFENDANT STATE OF CALIFORNIA:
 13
 14 O'MELVENY & MYERS LLP
 15 BY: STEVEN LaCOMBE, ESQ.
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 17 Los Angeles, California 90071-2899
 18 (213) 430-6000
 19
 20
 21
 22
 23
 24
 25

1 LAWRENCE T. LANE,
 2 the witness, having been administered an oath
 3 in accordance with CCP Section 2094, testified
 4 as follows:
 5
 6 EXAMINATION
 7 BY MR. LaCOMBE:
 8 Q Would you please state and spell your full name
 9 for the record.
 10 A My name is Lawrence T. Lane, L-a-w-r-e-n-c-e,
 11 T. Lane, L-a-n-e.
 12 Q Does T stand for anything?
 13 A Townsend, T-o-w-n-s-e-n-d.
 14 Q What is your home address?
 15 A [REDACTED]
 16 [REDACTED]
 17 Q Thank you. Mr. Lane, my name is Steven
 18 LaCombe. I represent the State of California in the
 19 matter entitled Williams v. State of California which is
 20 pending in the Superior Court of the State of California
 21 for the County of Menlo Park. The complaint in that
 22 case makes certain allegations regarding Watsonville
 23 High School. I'm here today to take your deposition and
 24 will ask you certain questions related to some of the
 25 allegations in the complaint.

1 APPEARANCES OF COUNSEL (CONTINUED)
 2
 3 FOR DEFENDANT PAJARO VALLEY SCHOOL DISTRICT:
 4
 5 LOZANO SMITH
 6 BY: SARAH LEVITAN KAATZ, ESQ.
 7 20 Ragsdale Drive
 8 Suite 201
 9 Monterey, California 93940-5758
 10 (831) 646-1501
 11
 12 FOR DEFENDANTS DELAINE EASTIN,
 13 STATE BOARD OF EDUCATION AND
 14 STATE DEPARTMENT OF EDUCATION:
 15
 16 STATE OF CALIFORNIA
 17 OFFICE OF THE ATTORNEY GENERAL
 18 (Not Present At Deposition)
 19 1300 I Street
 20 Suite 11011
 21 Sacramento, California 94244-2550
 22 (916) 324-2500
 23
 24
 25

1 Have you ever had your deposition taken before?
 2 A Not in this case.
 3 Q In other cases, have you had a deposition?
 4 A Yes.
 5 Q Okay. With regard to what litigation or
 6 proceeding?
 7 A It was a case involving a man named Gail Craig,
 8 a photographer who sued the Pajaro Valley Unified School
 9 District regarding a yearbook photography contract.
 10 Q When was that?
 11 A '74, '75.
 12 Q Okay. It's been a while then. You may need
 13 a refresher. Okay, is that the only time you've had
 14 your deposition taken?
 15 A Yes.
 16 Q Let me briefly explain what we will be doing
 17 here today. I'm going to ask you a series of questions
 18 to determine the facts you know of that relate to this
 19 lawsuit. Our reporter here will be recording my
 20 questions and your answers which will be transcribed
 21 into a booklet for your review and signature. When you
 22 receive the booklet you can make any changes that you
 23 feel are necessary. However, the various lawyers in
 24 this case will be free to comment on any changes that
 25 you make at trial or at any hearing or proceeding in

1 this case. Do you understand that?
 2 A Yes.
 3 Q So again it is very important that you respond
 4 to these questions as fully and fairly as you possibly
 5 can. Do you understand that?
 6 A Yes.
 7 Q When you answer my questions, it is important
 8 that you verbalize your answers because nods or shakes
 9 of your head cannot be recorded by the court reporter.
 10 Do you understand that?
 11 A Yes.
 12 Q Also it's hard for the reporter to get a clear
 13 record of all of the testimony when more than one person
 14 is speaking at once. Please allow me to finish my
 15 question before answering and I will, in turn, allow to
 16 you finish your answer before asking you another
 17 question. Do you understand that?
 18 A Yes.
 19 Q It's important that you listen carefully to the
 20 question that I ask. If you do not understand a
 21 question, let me know and if appropriate I will make an
 22 effort to rephrase it. If you answer a question, we
 23 will presume that you have understood the question that
 24 I asked. Do you understand that?
 25 A Yes.

1 Q You are required to answer my questions to the
 2 best of your ability. If you do not know the answer, we
 3 do not want you to guess, however we are entitled to
 4 your best estimate where you can provide one.
 5 Because your testimony will be given under
 6 oath, it will have the same force and effect as if you
 7 were testifying in a court of law. You are therefore
 8 subject to all of the penalties of perjury for giving
 9 false testimony. So even though we're in an informal
 10 setting here today, you're testifying as if you were in
 11 a formal courtroom setting. Do you understand that?
 12 A Yes.
 13 Q If you need a break for any reason, please let
 14 me know and I will instruct the court reporter that we
 15 are off the record and we will take a break.
 16 If at any point during today's deposition a
 17 question I ask or an answer you are giving triggers your
 18 memory concerning something we talked about earlier in
 19 the deposition, please tell me that information and
 20 we'll get it on the record. If you do not, we will
 21 assume that your answers you give today are full and
 22 complete. Do you understand these ground rules?
 23 A Yes.
 24 Q Okay. Do you have any questions?
 25 A No.

1 Q Mr. Lane, have you recently consumed any
 2 medication, alcohol or any other substance that clouds
 3 your mind and would interfere with your ability to
 4 understand or answer my questions?
 5 A No, but I do take medication because I'm a
 6 heart attack patient.
 7 Q Okay. What medication do you take?
 8 MS. KAATZ: Objection. You only have to answer
 9 that if you wish to and if it would cloud your judgment.
 10 Otherwise you don't have to have that on the record.
 11 THE WITNESS: I don't think it clouds my judgment.
 12 BY MR. LaCOMBE:
 13 Q Okay. Does it affect your ability to think
 14 clearly?
 15 A No.
 16 Q Do you think you will be able to understand and
 17 answer my questions truthfully and accurately?
 18 A Yes.
 19 Q Do you suffer from a disability of any kind?
 20 A No.
 21 Q Is there any other reason why you may be unable
 22 to testify and give your best testimony today?
 23 A No.
 24 Q Mr. Lane, please describe your educational
 25 background.

1 A I have a bachelor's in geography, a master's in
 2 educational technology. I have a life credential in
 3 history, geography and economics. I hold an
 4 administrative credential, or Tier 1 as some people call
 5 it. I have a SDAIE, which is an acronym, SDAIE, which
 6 is Specifically Designed Academic Instruction in
 7 English. I hold a certificate in SDAIE. And I've had
 8 better than 75 units past my bachelor's in post-graduate
 9 work.
 10 Q Post-graduate that's beyond the master's
 11 degree?
 12 A No, beyond my bachelor's.
 13 Q You do have a master's degree though?
 14 A Correct.
 15 Q Remind me, what was that in?
 16 A Educational technology.
 17 Q Are you working towards a clear administrative
 18 credential?
 19 A I haven't enrolled yet, but I'm going to in the
 20 fall in San Jose State.
 21 Q When did you graduate from undergraduate?
 22 A Bachelor's in '65.
 23 Q And you may have already mentioned it but what
 24 university was that?
 25 A Long Beach State.

1 Q And where was the graduate school?
 2 A Long Beach school for my master's, San Jose
 3 State for my administrative.
 4 Q And when did you receive your master's degree?
 5 A '70.
 6 Q Are there any other schools you've attended
 7 after high school?
 8 A Yes, I've taken courses at U.C.S.C., U.C.L.A.,
 9 San Francisco State.
 10 Q Okay. And what courses were those in?
 11 A I think that's the extent of it. More
 12 economics work at U.C.L.A., curriculum work at San
 13 Francisco State and general interest in educational
 14 stuff at U.C.S.C.
 15 Q But you did not receive any degree from any of
 16 those institutions?
 17 A No.
 18 Q Do you have any other credentials besides your
 19 life credential in history, geography, economics and
 20 your preliminary credential in administrative?
 21 A No, other than the SDAIE certificate, but
 22 that's not a credential.
 23 Q When did you receive your life credential in
 24 history?
 25 A '67.

1 Q What about geography, same thing?
 2 A As far as my bachelor's degree in --
 3 Q Your credential?
 4 A Well, I got my credential in '67 when I applied
 5 for it, and it reads history and geography. The
 6 economics authorization, I'm going to guess '87.
 7 Q Okay. Please don't guess. Is that an
 8 estimate of --
 9 A It's either '87 or '88. I'm not sure of the
 10 date that's on the actual document from Sacramento.
 11 Q Okay. And when did you receive your
 12 preliminary administrative credential?
 13 A '01.
 14 Q Is that 2001?
 15 A Yes.
 16 Q What is your current job title?
 17 A Assistant Principal Curriculum and Instruction
 18 at Watsonville High School.
 19 Q Are there any other assistant principals at
 20 Watsonville High School?
 21 A There are four others.
 22 Q Are their job responsibilities different from
 23 yours?
 24 A Yes, in title. There's obviously some overlap
 25 for all of us.

1 Q When did you start working as an assistant
 2 principal of curriculum and instruction at Watsonville
 3 High School?
 4 A I've served two sessions at that position, if
 5 you will. The current one, which is, if you will,
 6 official. The other time was in the early '90s, the
 7 school year '91-'92, '93-'94 when I was an acting
 8 assistant principal. I had done my course work but had
 9 not applied for the credential. One of the assistant
 10 principals left. The school needed additional
 11 administrative help and they asked if I would take that
 12 position, which I said yes, and did it for two years,
 13 two and a half, and then returned to the classroom by my
 14 own choice.
 15 Q What was the date when you returned to the
 16 classroom?
 17 A My best estimate is September of '94.
 18 Q And that began in the beginning of the '91
 19 school year; is that correct?
 20 A Mid-year.
 21 Q Do you know about what month it would have
 22 been?
 23 A December, January. At the change of the
 24 semester.
 25 Q And when did you become officially assistant

1 principal of curriculum and instruction?
 2 A Well, July 1 of 2001.
 3 MS. KAATZ: 2000?
 4 THE WITNESS: This school year. Excuse me, July
 5 of 2000.
 6 BY MR. LaCOMBE:
 7 Q Please describe your responsibilities as
 8 assistant principal of curriculum and instruction at
 9 Watsonville High School.
 10 A Specifically I am in charge, if you will, of
 11 seeing that all of the courses that we offer at
 12 Watsonville High School have appropriate course
 13 descriptions that meet the curriculum that the State
 14 requires or suggests in framework and standards, and
 15 facilitate the development of new courses; facilitate
 16 the refining of existing courses through things like
 17 curriculum mapping; facilitate teachers attending
 18 conferences and workshops to improve their teaching
 19 skills and/or contentability; learning new skills,
 20 application of technology in the classroom in assisting
 21 students. I am directly responsible for textbooks. I
 22 am responsible for the academic awards; responsible for
 23 graduation; discipline to a point, in that I deal
 24 specifically with seniors, which is a shared
 25 responsibility, and an occasional lower classman if the

1 other two assistant principals in student services are
2 so overloaded they need help. And other duties as asked
3 to do by the principal.

4 Q Is it part of your responsibilities to insure
5 that there are a sufficient number of bathrooms
6 available to the students at Watsonville High?

7 A No.

8 Q Is or are there any official or officials at
9 Watsonville High responsible for insuring that there are
10 a sufficient number of bathrooms open and available to
11 the students, if you know?

12 A We have an assistant principal that has the
13 general responsibility of facilities, but the focus of
14 that is figuring out where we're going to put additional
15 portables due to rapid growth of our school and the fact
16 that our district is in the process of trying to attempt
17 to build a third high school, and due to our increasing
18 enrollment, it's a function of where are new portables
19 going to go in relation to the fact that our school is
20 also going under a renovation process, so some rooms are
21 closed while they're being renovated, and to have the
22 students go to the temporary buildings, or the
23 relocatables as they like to call them.

24 Q Which assistant principal are you speaking of?

25 A Tom Hiltz.

1 A It's his responsibility to see that they are
2 open if they are usable.

3 Q Okay. Is there any other officials to your
4 knowledge who are responsible for insuring the bathrooms
5 are open and available to students?

6 A The head custodian.

7 Q Other than the head custodian and Tom Hiltz,
8 are there any other officials that you know of at
9 Watsonville High School that are responsible for
10 insuring that bathrooms are open and available to
11 students?

12 MS. PERRIN: When you're referring to officials, I
13 assume you're referring to school employees?

14 MR. LaCOMBE: School employees, yes.

15 THE WITNESS: Ultimately the principal.

16 BY MR. LaCOMBE:

17 Q Is that everyone?

18 A Yes.

19 Q Is it part of your responsibilities to insure
20 that there is a seat and desk for every student in the
21 classes?

22 A By contract, our classes are limited to 34 to
23 one.

24 Q At this point my questions are designed to just
25 understand, you know, who is responsible for overseeing

1 Q What is his title in full?

2 A Assistant principal of categorical programs.

3 Q Does Tom Hiltz -- is it part of his
4 responsibility to insure that there are a sufficient
5 number of bathrooms?

6 MS. KAATZ: Objection, personal knowledge.

7 MS. PERRIN: I join that.

8 MS. KAATZ: I objected as to your personal
9 knowledge, but you can answer if you know what his
10 responsibilities are.

11 THE WITNESS: I don't know that Tom's -- say the
12 question again, please.

13 BY MR. LaCOMBE:

14 Q Okay. If you know, is it part of Tom Hiltz'
15 responsibilities to insure that there are a sufficient
16 number of bathrooms open and available to students?

17 A The only reason that we would close a bathroom
18 is because it has either been --

19 MS. KAATZ: Objection. This is nonresponsive, and
20 I would move to strike that answer.

21 Can you ask a question?

22 MR. LaCOMBE: Yeah.

23 Q To your knowledge, is it part of Tom Hiltz'
24 responsibilities to insure that there are a sufficient
25 number of bathrooms open and available to the students?

1 these conditions, if anyone, at the high school. Is it
2 part of your responsibilities to insure that there is a
3 seat and a desk for every student?

4 A More than likely that would be Tom again as a
5 facilities person.

6 Q Do you have any factual reasons to know that
7 it's part of Tom Hiltz' responsibilities to insure that
8 every student has a seat and desk in their classes?

9 A Tom would be the one directly responsible and
10 that's going to hear "There are not enough desks in my
11 room."

12 Q Who would he hear that from?

13 A Teachers --

14 MS. KAATZ: Objection, personal knowledge.

15 MS. PERRIN: Join.

16 BY MR. LaCOMBE:

17 Q You said from teachers?

18 A If there are not enough desks in the room, the
19 teacher's going to be the first one to know it and
20 they're going to tell anybody that will listen. Tom is
21 the one that's going to be responsible to see if for
22 some reason desks have been moved out, they're going to
23 get back into this room.

24 Q To your knowledge is there any other person at
25 Watsonville High School responsible for insuring that

1 there is a seat and desk for every student in the
 2 classes?
 3 A The head custodian eventually will get the
 4 desks into the room, he or his staff.
 5 Q And anybody else?
 6 A Custodial staff would be, you know, under
 7 Vince's direction.
 8 Q Vince is the head custodian?
 9 A Yes.
 10 Q And his full name?
 11 A Vince, Cendejas, C-e-n-d-e-j-a-s.
 12 Q Is it part of your responsibilities to insure
 13 that there is not disruptive noise during school hours?
 14 MS. PERRIN: Objection, vague as to "disruptive
 15 noise."
 16 BY MR. LaCOMBE:
 17 Q Do you understand the question?
 18 A I think so. It's everyone's responsibility to
 19 see there's not excessive noise.
 20 Q Is it part of your responsibilities then to
 21 insure that there's not disruptive noise during school
 22 hours?
 23 A Yeah. If I see students being disruptive, I
 24 will tell them to, one, please quiet down, ask them
 25 where they're supposed to be and see that they do what

1 they're supposed to be doing.
 2 Q You mentioned before that you have direct
 3 responsibilities over textbooks.
 4 A Uh-huh.
 5 Q What kind of responsibilities do you have over
 6 textbooks?
 7 A Seeing that the textbooks are distributed to
 8 the students, if that's what needs to be done; see that
 9 they are -- we have sufficient numbers; see that new
 10 textbooks that we would like to purchase are sent to the
 11 governing boards for approval, see that they are
 12 ordered, see that they get to the bookroom so they can
 13 be inventoried and have a bar code put in them for
 14 distribution purposes to the students.
 15 Q When you mentioned putting a bar code in the
 16 book, you're talking about new books, or are these
 17 existing books or other?
 18 MS. KAATZ: Objection, compound.
 19 THE WITNESS: Any new textbook that we get gets a
 20 bar code put in it.
 21 BY MR. LaCOMBE:
 22 Q What is the bar coding for?
 23 A When a student is issued a book, they give the
 24 bookroom person their student number. They scan the bar
 25 code and then that book is checked out to that student

1 and they are responsible for it.
 2 Q What do you do in your job, if anything, that
 3 gives you firsthand knowledge about the availability of
 4 textbooks at Watsonville High School?
 5 A I meet with Kathy, the bookroom lady, to find
 6 out the current inventory of a particular title. Then
 7 meet with department chairpersons and/or guidance people
 8 to find out the student population of that course that
 9 they're going to use that book title, see if there's a
 10 sufficient number, and if there isn't see that we find
 11 replacements so there are enough books for each student
 12 if that's the appropriate thing to do. I mean, we don't
 13 have hundreds of copies of Julius Caesar because not
 14 everybody reads Julius Caesar all at once, as an
 15 example.
 16 Q Right. Kathy, the bookroom lady, what is her
 17 full name?
 18 A Alasandre, Kathy Alasandre.
 19 Q Do you know what her official title is if she
 20 has one?
 21 A I believe it's bookroom clerk.
 22 Q How often do you meet with Kathy Alasandre?
 23 MS. KAATZ: Objection to meet. Answer if you
 24 can. Vague as to meet.
 25 THE WITNESS: We're in contact two to three times a

1 week.
 2 BY MR. LaCOMBE:
 3 Q How are you in contact?
 4 A Could be casual conversation about how are
 5 things going in the bookroom, do you see any obvious
 6 shortages coming up, do we have more kids enrolled in a
 7 course than estimates indicated and do -- are we running
 8 low in inventory on a particular title; discuss number
 9 of books not returned; discuss storage facilities;
 10 discuss which books are going to be declared obsolete
 11 and subsequently given away or disposed of.
 12 Q Besides these casual conversations, is there
 13 any other form of contact that you have with Kathy
 14 Alasandre?
 15 A There are times when we sit down and do very
 16 specific tasks like I mentioned regarding the math
 17 issues, the mathematics of how many books do we have,
 18 how many do we need, where's the shortfall, if there is
 19 one, and the cost; the turnaround time from order to
 20 delivery and what have you so we're on target as best as
 21 possible.
 22 Q And these sit-down meetings, do they occur on a
 23 regular basis?
 24 MS. KAATZ: Objection, vague as to sit-down
 25 meeting.

1 BY MR. LaCOMBE:

2 Q Do you understand the question?

3 A Yeah, regular, no. It's on a -- obviously
4 there are more at the start at the year and more at the
5 semester and at the end of the year, but they're on an
6 as-needed basis.

7 Q Okay. And do you have any other forms of
8 contact with Kathy Alasandre besides the casual
9 conversations and the sit-down meetings?

10 A I am her supervisor, so I sit down and go over
11 the standards that are expected of someone in her job
12 position, do her evaluation.

13 Q Are those conducted in person?

14 A Oh, yes.

15 Q Any other forms of contact with Kathy
16 Alasandre?

17 A Purely business.

18 Q Okay. How often do you meet with the
19 department chairperson or chairpersons?

20 MS. KAATZ: Objection, compound as they are
21 different chairpersons. But you can take them one at a
22 time if you can.

23 THE WITNESS: Okay. There are two cabinet meetings
24 a month in most months, the second and fourth
25 Wednesdays. All department chairpeople and

1 communication. If a teacher, if you will, doesn't have
2 enough textbooks, then they're going to let Kathy know
3 that they need to send kids to the bookrooms to get more
4 books, additional copies.

5 Q Is it part of your responsibilities to insure
6 that the textbooks that are provided to the students are
7 up to date?

8 MS. PERRIN: Objection, vague as to up to date.

9 BY MR. LaCOMBE:

10 Q Do you understand the question?

11 MS. KAATZ: I join in that objection. Answer if
12 you can.

13 THE WITNESS: Yeah, we have a textbook purchasing
14 cycle, so books are purchased basically on a seven-year
15 rotation, not counting new courses, which obviously
16 don't necessarily fall into that seven-year cycle.

17 BY MR. LaCOMBE:

18 Q Is it part of your responsibilities to order
19 new textbooks?

20 A It's part of my responsibility to see that they
21 are ordered.

22 Q Who does order new textbooks?

23 A Kathy Alasandre will type the purchase order,
24 or my secretary, Marisa Ancira, M-a-r-i-s-a,
25 A-n-c-i-r-a. She's also known as Marisa

1 administration meet in what's called the cabinet; meet
2 with them in that setting. And then I meet with them
3 individually for subject specific issues.

4 BY MR. LaCOMBE:

5 Q How many department chairpersons are there?

6 A I'd estimate 13 without trying to write
7 everybody's name down.

8 Q Does each department chair hold a -- two
9 cabinet meetings a month?

10 A No. There is a cabinet meeting twice a month.
11 The department chairpeople attend that meeting.

12 Q All of the department chairs attend the cabinet
13 meeting?

14 A They're supposed to.

15 Q And how often do you meet individually with the
16 department chairs for the subject specific discussions?

17 A On an as-needed basis.

18 Q Do you have an estimate for how often that
19 would occur?

20 A Not really.

21 Q Okay. Are there any ways that you determine
22 whether or not there are sufficient numbers of books in
23 the classrooms other than talking with Kathy Alasandre
24 or the department chairpersons?

25 A No. Those would be the official lines of

1 Hernandez-Ancira. They're the ones that type the
2 purchase orders, and based on my knowledge of what needs
3 to be ordered, after I review those, I sign them and
4 send them on to the principal to be signed.

5 Q What do you look for when you review the
6 purchase orders?

7 A One, see if they're accurate; see if they
8 reflect what we need based on my knowledge of the course
9 demands, the appropriate number of text we need to
10 order; see that the math is done right; see that any
11 materials that were offered for free along with the
12 purchase of the textbooks are included on the purchase
13 order. Textbook publishing companies offer a lot of
14 gratis things when we buy a particular book, and I want
15 to make sure those are specified on the PO so we have a
16 paper trail that there is something included in the
17 deal.

18 Q Is it part of your responsibilities to insure
19 that the textbooks that the school produces to the
20 school children are in a good, quality condition?

21 MS. KAATZ: Objection, to good and quality.

22 MS. PERRIN: And objection as to produces.

23 MS. KAATZ: I'll join in that.

24 You can answer the question.

25 MR. LaCOMBE: Do you want it repeated?

1 THE WITNESS: I think I know the thrust of the
2 question.
3 Kathy Alasandre, the bookroom clerk,
4 specifically inspects each book once it's been returned
5 and checks to see that it is, if you will, complete and
6 in good repair. If it's damaged, like a broken back or
7 something, if it's fixable, she will fix it. If it's
8 got a lot of graffiti put in it, she will attempt to
9 white it out. If there are pages missing, then the book
10 is taken out of circulation.
11 MS. KAATZ: Can we go off record for one moment?
12 MR. LaCOMBE: Sure.
13 (Witness and counsel confer.)
14 BY MR. LaCOMBE:
15 Q Mr. Lane, is it one of your responsibilities to
16 determine which textbooks to order?
17 A No.
18 Q If you know, whose responsibility is it at the
19 school to determine which textbooks to order?
20 A The departments along with the department
21 chairperson determine which ones to order.
22 Q When you say "the departments," who are you
23 referring to?
24 A The science department determines the book
25 titles that they would like to use, as is true with

1 English and social studies, et cetera.
2 Q These are the teachers?
3 A Teachers are involved in textbook decisions
4 along with their department chairperson.
5 Q Does the department consist of anybody other
6 than teachers and the department chairperson?
7 A No.
8 Q Do you review at all the department's decisions
9 as to which textbooks to order?
10 A No.
11 Q Is it part of your responsibilities to
12 determine how many of each textbook to order?
13 A Working with the department chairperson, yes.
14 Q And when you say "working with the department
15 chairperson," is that part of the cabinet meetings --
16 are you referring to the cabinet meetings that we
17 discussed earlier?
18 A We don't discuss specific textbook issues and
19 how many to order at cabinet. That would be the
20 department chairperson and myself sitting down.
21 Q Okay. Is it part of your responsibilities to
22 determine if there are specific numbers of instructional
23 materials other than textbooks in the classrooms?
24 MS. KAATZ: Objection, vague as to the
25 instructional materials, but answer if you can.

1 THE WITNESS: Well, my version of instructional
2 materials, I would not be responsible for that. That's
3 the teacher's determination.
4 BY MR. LaCOMBE.
5 Q Okay. What is your version of instructional
6 materials?
7 A Well, let's say that the teacher wants the kids
8 to read a newspaper article. The teacher could have a
9 copy of the newspaper and read it orally and have the
10 students react, respond. The teacher could do a cut and
11 paste of the article, Xerox 35 copies, distribute it,
12 have them read it. That would be an example.
13 Q Is it part of your responsibilities to
14 determine whether or not there are sufficient numbers of
15 supplementary text in the classrooms for the students'
16 use?
17 MS. KAATZ: Objection, vague as to the
18 supplementary.
19 MS. PERRIN: Join.
20 BY MR. LaCOMBE:
21 Q Do you understand the question?
22 A I think I understand the thrust of the
23 question. If it's a supplemental material that is not
24 part of -- something that the teacher brought in or has
25 with them as part of their instructional supplies, I

1 would not be in charge of it, I think is the word you
2 used.
3 Q Okay. Is there, or are there any other
4 official or officials besides yourself at Watsonville
5 High School responsible for assuring that there are
6 sufficient numbers of textbooks?
7 A The primary responsibility would rest with me.
8 The principal, obviously, is my supervisor.
9 Q Anybody besides you and the principal?
10 A Not -- no.
11 Q And is there any other official or officials
12 besides yourself at Watsonville High School responsible
13 for assuring that the school orders up-to-date
14 textbooks?
15 MS. KAATZ: Objection, vague as to up-to-date. I
16 think that she'll join.
17 MS. PERRIN: I will.
18 THE WITNESS: Whenever a department is ready --
19 it's their turn to purchase, they will determine what is
20 the best text for that course. Generally speaking, it
21 would be the most recent edition. The copyright date
22 might not be 2001.
23 BY MR. LaCOMBE:
24 Q Fair enough. Have you ever held any
25 administrative job other than assistant principal of

1 curriculum and instruction at Watsonville High School?
 2 MS. KAATZ: Objection, vague as to administrative.
 3 THE WITNESS: Yeah, that's -- I was the department
 4 chairperson of social studies for 17 years, but that is
 5 not an administrative position.
 6 BY MR. LaCOMBE:
 7 Q What kind of a position is that?
 8 A Elected by the department members.
 9 Q Is that an instructional position?
 10 MS. KAATZ: Objection, vague as to instructional.
 11 THE WITNESS: Department chairpeople are teachers
 12 that teach five periods a day.
 13 BY MR. LaCOMBE:
 14 Q Okay. Besides the department chair of social
 15 studies, is there any other administrative job that
 16 you've held at Watsonville High School other than
 17 assistant principal of curriculum and instruction?
 18 A They were -- no. No, they're not
 19 administrative positions.
 20 Q And what were the dates that you served as
 21 department chair of social studies?
 22 A To the best of my recollection the first term
 23 was September of '76 to probably mid year of '93.
 24 Without doing it all on paper, I'm not sure. That's
 25 when I became the acting assistant principal. Then

1 probably '97 to 2000 would be my second stint.
 2 Q As the department chair?
 3 A Yes, as department chair.
 4 Q What were your responsibilities as department
 5 chair?
 6 A Hold department meetings; see that simple
 7 instructional supplies were available like scissors,
 8 tape, paper; see that departmental materials were
 9 ordered in timely manner; be the voice of the department
 10 at cabinet. That's the basic idea.
 11 Q What was your reason for ceasing to be
 12 department chair in mid year of '93?
 13 A That's when I left the acting assistant
 14 principal's role. I returned to the department and the
 15 department asked me if I would be the department
 16 chairman again and I said I would be willing to do it.
 17 Q Have you ever held any administrative position
 18 at any school other than Watsonville High School?
 19 A No.
 20 Q Have you ever worked as a teacher?
 21 A Yes.
 22 Q Was that at Watsonville High School?
 23 A Yes.
 24 Q Any schools other than Watsonville High School,
 25 have you served as a teacher?

1 A Other than student teaching, no.
 2 Q When were you a teacher at Watsonville High
 3 School?
 4 A From 1967 to the present, not counting those
 5 little windows that we previously discussed.
 6 Q Which windows are you referring to?
 7 A The acting assistant principalship, the spring
 8 semester of '97 I was out on a medical leave due to my
 9 bypass surgery, and I was on loan to the district office
 10 for a quarter to be the desegregation coordinator to
 11 help open two magnet schools.
 12 Q When was that?
 13 A The early '80s is the best I can do on that
 14 one.
 15 Q You said you were a teacher through the current
 16 year?
 17 A Well, up until June of 2000.
 18 Q Just to be clear, you're not serving as a
 19 teacher --
 20 A Correct, I am not.
 21 Q What grade levels did you teach?
 22 A Throughout my teaching career?
 23 Q Yes.
 24 A I have taught predominantly 10 through 12, 12th
 25 graders, 10 through 12th graders and the last part of my

1 teaching career was exclusively seniors.
 2 Q When you say last part, what do you mean?
 3 A Probably '87 to June of 2000 I taught economics
 4 which is a senior requirement for graduation. It's a
 5 requirement for graduation generally taken by seniors.
 6 Q Did you teach any courses other than economics?
 7 A Not in the past 10 years, 10 or 12 years.
 8 Q Did you teach courses other than economics
 9 previously?
 10 A Yes.
 11 MS. KAATZ: Objection, vague as to previously.
 12 BY MR. LaCOMBE:
 13 Q I mean previously to the past ten or 12 years?
 14 A Yes.
 15 Q Which courses were those?
 16 A Cartography, local government, geography, the
 17 yearbook class, California history. That's all I
 18 remember at the current time. There might have been
 19 some other course titles, but I don't remember what they
 20 are.
 21 Q How many different classes of economics were
 22 you teaching in the -- if there was more than one?
 23 MS. KAATZ: Objection, vague as to different
 24 classes.
 25 MS. PERRIN: I join.

1 BY MR. LaCOMBE:
 2 Q Do you understand the question?
 3 A There's one course in geography -- excuse me,
 4 economics, I'm sorry. One course in economics. It's a
 5 semester course.
 6 Q Is there more than one period of economics
 7 at --
 8 A I taught economics all day, five times a day.
 9 Q Thank you. What was your reason for ceasing to
 10 teach?
 11 A Seeking to teach?
 12 Q What was your reason for stopping teaching?
 13 A This year?
 14 Q Yes.
 15 A I was asked to apply for the assistant
 16 principal's position.
 17 MS. KAATZ: Steve, would this be a good time for a
 18 break?
 19 MR. LaCOMBE: That sounds good.
 20 (Recess.)
 21 BY MR. LaCOMBE:
 22 Q What county is Watsonville High School in?
 23 A Santa Cruz.
 24 Q What school district?
 25 A Pajaro Valley Unified School District.

1 Q Who is the current principal at Watsonville
 2 High School?
 3 A Mr. Jose Bonda.
 4 Q Do you know how long he's been principal of
 5 Watsonville High School?
 6 A Three or four years.
 7 Q Okay.
 8 MS. KAATZ: Can I interject for a minute. I don't
 9 think that we made our appearances on the record. Does
 10 anybody remember?
 11 Do we need to do that?
 12 MR. LaCOMBE: I don't think so. It will be
 13 reflected I think.
 14 MS. PERRIN: I believe that you were here.
 15 BY MR. LaCOMBE:
 16 Q Between the dates of mid year 1993 when you
 17 ceased to be acting assistant principal and your current
 18 position -- your current tenure as assistant principal
 19 of curriculum and instruction, were there any other
 20 persons who held your current position?
 21 A Yes.
 22 Q Who were they?
 23 A One lady's name is Debbie Zender and the next
 24 person was Tomasita ViaReal-Carmen.
 25 Q Besides those two individuals, were there any

1 other persons who held the position of assistant
 2 principal of curriculum and instruction between those
 3 two dates?
 4 A I think those are the two.
 5 Q Okay. What were the dates, if you know, of
 6 Debbie Zender's tenure as assistant principal of
 7 curriculum and instruction?
 8 A I would guess '93 to '98.
 9 Q Was there any overlap between the time that you
 10 were acting assistant principal of curriculum and
 11 instruction and the time when she became assistant
 12 principal of curriculum and instruction?
 13 A No. I left and she entered.
 14 Q Okay. At the same time?
 15 A For that particular job is the question, right?
 16 Q Yes.
 17 A No. I said, "I'm going back to the classroom."
 18 They asked her to do the job. She was an AP at the
 19 school at the time.
 20 Q Okay. And do you know the dates when Tomasita
 21 ViaReal-Carmen served as assistant principal of
 22 curriculum and instruction?
 23 A I know for sure it was last year. I think it
 24 included the year before.
 25 Q Do you know what the total student enrollment

1 is at Watsonville High School?
 2 A Currently it's 3,200 plus.
 3 Q Does that include special day students?
 4 MS. KAATZ: Objection, vague as to special day
 5 students.
 6 THE WITNESS: I mean without specifically going to
 7 the computer I can't tell you the exact enrollment.
 8 It's 3,200 to 3,300, but yeah, that's the number of kids
 9 on our campus.
 10 BY MR. LaCOMBE:
 11 Q And that's currently, as of this time?
 12 A Yes.
 13 Q Has that changed over the course of the school
 14 year?
 15 A It's declined a little. We were probably 3,300
 16 plus last September.
 17 Q What grade levels are taught at Watsonville
 18 High School?
 19 A Nine through 12.
 20 Q Is Watsonville High School on a multi-track
 21 system?
 22 A No.
 23 Q Is it a year-round school?
 24 A No.
 25 Q Is there a library at Watsonville High School?

- 1 A Yes.
- 2 Q How many books are there at the library, if you
3 know?
- 4 A I have no idea the total number of volumes.
- 5 Q Are there any textbooks at the library at
6 Watsonville High School, if you know?
- 7 A Yes.
- 8 Q Which textbooks do they have at the library?
- 9 A This year we have copies of the World Civ book,
10 the U.S. history book, the federal government book and
11 the econ text.
- 12 Q Are there any other textbooks that are
13 available at the library?
- 14 A There might be, but I wouldn't know the
15 specific titles.
- 16 Q Do you know how many copies of each of those
17 four textbooks are available at the library?
- 18 A I've asked that there be 40 of each copy
19 available.
- 20 Q Who did you ask?
- 21 A Kathy Alasandre, to take them from the bookroom
22 to the library.
- 23 Q Are students allowed to check those textbooks
24 out, if you know?
- 25 A Yes.

- 1 Q The textbooks that you refer to, the World
2 Civilization textbooks, the history and economics
3 textbooks, are those the textbooks that are currently
4 being used in classrooms?
- 5 A Yes.
- 6 Q What materials or other resources are there
7 besides books at the library in Watsonville High School,
8 if you know?
- 9 MS. KAATZ: Objection, vague to materials and other
10 resources.
- 11 MS. PERRIN: Join.
- 12 BY MR. LaCOMBE:
- 13 Q Do you understand the question?
- 14 A There are books in the stacks for general
15 circulation, novels, nonfiction works, biography,
16 typical high school library; there are computers for
17 students to use; there are books on reserve; there are
18 some magazines that students can check out; there are
19 videotapes that teachers and students can check out;
20 there's a copy machine available, and the typical
21 library reference works, dictionaries, atlases,
22 encyclopedias, almanacs.
- 23 Q Anything else?
- 24 A That's basically it as far as materials.
- 25 Q How many computers are at the library for

- 1 student use?
- 2 A I would estimate there are 40.
- 3 Q Is there Internet access on those terminals?
- 4 A Yes.
- 5 Q Is there a textbook storage room at Watsonville
6 High School?
- 7 A Yes.
- 8 Q What kind of textbooks are stored in the
9 storage room, if you know?
- 10 A All of the textbooks when they're not in use.
- 11 Q Okay. Are those textbooks in the textbook
12 storage room available for checkout, if you know?
- 13 A Yes.
- 14 Q How would a student check out a textbook from
15 the textbook storage room?
- 16 A Go to the room, give his student identification
17 number and they would scan it and issue it to the
18 student, that's if the student had not been issued a
19 book for that course.
- 20 Q When you say that a textbook not being issued,
21 do you mean a textbook not issued --
- 22 A Let's say the student was absent the day the
23 class went to get their textbooks, so the class was
24 doing what they need to do. Kid returns from an
25 absence, the teacher will tell the kid, "You need to get

- 1 your book, we got them yesterday." So the student can
2 go at lunch, before school, after school, between
3 periods, to get a textbook.
- 4 Q Do you know who Manuel Ortiz is?
- 5 A No.
- 6 Q Do you know who Ann Padilla is?
- 7 A Yes.
- 8 Q Have you ever met Ann Padilla?
- 9 A Yes.
- 10 Q How many times?
- 11 A 90 days. I had her in class for a semester.
- 12 Q She was a student in a class of yours?
- 13 A Yes.
- 14 Q Which class was that?
- 15 A Economics.
- 16 Q Did you ever discuss this lawsuit with Ann
17 Padilla?
- 18 A No.
- 19 Q Have you ever discussed the availability of
20 textbooks at Watsonville High School with Ann Padilla?
- 21 A No.
- 22 Q Did you ever discuss the conditions of
23 textbooks at Watsonville High School with Ann Padilla?
- 24 MS. KAATZ: Objection, vague as to the conditions.
- 25 BY MR. LaCOMBE:

1 Q Do you understand the question?
 2 A I think I do and the answer's no.
 3 Q When I say textbook conditions, what do you
 4 understand that to mean?
 5 A If a student came up to me and said, "Mr. Lane,
 6 the book is missing pages," I would tell the student --
 7 would write a note stating this book is, you know --
 8 Kathy, please issue a new textbook to this student, it
 9 is missing pages such and such, send the student with
 10 that note to the bookroom so they could trade in the old
 11 book, have the bar code taken off of --
 12 MS. KAATZ: I'm going to object as nonresponsive
 13 and move to strike, but you can continue.
 14 THE WITNESS: And they'd get a new book.
 15 BY MR. LaCOMBE:
 16 Q Okay. Did Ann Padilla ever tell you that she
 17 had a textbook that was missing pages?
 18 A No.
 19 Q Do you know who Jim Hagen is?
 20 A Yes.
 21 Q Who is Jim Hagen?
 22 A He's a history teacher at Watsonville High
 23 School.
 24 Q Have you ever met him?
 25 A Yes.

1 Q When was he a history teacher at Watsonville
 2 High School?
 3 MS. KAATZ: Objection, personal knowledge.
 4 You can answer if you know.
 5 THE WITNESS: He has been a history teacher last
 6 school year and this school year.
 7 BY MR. LaCOMBE:
 8 Q Is he currently a history teacher at
 9 Watsonville High School?
 10 A Yes.
 11 Q When did he begin teaching history at
 12 Watsonville High School, if you know?
 13 A I'm not specifically sure of his assignment
 14 last school year, if it included U.S. history or not. I
 15 know he's teaching U.S. history this year.
 16 Q Do you know how long Jim Hagen has been working
 17 at Watsonville High School overall?
 18 A Two years as a full-time teacher.
 19 Q Was he working at Watsonville High School
 20 before two years at all?
 21 A Yes, as a substitute, and as the teacher in
 22 charge of what we call OCSC, which is Oncampus
 23 Suspension Center.
 24 Q Have you ever met Jim Hagen?
 25 A Yes.

1 Q Do you know how many times you've met him?
 2 MS. KAATZ: Objection, vague as to met.
 3 THE WITNESS: I know who he is. He's a teaching
 4 colleague, a member of the faculty. I can't put a
 5 number on it.
 6 BY MR. LaCOMBE:
 7 Q Okay. Have you ever discussed this lawsuit
 8 with Jim Hagen?
 9 A No.
 10 Q Have you ever discussed the availability of
 11 textbooks at Watsonville High School with Jill Hagen?
 12 A Yes.
 13 Q How many times?
 14 A Less than five.
 15 Q Do you have any specific recollection of any
 16 conversations with him about the availability of
 17 textbooks at Watsonville High School?
 18 A Yes.
 19 Q What was discussed?
 20 A Last year as the social studies department
 21 chairperson when we learned that we were not going to be
 22 able to replace textbooks this year, we discussed the
 23 fact that we would be able to buy them for next school
 24 year meaning 2001, '02, and therefore we were going to
 25 use classroom sets this year, meaning 2000 to 2001.

1 Q I'm sorry, did you say that Jim Hagen was the
 2 social studies department chair?
 3 A No, no. I was.
 4 Q Oh, you were last year. Was there anyone
 5 present at this discussion other than you and Jim Hagen?
 6 A Yeah. It was done at department meetings.
 7 Q Okay. Did Jim Hagen mention anything about the
 8 inability to replace textbooks last year during that
 9 conversation?
 10 MS. KAATZ: Objection, vague as to the inability.
 11 MS. PERRIN: And I also think it slightly
 12 misstates Mr. Lane's testimony. He testified that there
 13 were department meetings in which the availability of
 14 textbooks was discussed. I don't think he stated that a
 15 particular person said particular things.
 16 MS. KAATZ: Do you need the question again?
 17 THE WITNESS: Okay. Sure, I'd like to hear it
 18 again.
 19 (Record read as requested.)
 20 THE WITNESS: Just the lament of the fact that we
 21 could not get new textbooks for this school year.
 22 BY MR. LaCOMBE:
 23 Q Why was the school unable to get new textbooks
 24 for the current school year?
 25 MS. KAATZ: Objection, personal knowledge.

1 You can answer, if you know.

2 THE WITNESS: The science department was due to get
3 books, and secondly the State standards for social
4 studies had not been adopted by the State board and the
5 district level administration felt that we should not
6 purchase textbooks until the State board had adopted the
7 State social study standards, so once the standards were
8 adopted we could make sure that the textbooks that we
9 wanted to purchase met the State standards.

10 BY MR. LaCOMBE:

11 Q Did you personally make the decision to use
12 classroom sets in the social studies classes for this
13 year?

14 A No.

15 Q Who made that decision?

16 A It was made in concert with the department and
17 cabinet and administration.

18 Q Are you aware of any standards or policies,
19 either at the school or district level, requiring that
20 students at Watsonville High School be provided with
21 textbooks?

22 MS. KAATZ: Objection, vague as to standards.

23 MS. PERRIN: I also object that it's compound as to
24 policies of the school versus policies of the district.

25 THE WITNESS: The use of a textbook specifically is

1 Q Did you discuss anything else at the board
2 meeting besides the issue of theft and loss of textbooks
3 as impacting textbook inventory?

4 A Textbooks in general, but I don't remember
5 specific topics other than an overview of textbook
6 issues.

7 Q What kind of textbook issues did you discuss?

8 A What we were doing this year in the sense of
9 how we were attacking books available to students and
10 how we had solved the availability of textbooks to
11 students.

12 Q Did you discuss the use of classroom sets of
13 social studies sets this year?

14 A Yes.

15 Q What did you say about the use of classroom
16 sets this year in social studies classes at the board
17 meeting?

18 A Basically that there were classroom sets in
19 each room based on the subjects that are taught in that
20 room, and that books were also available in the library
21 for students to use before, during or after school and
22 also available for checkout if they would like to check
23 them out for a short period of time.

24 Q Do you know if the governing board determined
25 at this hearing that there were a sufficient number of

1 up to the teacher.

2 BY MR. LaCOMBE:

3 Q Okay. Are there any standards or policies at
4 the school level that require that students be provided
5 with textbooks at Watsonville High School?

6 MS. KAATZ: Objection, vague as to standards.

7 THE WITNESS: Again, if a teacher wants to use the
8 textbook in his or her instruction, it would be on a
9 unit-by-unit or lesson-by-lesson basis.

10 BY MR. LaCOMBE:

11 Q Do you know if the governing board of the
12 district has conducted a hearing in the current school
13 year to determine whether or not the district schools
14 have sufficient textbooks for each student?

15 MS. KAATZ: Objection, vague as to sufficient.

16 THE WITNESS: Yes, the governing board asked me to
17 speak at a board meeting regarding textbook
18 availability.

19 BY MR. LaCOMBE:

20 Q Okay. When was that board meeting?

21 A September or October of 2000.

22 Q What did you say at that board meeting?

23 A We presented information as to the textbooks
24 that we had, issues of theft and loss as it impacts the
25 textbook inventory.

1 textbooks for each students at Watsonville High School?

2 MS. KAATZ: Objection, personal knowledge and
3 objection, vague as to sufficient.

4 THE WITNESS: I don't -- the board didn't make any
5 decision. It was just an information item.

6 BY MR. LaCOMBE:

7 Q Okay. Are you aware of any standards or
8 policies at the school level relating to whether
9 students at Watsonville High School may share textbooks
10 or other instructional materials?

11 MS. KAATZ: Objection, vague as to standards.

12 THE WITNESS: Let's say the teacher wants the kids
13 to look at their book, and let's say not all the kids
14 had their book with them, the teacher might say, "Look
15 on with the person next to you, I want you to read this
16 paragraph because we're going to discuss it."

17 BY MR. LaCOMBE:

18 Q Are you aware of any policies or standards at
19 the school level which allow or disallow the teachers to
20 engage in that practice?

21 MS. KAATZ: Objection, vague again as to
22 standards.

23 THE WITNESS: No, I do not know that.

24 BY MR. LaCOMBE:

25 Q Are you aware of any standards or policies at

1 the school level relating to the content of textbooks
 2 and/or other instructional materials provided to
 3 students at Watsonville High School?
 4 MS. KAATZ: Object, again vague as to standards.
 5 MS. PERRIN: Objection, vague as to content.
 6 THE WITNESS: The only -- if you will, as far as a
 7 standard, we do a readability level of our textbooks
 8 before we buy them to see if it's appropriate for the
 9 course being taught. After that it's, Does the textbook
 10 do what we want it to do in that course and present the
 11 information needed for the students.
 12 BY MR. LaCOMBE:
 13 Q Who determines the readability?
 14 A The English department.
 15 Q The English department?
 16 A Teachers in the English department. They're
 17 reading experts.
 18 Q They determine the readability of all
 19 textbooks?
 20 A Yes.
 21 Q And who determines whether or not the textbook
 22 is, I believe you said the second -- hold on. I believe
 23 -- off the record.
 24 (Pause in the proceeding.)
 25 BY MR. LaCOMBE:

1 Q Who determines whether or not the textbook is
 2 doing what the -- we want it to do, as you testified, in
 3 presenting the information as we want it to?
 4 A The teachers within the department and the
 5 department chairperson. Ultimately, that book goes to
 6 the governing board and they are the ones that say yeah
 7 or nay as to whether it's going to be approved, and once
 8 it's -- if it is approved, then I will purchase it. If
 9 they say no, then I would take that information back to
 10 the department and say that the textbook has not been
 11 approved.
 12 Q And the governing board evaluates the text
 13 before you purchase it, is that --
 14 MS. KAATZ: Objection, personal knowledge and
 15 vague as to evaluates.
 16 THE WITNESS: I don't know what they do with it
 17 other than the fact it's on public display and there are
 18 two hearings before a textbook is purchased.
 19 BY MR. LaCOMBE:
 20 Q Besides the teachers and the department chair
 21 and governing board, is there any other entity who
 22 determines the appropriateness of the textbook content
 23 for instructional purposes?
 24 MS. KAATZ: Objection, personal knowledge and
 25 vague as to entity.

1 THE WITNESS: That's the basic process. The public
 2 is allowed to look at those books, so if they had
 3 concerns they would probably make them known to the
 4 governing board.
 5 BY MR. LaCOMBE:
 6 Q Do you know what standards or policies, if any,
 7 the teachers and department chair use in selecting a
 8 textbook?
 9 MS. KAATZ: I'm going to object, vague as to
 10 standards, and I would stipulate as to a standing
 11 objection since that seems to be --
 12 MR. LaCOMBE: Yes, please do.
 13 MS. KAATZ: Okay, then I can stop interrupting
 14 you.
 15 THE WITNESS: I would like to hear the question
 16 again.
 17 MR. LaCOMBE: Would you read it back again.
 18 (Record read as requested.)
 19 THE WITNESS: The teachers of a like subject would
 20 get together and look at various textbooks available
 21 from the publishers to see if, in fact, which book is
 22 best to teach a particular course in relation to
 23 frameworks from the State, if they're available, and
 24 standards from the State, if they are available. From
 25 that pool they would determine which one they like best,

1 then do a readability on it. Then they would probably
 2 look at what teacher materials come with that book and
 3 is that going to be our -- the best choice for us in
 4 relation to what we want to accomplish, and they'd move
 5 forward through the process from there.
 6 BY MR. LaCOMBE:
 7 Q Are you aware of any standards or policies at
 8 the school level relating to how often new textbooks or
 9 other instructional materials are purchased at
 10 Watsonville High School?
 11 A Textbooks are basically on a seven-year cycle.
 12 Q What does that mean?
 13 A Every seventh year a department, if you will,
 14 gets on -- we get to purchase new books this year. Not
 15 counting new courses that come along in between their
 16 purchasing cycle, then we would try to get those books
 17 for that new course which are out of sequence of when a
 18 department gets to buy books, textbooks.
 19 Q Under what circumstances does the school
 20 purchase textbooks off cycle?
 21 A One example would be the science department did
 22 their major textbook purchase for books this year,
 23 during this fiscal year, okay. We're going to offer a
 24 new course next year called biotechnology. We need a
 25 book for the biotechnology class. Therefore to make the

1 biotechnology course the best course we can, one of
2 those support materials needed for the success of that
3 course is to have the textbook in place. Therefore
4 we're going to have to buy a new textbook for biotech
5 when it's the social studies' year to buy books.

6 Q Besides the addition of a new course, are there
7 any other circumstances in which the school purchases
8 textbooks off cycle?

9 A If we do not have enough textbooks in relation
10 to the anticipated enrollment of a course because of
11 loss of textbooks.

12 Q For this school year, did you purchase any
13 textbooks because of -- to meet the anticipated
14 enrollment because of the loss of previous textbooks?

15 A Yes.

16 Q For which classes?

17 A Most of them are in the math area, mathematics.

18 Q Do you know which classes specifically?

19 A The specific book title used to be Windows, but
20 due to Microsoft's power, they've demanded the book
21 title be changed, and I'm not sure of the exact new
22 title. My working title is Windows, but it does have
23 another title.

24 Q Okay. Besides Windows or whatever it's called,
25 were there any other textbooks for this current year

1 Q Okay. Are there any textbooks that you
2 purchased this year because of -- off cycle because of
3 anticipated enrollment and the loss of previous
4 textbooks?

5 A Other than math, no. But I -- in thinking
6 about it, we might have also purchased some Spanish III
7 books this year, during this fiscal year.

8 Q Do you know how many copies of the Spanish III
9 book you ordered?

10 A It would be small. I would guess 40 or less.

11 Q Is there a procedure in place at Watsonville
12 High School for reporting grievances concerning the
13 quantity of textbooks or other instructional materials?

14 MS. KAATZ: Objection, vague as to grievance.

15 MS. PERRIN: Objection, vague as to procedure and
16 vague as to quantity.

17 MS. KAATZ: Do you mean complaints or --

18 MR. LaCOMBE: Yeah.

19 MS. KAATZ: Not labor grievances?

20 MR. LaCOMBE: Right.

21 MS. KAATZ: Okay.

22 THE WITNESS: Students -- we have a form called a
23 student statement that they're welcome to lament
24 anything they like.

25 BY MR. LaCOMBE:

1 that you purchased off cycle?

2 MS. PERRIN: For the purpose of not having enough
3 books compared to anticipated enrollment?

4 MR. LaCOMBE: Thank you, yes.

5 THE WITNESS: I think we also added to our Windows
6 collection in Spanish.

7 BY MR. LaCOMBE:

8 Q Do you know how many textbooks for -- how many
9 additional Windows textbooks you purchased for this
10 year?

11 A I believe it was a hundred.

12 Q Were all 100 copies needed in order to meet the
13 anticipated enrollment, or did you -- well, let me
14 rephrase the question.

15 Did you purchase copies above or beyond the
16 numbers that were needed to meet the anticipated
17 enrollment because of loss of previous textbooks?

18 A Yes.

19 Q How many of those copies were extra copies?

20 A 15 to 20.

21 Q Are there any textbooks that you'll be
22 purchasing off cycle this year, or have purchased this
23 year?

24 MS. KAATZ: Objection, compound.

25 BY MR. LaCOMBE:

1 Q Where would a student submit that form?

2 A They're available in the offices downstairs,
3 students services area; most -- all -- I'm sure all of
4 the assistant principals have blank copies in their
5 office.

6 Q Is there any paperwork other than the student
7 statement form for the students to fill out in order to
8 register a complaint about textbooks?

9 MS. KAATZ: Objection as to paperwork.

10 THE WITNESS: I'm not sure of the question now. Is
11 there -- I need to hear it again.

12 (Record read as requested.)

13 THE WITNESS: Paperwork, no.

14 BY MR. LaCOMBE:

15 Q To whom is the student statement form supposed
16 to be submitted?

17 A It would be given to the -- back to the person
18 in the office that issued it. If it specifically dealt
19 with textbooks, it would be eventually given to me.

20 Q Does anyone who works for Watsonville High
21 School keep copies of the student statement forms once
22 it's submitted?

23 A Those that have been submitted to me, I keep.

24 Q How long are the copies kept?

25 A Don't know.

1 Q Do you keep copies for the current year? Well,
2 let me explain. Do you keep the copies of the student
3 forms that are submitted for the current year -- current
4 school year?

5 A I would. If it's me, yes. I've got mine.

6 Q How long do you keep the copies of the student
7 statement forms that you receive?

8 A I would anticipate not throwing them away.

9 Q Ever?

10 A Correct.

11 Q Where are they kept, your copies?

12 A In a file.

13 Q Can someone register a complaint about the
14 quantity of textbooks without filling out a student
15 statement form?

16 MS. KAATZ: Objection, vague as to quantity.

17 THE WITNESS: Sure.

18 BY MR. LaCOMBE:

19 Q To whom would they address their complaint?

20 A Anybody they want to.

21 Q If they complained to a school official, are
22 logs of oral complaints kept, if you know?

23 A I keep copies of any dialogue I have with
24 students or parents, in most cases. If it's a
25 suspension form and I talk to a parent, the suspension

1 Q State what you know, please.

2 A In my case, I read what -- I give them the
3 paper and they write it at a desk in my office. Once
4 they're done reading it, I read it aloud to them to make
5 sure that it says what they want it to say and that I
6 understand it, and I will put notes on it to make sure
7 that everything is clear to me. Then depending on the
8 nature of the complaint, I would take appropriate
9 direction from that.

10 Q Have you received any student statement forms
11 relating to the availability of textbooks at Watsonville
12 High School?

13 A No.

14 Q Are the student statement forms forwarded to
15 State officials?

16 A Not to my knowledge.

17 MS. KAATZ: Objection -- that's fine.

18 BY MR. LaCOMBE:

19 Q That was not to your knowledge, right?

20 A Correct. Those forms are not forwarded to the
21 State.

22 Q Do you know if the person's -- student
23 statement forms are forward to county officials?

24 A Not to my knowledge.

25 Q What about local school district officials?

1 form goes to student services.

2 Q Where do you keep copies of dialogues that you
3 have with students and parents?

4 A Most of those conversations with students and
5 parents generally resolve around discipline issues, and
6 I have a file that I simply call student discipline and
7 I put them in there.

8 Q Have you received any oral complaints about the
9 number of textbooks at Watsonville High School since
10 you've been assistant principal of curriculum and
11 instruction?

12 A From teachers, yes.

13 Q From students?

14 A No.

15 Q Which teachers have complained orally about the
16 number of textbooks at Watsonville High School?

17 A Jim Hagen; specific names of others were in
18 meetings, so I can't say who said what. It was just a
19 general lament that the fact unfortunately we've got to
20 use classroom sets this year. But as to specific names
21 of who said what, I don't know.

22 Q Once a student submits a student statement
23 form, how is the form handled by the school?

24 MS. KAATZ: Objection, calls for speculation.

25 BY MR. LaCOMBE:

1 A Not to my knowledge.

2 Q Is there any person who's responsible for
3 insuring that the student statement form procedures are
4 followed?

5 MS. KAATZ: Objection, assumes that there are set
6 procedures, assumes facts not in evidence.

7 THE WITNESS: I don't think there is a procedure in
8 place because each one is an individual issue.

9 BY MR. LaCOMBE:

10 Q Is there a procedure at Watsonville High
11 School for obtaining new textbooks or other
12 instructional materials off cycle?

13 A Yes.

14 Q What is your understanding of that procedure?

15 A Well, I -- with the textbook thing, like the
16 biotech example, if there's a new course, we would do
17 the procedure of identifying the best possible text, the
18 readability, take it to the district, have them put it
19 on the board agenda and what have you. Instructional
20 materials, we -- there are a myriad of instructional
21 materials. I'd need some more specificity before I can
22 respond.

23 Q Does any paperwork need to be filled out in
24 order to purchase new textbooks off cycle?

25 A Yes.

1 Q Who at Watsonville High School is responsible
2 for filling out that paperwork, if you know?
3 A The textbook adoption form is -- it's my
4 responsibility to see that it's done correctly. The
5 teacher or the chairperson would fill it out.
6 Q Okay. Once the paperwork for ordering the new
7 textbook --
8 A Well, wait a minute. That was adoption, so
9 I'll wait.
10 Q Adoption is like selecting the --
11 A Adoption is selecting the book. That's
12 different from buying the book.
13 Q Okay. What about -- is there any paperwork
14 that needs to be filled out in order to purchase a new
15 textbook off cycle at Watsonville High School?
16 A Yes.
17 Q What paperwork is that?
18 A We do the textbook adoption thing that we just
19 described. Once it's adopted, then a purchase order
20 would be filled out.
21 Q Are copies kept of the completed purchase
22 orders, to your knowledge?
23 A Yes.
24 Q Who keeps copies of the purchase orders, if you
25 know?

1 A Generally the office staff.
2 Q Do you know how long the copies are kept for?
3 A No.
4 Q Do you know where they're kept?
5 A Other than a file cabinet, no. Or on a hard
6 drive or a disk.
7 Q Let me understand you correctly. Copies are
8 kept in a file cabinet?
9 A If they make a paper copy, then it would be
10 logged in a binder probably and put in a bookshelf or in
11 a file, in a Manila folder that goes in a file drawer.
12 Q Is it at the school site?
13 A Yes.
14 Q Does the request to purchase new textbooks off
15 cycle have to be approved by State education officials,
16 to your knowledge?
17 A No. Not at the high school level.
18 Q If you know, does the request to purchase new
19 textbooks off cycle have to be approved by county
20 educational officials?
21 A Not in Santa Cruz County.
22 Q And if you know, does the request to purchase
23 new textbooks off cycle have to be approved by local
24 school board officials?
25 A Yes, they do.

1 Q Who specifically has to approved a purchase of
2 additional textbooks off cycle at the local district
3 level?
4 A The governing board.
5 Q How long does it generally take for a request
6 to order new textbooks off cycle to be acted upon?
7 MS. KAATZ: Objection, vague as to acted upon.
8 BY MR. LaCOMBE:
9 Q Let me change that to be, how long does it
10 generally take for the request to be fulfilled to
11 receive the textbooks?
12 A So we've signed the purchase order and it's
13 been mailed?
14 Q Yes.
15 A Well, if everything falls into place and it
16 gets on the truck on time in Ohio or Indiana or
17 whatever, and it gets to school, it could take -- eight
18 weeks is probably the minimum. It could take longer,
19 especially at the start of the school year if we're
20 receiving lots of books. By the time they're delivered
21 and inventoried, it gets stretched out.
22 MR. LaCOMBE: Why don't we take another break.
23 (Lunch recess taken.)
24 BY MR. LaCOMBE:
25 Q Mr. Lane, have you recently consumed any

1 medication, alcohol or any other substance that clouds
2 your mind and would interfere with your ability to
3 understand or answer my questions?
4 A No.
5 Q Is there any other reason why you may be unable
6 to testify and give your best testimony?
7 A No.
8 Q Okay. Mr. Lane, do you have personal knowledge
9 about the amount of funds that are budgeted for
10 textbooks at Watsonville High School?
11 A Yes.
12 Q Do you have personal knowledge of the sources
13 of the funds for textbooks at Watsonville High School?
14 A Yeah, to a limited extent.
15 Q Is part of your responsibility as assistant
16 principal of curriculum and instruction to budget for
17 textbooks at Watsonville High School?
18 A Yes.
19 Q Does Watsonville High School receive State
20 funding for textbooks?
21 A Yes.
22 Q How much was received in the current fiscal
23 year from the State for textbooks, if any?
24 A I need to qualify the answer. I don't know
25 about from the State to the district. I know from the

1 district to the site.
 2 Q Okay. And what would that be?
 3 A \$150,000 in what is known as
 4 Schiff-Bustamonte -- I believe the spelling of that is
 5 S-c-h-i-f-f, dash Bustamonte. 150,000 for that, and
 6 50,000 for the district general fund.
 7 MS. PERRIN: I'm sorry, was that for the 2000-2001
 8 school year?
 9 THE WITNESS: Yes.
 10 BY MR. LaCOMBE:
 11 Q The \$50,000 from the district, are those
 12 discretionary funds?
 13 A Yes, discretionary for textbooks.
 14 Schiff-Bustamonte is for English, math, social studies
 15 and science.
 16 Q Did you spend all of those funds -- the
 17 \$150,000 in Schiff-Bustamonte funds in the current
 18 school year?
 19 A Yes.
 20 Q And the \$50,000 from the district that were
 21 discretionary funds, did spend all of that?
 22 A Yes.
 23 Q Are there any other sources of funds for
 24 textbooks for Watsonville High School for the current
 25 year?

1 A For school books?
 2 Q Yes.
 3 A Yes.
 4 Q What are those?
 5 A There are certain categorical programs that can
 6 buy books.
 7 Q Which are those?
 8 A You could use English language development
 9 funds, or bilingual funds, to buy books for English
 10 language development classes.
 11 Q Are those textbooks?
 12 A Not textbooks in the sense of a traditional
 13 textbook.
 14 Q How do they differ from a traditional textbook?
 15 A They're supplemental materials. But they can
 16 be books.
 17 Q Are these books issued to the students?
 18 A Not necessarily. They might be ten of a
 19 particular title and are used in the classroom
 20 exclusively.
 21 Q Besides the Schiff-Bustamonte funds and the
 22 \$50,000 discretionary funds and the categorical funding
 23 for the ELL materials, are there any other funds for
 24 textbooks for Watsonville High School for the current
 25 school year?

1 A Not specifically allocated for textbooks.
 2 Q Are you referring to a general fund?
 3 A No, I'm not referring to general funds.
 4 Q About how much money, if you know, was spent on
 5 textbooks in the current year that is not from the
 6 Schiff-Bustamonte funds or the \$50,000 discretionary
 7 funds from the district or the ELL funds?
 8 A I don't know how much was spent out of ELL
 9 because that's a different assistant principal. And the
 10 second part of the question was from other funds?
 11 Q Yes.
 12 A I wouldn't know because they're not
 13 specifically textbooks.
 14 Q What do you mean they're not specifically
 15 textbooks?
 16 A I think the way we're using the word textbook
 17 today means the fact that we're going to buy multiple
 18 copies of a single title that are issued to kids or in
 19 classroom sets. Supplemental materials, which can be
 20 books, and some people might want to call it textbooks,
 21 but books, can be single copies for the teacher to use
 22 in the classroom, can be five or ten copies of a
 23 particular title to be used as the teacher deems
 24 necessary in the unit or lesson.
 25 Q Are there any other types of books that you

1 include within the category of supplemental materials?
 2 A I can give you a working example.
 3 Q Okay.
 4 A Take a traditional English lit book, your basic
 5 five-pounder. It might will have Julius Caesar in its
 6 contents. We might, and we do have, if you will, the
 7 pocketbook size of Julius Caesar. So if multiple
 8 teachers happen to be teaching Julius Caesar at the same
 9 time, some are going to have the pocketbook size and
 10 some are going to have the same document in the English
 11 lit book.
 12 Q Are the supplemental materials purchased with a
 13 different set of funds than the general textbooks?
 14 A They can be.
 15 Q To the extent that supplemental materials are
 16 purchased with funds other than the funds that are used
 17 for general textbooks, what funds are those?
 18 A There could be the ELL funds, which we
 19 previously mentioned. It could be SIP funds, S-I-P,
 20 which is standard for School Improvement Plan. There
 21 are probably other categorical funds that could be used
 22 to purchase books. It depends on exactly what that
 23 particular program is and what they're eligible to spend
 24 their money on when it comes to books.
 25 Q Do you have any knowledge of how much in this

1 miscellaneous categorical funding was spent this year
 2 for other supplemental materials?
 3 A No, because I don't administer those programs.
 4 Q And do you know how much of school improvement
 5 plan funds, if any, were used for supplemental materials
 6 for this current school year?
 7 A No, I do not know the total.
 8 Q Earlier we talked about Kathy Alasandre. How
 9 long has Ms. Alasandre worked at Watsonville High School
 10 as the textbook clerk?
 11 MS. KAATZ: Objection, personal knowledge.
 12 THE WITNESS: I'm not sure.
 13 BY MR. LaCOMBE:
 14 Q Okay. Do you have an estimate for how long
 15 she's been the textbook clerk at Watsonville High
 16 School?
 17 A Ten years.
 18 Q What is her job responsibilities as textbook
 19 clerk if you know?
 20 A To operate the bookroom; keep an accurate
 21 inventory; receive new books; check out books to
 22 students; check them back in; report information to me
 23 that would let me know about shortages at the end of the
 24 year so we can plan for the following year. Repair
 25 books; type book purchase orders; be a resource to

1 teachers and administration on book information as to
 2 whether the books are available new or, if it's a
 3 replacement, can we find them from a used book vendor;
 4 assist in the library when necessary. I think that's
 5 close without having a job description in front of me.
 6 Q Is there any other job responsibilities that
 7 she has that you can think of other than these that you
 8 listed?
 9 A I don't think I mentioned repair in that
 10 statement, but we previously mentioned it. So we've got
 11 repair, fix books that are fixable, take books out of
 12 circulation that aren't.
 13 Q Who inspects the textbooks for damage, if
 14 anyone, if you know?
 15 A Very specifically, it would be Kathy.
 16 Q Do you know how often she inspects the
 17 textbooks for damage over the course of the year?
 18 A At minimum it would be when they come back and
 19 during the summer before they're reissued.
 20 Q Does that mean once a year?
 21 MS. KAATZ: Objection. I think that misstates his
 22 testimony. He said at a minimum.
 23 BY MR. LaCOMBE:
 24 Q At a minimum once a year?
 25 A Yeah, I -- yes.

1 Q Under what circumstances would she inspect
 2 textbooks for damage more than once a year?
 3 A A student brought it back to her and said,
 4 "This is missing something," or "Look, it's falling
 5 apart," she would probably take that book back, scan it
 6 out of the student's name, issue a new book to the
 7 student and then figure out if the book is fixable.
 8 Q Does she review, to your knowledge, every
 9 textbook at Watsonville High School for damage?
 10 A I think they visually inspect every book that's
 11 returned from a student.
 12 Q To your knowledge, what is involved in the
 13 visual inspection of the textbook?
 14 A Obviously they have to open the cover to see
 15 and access the bar code, so they're going to be able to
 16 see any graffiti that's been put on the front -- the
 17 inside of the front cover. I've seen them turn 'em
 18 upside down and look at 'em like that, to fan the pages
 19 to see if stuff's going to fall out, or real obvious
 20 marks or bent pages and what have you. They check to
 21 see that the bar code is still usable and that it hasn't
 22 been mutilated. That's it.
 23 Q To your knowledge, are there any written
 24 procedures about how to conduct a visual inspection?
 25 A Not to my knowledge.

1 Q You mentioned earlier that you supervise Kathy
 2 Alasandre.
 3 A Yes.
 4 Q How do you supervise her?
 5 A Well, I'm -- the bookroom is in one of my areas
 6 of responsibility, so I work with her to see that her,
 7 if you will, office is running efficiently; how can I
 8 support what she is doing to make it more efficient;
 9 what is it she needs from me to make it more efficient,
 10 and how can we work together to solve whatever
 11 deficiencies we identify.
 12 Q Do you ever visually inspect the textbooks for
 13 damage?
 14 A Not as an assistant principal, no.
 15 Q Other than as an assistant principal, do you --
 16 A I did as a teacher.
 17 Q I see. Which textbooks would you previously
 18 inspect for damage as a teacher?
 19 A The previous 12 years economics.
 20 Q Under what circumstances would you visually
 21 inspect the economics textbooks?
 22 A If the student had them out, I would
 23 occasionally take them out leaf through it. If it
 24 looked like a student was writing in it I would walk
 25 over to their desk and make a high presence, ask them

1 what they were doing, that kind of stuff, and let them
 2 know that that book was going to have to be used by
 3 others, please don't damage it.
 4 Q When you were an economics teacher, did you
 5 ever encounter books that had missing pages in it?
 6 A No, because if I did it was sent back.
 7 Q Are there any standards to your knowledge for
 8 Kathy Alasandre to make a determination about whether or
 9 not a book is fixable?
 10 MS. KAATZ: And I'd like put in my objection as to
 11 the word standards for this as well.
 12 MR. LaCOMBE: Okay, that's fine.
 13 THE WITNESS: Standards, fixable. If the pages are
 14 pulling away from what you and I would call the cover of
 15 the book, she'd put glue back in it and stuff it back in
 16 the cover so it would reglue itself making the spine
 17 stronger so it wouldn't fall apart.
 18 BY MR. LaCOMBE:
 19 Q Okay. Anything else?
 20 A She'd write-out graffiti and swear words,
 21 restamp the book checkout block where the student writes
 22 their name and the period if it needed to be cleaned up.
 23 That's basically it as far as fixing 'em.
 24 Q If she finds that a textbook is missing pages,
 25 what is she supposed to do?

1 A Stamp it obsolete, put it on the shelf, and we
 2 dispose of them at the end of the year.
 3 Q Does Watsonville High School have any policies
 4 as to what to do with damaged textbooks?
 5 A Watsonville -- no, Watsonville High School
 6 doesn't.
 7 Q Besides missing pages, are there any other
 8 bases for which a textbook could be considered obsolete?
 9 A Obsolete, out of date --
 10 Q In the sense where you said stamping the
 11 textbook obsolete?
 12 MS. KAATZ: Do you understand the question?
 13 THE WITNESS: No, I don't now.
 14 BY MR. LaCOMBE:
 15 Q Okay. You mentioned before that Kathy would
 16 stamp the textbooks as being obsolete.
 17 A Correct.
 18 Q And you said that they would do that if there
 19 were pages missing?
 20 A Right.
 21 Q Are there other circumstances in which she
 22 would stamp a textbook as obsolete?
 23 A Yes.
 24 Q And what would those be?
 25 A When we replace a textbook, that's -- when we

1 replace a textbook.
 2 Q Okay. And what by that --
 3 A Let's say the biology book that we used for the
 4 previous seven years is being replaced with a new one.
 5 We take the old one, assuming another school doesn't
 6 want it in our district, we would stamp it obsolete
 7 because we would have the new book to issue to the
 8 students.
 9 Q Okay. What happens to textbooks that are
 10 stamped obsolete?
 11 MS. PERRIN: Calls for speculation.
 12 BY MR. LaCOMBE:
 13 Q If you know?
 14 A I'm sorry, I didn't hear what she said.
 15 MS. PERRIN: Oh, I said calls for speculation,
 16 which is the same when Sarah says calls for personal
 17 knowledge.
 18 THE WITNESS: What do I do now? Do I proceed?
 19 MS. KAATZ: If you know, if you have personal
 20 knowledge, you can answer what happens to them. If you
 21 don't know, you can say that you don't know.
 22 THE WITNESS: I believe in most cases they're
 23 thrown away.
 24 BY MR. LaCOMBE:
 25 Q Do you have any knowledge as to what would

1 happen in other cases?
 2 A You mean if they weren't thrown away?
 3 Q Uh-huh.
 4 A I think if a teacher would like a copy for a
 5 desk reference even though it's no longer the textbook
 6 in use, they would have a copy in their room for -- as a
 7 resource.
 8 Q Okay. Is there any circumstance under which a
 9 book that is stamped obsolete can be issued to a student
 10 that you know of?
 11 A No.
 12 Q What is Kathy supposed to do if she finds a
 13 textbook that has a tear in one of the pages?
 14 A Is the whole page there?
 15 Q The page is there, but there's a tear --
 16 A She would probably see if she could --
 17 MS. KAATZ: Objection as to personal knowledge.
 18 BY MR. LaCOMBE:
 19 Q What is she supposed to do?
 20 A I don't know about supposed to. They've got
 21 some magic library tape that tends to work better than
 22 Scotch tape like you and I know it, that will make the
 23 page stay together and not fall off.
 24 Q Okay. Does Watsonville High School fine school
 25 children for damaged books?

1 MS. KAATZ: Objection, vague as to fine.
 2 THE WITNESS: In some instances, yes.
 3 BY MR. LaCOMBE:
 4 Q What instances would those be?
 5 A I think if they tear the bar code out.
 6 Q Are there any other circumstances when students
 7 might be fined for damaged books?
 8 A They have to pay for lost books.
 9 MS. KAATZ: Are you saying fine or find? I'm not
 10 understanding your question.
 11 MR. LaCOMBE: I believe I said fine, to be issued
 12 a fine.
 13 MS. KAATZ: Okay. Thank you.
 14 BY MR. LaCOMBE:
 15 Q So they'd be issued for a lost book. Are there
 16 any others?
 17 A Yeah. They have to replace the lost textbook,
 18 pay for it.
 19 Q Is there anything else that the school does to
 20 insure that the student pays for the lost textbook?
 21 A We notify the student that they owe us that
 22 money; we do a printout with their name on it, the title
 23 of the book, the cost; deliver it to the student, and
 24 then it's obviously it stays in the computer memory.
 25 And between their 9th and 12th grade year they need to

1 pay for that book.
 2 Q What happens if they don't pay for the book, if
 3 you know?
 4 A All student fines need to be cleared for the
 5 student to participate in the graduation ceremonies.
 6 Q Are there any other consequences if the student
 7 fails to pay for a lost textbook?
 8 A Not to my knowledge.
 9 Q Since you've been assistant principal of
 10 curriculum and instruction, has it ever come to your
 11 attention that one or more textbooks that were provided
 12 to one or more students were in any way damaged?
 13 A Not reported to me directly by the student.
 14 Q Is there any other way that it's come to your
 15 attention that one or more books that was issued to one
 16 or more students was damaged?
 17 A Not to my knowledge.
 18 Q How many teachers teach economics this year?
 19 A This year?
 20 Q Yes.
 21 A I believe it's three.
 22 Q Do you know how many discrete classes of
 23 students there are for economics this year?
 24 A Specifically, no.
 25 Q Do you know the names of the teachers who teach

1 economics this year?
 2 A Will Wells, Delia Mendez, Ron Jones. That's
 3 all I can think of without a master schedule.
 4 Q Does the school provide textbooks for the
 5 economics classes?
 6 MS. KAATZ: Objection, vague as to provide.
 7 THE WITNESS: This year we're providing classroom
 8 sets.
 9 BY MR. LaCOMBE:
 10 Q What about last year?
 11 A Every student had a textbook.
 12 Q When you say that every student had a textbook
 13 last year, do you mean they had a textbook to take home?
 14 A Depending on the teacher, they had access to a
 15 textbook. If you're talking about every course, if it's
 16 economics, every student had a book to take home.
 17 Q If you know, what is the title of the economics
 18 textbook that has been provided this year?
 19 A Economics.
 20 Q It's called Economics?
 21 A Uh-huh.
 22 Q Do you know the name of the publisher?
 23 A The publisher, I think it's McDugal Lytel.
 24 Q Have you ever personally examined the economics
 25 textbook that's being used this year?

1 A Sure. A single copy of it. I mean, my copy of
 2 it.
 3 Q Okay. If you know, what is the copyright date
 4 of the economics textbook that is being used this year?
 5 A I think it's '91.
 6 Q Have you ever taught using the --
 7 A Yes.
 8 Q -- that book? Was this the same book that was
 9 used last year for economics?
 10 A Yes.
 11 Q How long has the school used Economics by
 12 McDugal Lytel?
 13 A Well, for sure since '91. I don't recall if
 14 the previous text was also McDugal Lytel. It might have
 15 been, but I'm not sure.
 16 Q Okay. To your knowledge, do all three of the
 17 economics teachers use Economics by McDugal Lytel in
 18 their classrooms?
 19 A It's available. I don't know how they're using
 20 it specifically.
 21 Q Okay. To your knowledge, does Economics by
 22 McDugal Lytel represent outdated theories as being
 23 current theories?
 24 MS. KAATZ: Objection, vague as to outdated and
 25 vague as to current.

1 BY MR. LaCOMBE:
 2 Q Do you understand the question?
 3 A I don't think the book has outdated theories.
 4 Q Uh-huh. Okay. To your knowledge, does
 5 Economics by McDugal Lytel discuss any outdated theories
 6 at all?
 7 A No.
 8 Q To your knowledge, does Economics by McDugal
 9 Lytel represent any inaccurate theories as being
 10 accurate?
 11 A I don't think any of the theories are
 12 necessarily inaccurate in the book. They're subject to
 13 one's interpretation depending on their own economic
 14 philosophy.
 15 Q Okay. Does Watsonville High School dictate at
 16 all how a textbook is used in the curriculum of
 17 economics?
 18 MS. KAATZ: Objection as to who Watsonville High
 19 School is, and as to dictated, for vagueness. Go ahead.
 20 THE WITNESS: No.
 21 BY MR. LaCOMBE:
 22 Q Okay. Does Watsonville High School provide any
 23 instructional materials other than textbooks for the
 24 economics classes?
 25 MS. KAATZ: Objection, vague to instructional

1 materials.
 2 MS. PERRIN: And just for the record, I pretty
 3 much join all of Sarah's objections. Rather than
 4 repeating it, it's easier, I think, for everybody --
 5 MR. LaCOMBE: Sure.
 6 THE WITNESS: Any instructional materials beyond
 7 the basic textbook are determined by what that teacher
 8 is doing in that particular lesson or unit.
 9 BY MR. LaCOMBE:
 10 Q Okay. To be complete, because there are some
 11 objections standing about the meaning of instructional
 12 materials, does Watsonville High School provide any
 13 supplemental text besides the Economics by McDugal Lytel
 14 to the economics classes?
 15 A Again, it would be dependent on the individual
 16 teacher as to what supplemental material he or she are
 17 going to bring to the classroom for a particular lesson
 18 or unit.
 19 Q Other than the supplemental materials that the
 20 instructor may bring to the classroom, does the school
 21 provide any materials other than the Economics by
 22 McDugal Lytel?
 23 A The social studies department has a modest
 24 collection of videotapes that they might use in the
 25 classroom, which obviously is an instructional material.

1 The daily newspaper in an economics class can be an
 2 instructional material.
 3 Q Does the school provide a daily newspaper for
 4 the economics classes?
 5 A No.
 6 Q Is there one available in the school library?
 7 A I'm not sure -- I'm not -- I can't answer for
 8 the library specifically.
 9 Q Okay. Let's talk about government, how many
 10 different government classes are there at Watsonville
 11 High School?
 12 MS. KAATZ: Objection as to -- I don't know if
 13 it's different or classes, but can you clarify that
 14 question?
 15 MR. LaCOMBE: Yeah.
 16 Q Are there any government classes other than
 17 federal government at Watsonville High School?
 18 A No.
 19 Q How many teachers teach federal government this
 20 year at Watsonville High School?
 21 A I believe it's two, but again without a master
 22 schedule --
 23 Q Do you know their names?
 24 A Ron Jones and Delia Mendez.
 25 Q Does Watsonville High School provide textbooks

1 for the federal government class this year?
 2 A Classroom sets.
 3 Q What about last year?
 4 A Yes, there were enough books available to all
 5 students.
 6 Q When you say enough for all students, you mean
 7 to take home?
 8 A Yes.
 9 Q When you say that they used class sets this
 10 year in federal government, does every student have a
 11 textbook of their own to use in class without sharing,
 12 to your knowledge?
 13 A There is supposed to be enough books in every
 14 room.
 15 Q If you know, what is the title of the federal
 16 government textbook?
 17 A American -- McGruieger's American Government.
 18 Q Is McGruieger the publisher?
 19 A No, I think Prentice Hall is the publisher.
 20 McGruieger's is the title, it's McGruieger's American
 21 Government.
 22 Q Have you personally examined McGruieger's
 23 American Government, any copy of it?
 24 A Briefly.
 25 Q If you know, what is the copyright date of

1 McGrueger's American Government that you use in the
 2 federal government classes?
 3 A I think the current one is '88.
 4 Q Have you ever checked the copyright date in
 5 McGrueger's American Government?
 6 A Not recently.
 7 Q But you did in the past?
 8 A McGrueger's issues a new book every year. They
 9 change the last chapter so to speak. And so the last
 10 time we bought textbooks, the government teachers felt
 11 that, you know, this copy is adequate for what we're
 12 doing and so we're going to stick with it. If we ran
 13 out, ran short of books, we would try to add to it
 14 through used book vendors and what have you.
 15 Q What makes you believe that the copyright date
 16 of McGrueger's American Government that you use in the
 17 federal government classes is 1988?
 18 A That's just a vague recollection that I've got,
 19 and I could be off.
 20 Q To your knowledge, does McGrueger's American
 21 Government represent any outdated theories as being
 22 current theories?
 23 MS. KAATZ: Objection, vague as to outdated and
 24 current.
 25 THE WITNESS: I don't believe so.

1 BY MR. LaCOMBE:
 2 Q Okay. And again, to your knowledge, does it
 3 represent any inaccurate theories as being accurate?
 4 A Not to my knowledge.
 5 Q Does Watsonville High School provide any
 6 supplemental materials besides McGrueger's American
 7 Government for federal government class?
 8 A Yes.
 9 Q What would that be?
 10 A Similar to those previously mentioned, the
 11 video library, current periodicals that come to the
 12 department office.
 13 Q How many teachers teach U.S. history at
 14 Watsonville High School?
 15 MS. KAATZ: This school year?
 16 BY MR. LaCOMBE:
 17 Q Yes.
 18 A Six or seven. Without a master schedule in
 19 front of me, I can't give you a more definitive answer.
 20 Q Offhand, do you know their names?
 21 A Delia Mendez would be one; Elaine Legorreta,
 22 Jim Hagen, Lisa Clearman, Rhonda Levine, Sarah Rowe,
 23 John Spire, Gerardo Loyola, like the college, Hagen.
 24 Q Okay. That's Jim Hagen?
 25 A Uh-huh.

1 Q I think you mentioned him before.
 2 A Okay, I was mentally having to go down the
 3 halls. What's the total now that I did?
 4 Q I count eight.
 5 A Okay.
 6 Q Mendez, Legorreta, Hagen, Clearman, Levine,
 7 Rowe, Spire and Loyola.
 8 A Kyle Grant was another one. He's out of that
 9 building.
 10 Q Does Watsonville High School provide a textbook
 11 for U.S. history in year?
 12 A Classroom sets.
 13 Q And to your knowledge, what is the title of the
 14 textbook that's provided for U.S. history?
 15 A I -- I don't know if it's -- I'm not sure.
 16 It's either United States History or it's American
 17 Pagent.
 18 Q Why do you mention those two titles?
 19 A Because those are the last two textbooks for
 20 U.S. history that flash into my brain.
 21 Q How many teachers taught U.S. history last
 22 year?
 23 A I believe it's six.
 24 Q Do you know which teachers those were?
 25 A Mendez, Loyola, Spire, Levine, Rowe, Legorreta,

1 John Dudley. After that I need a master schedule.
 2 Q Did Jim Hagen teach U.S. history last year?
 3 A I think Hagen taught government last year.
 4 Q Okay. That's seven by my count.
 5 A Okay.
 6 Q Why don't we take a brief break right now.
 7 (Recess.)
 8 BY MR. LaCOMBE:
 9 Q Mr. Lane, did the school provide enough
 10 textbooks last year for each U.S. history student to
 11 have a textbook of his or her own use in class and to
 12 take home?
 13 MS. KAATZ: Objection, vague as to provide.
 14 MS. PERRIN: And calls for speculation.
 15 BY MR. LaCOMBE:
 16 Q Do you understand the question?
 17 A I think I do. There were enough books
 18 available for all students. Whether the teacher or not
 19 decided to have the books issued or use a classroom set
 20 or pick and choose from various materials was his or her
 21 decision.
 22 Q Are you aware of any teacher in U.S. history
 23 last year who elected not to use the textbook?
 24 MS. PERRIN: At all?
 25 BY MR. LaCOMBE:

1 Q At all, yeah.
 2 A To give to the student, to issue it?
 3 Q Yeah.
 4 A I don't -- I believe John Dudley did not issue
 5 textbooks. The others I'm not specifically sure. I'm
 6 tempted to think that John Spire might have used
 7 classroom sets, but I'm not positive of that one.
 8 Q What makes you say that John Spire might have
 9 used classroom sets, if anything?
 10 A It might have been with his SDAIE or bilingual
 11 classes.
 12 Q Do you have any reason to know why -- do you
 13 have any reason to know -- sorry. Let me start over
 14 again.
 15 Are there any facts that you know of that leads
 16 you to believe that John Spire might have used -- or
 17 did, in fact, use a classroom set in one or more of his
 18 U.S. history classes last year?
 19 A If it was in his bilingual or SDAIE sections,
 20 because of the student's language abilities in English,
 21 in his professional judgment he might not have used the
 22 textbook as primary mode of instruction and so only used
 23 it as the classroom set to use in the classroom when
 24 appropriate as what he was doing in the class that day.
 25 Q But you're not sure that he in fact did use

1 classroom sets last year; is that correct?
 2 A No, I'm not exactly sure about John Spire.
 3 Q Okay. Was John Dudley given textbooks by the
 4 school, to your knowledge, last year?
 5 MS. KAATZ: Objection, vague as to given
 6 textbooks.
 7 BY MR. LaCOMBE:
 8 Q Do you understand the question?
 9 A They were available if he wanted to use them.
 10 Q Do you have any personal knowledge of whether
 11 or not John Dudley used textbooks in his class last
 12 year?
 13 A Specifically textbooks -- I don't believe John
 14 used a textbook by itself.
 15 Q What makes you believe that?
 16 A I was the department chairman of social
 17 studies, and as teachers will sit in casual conversation
 18 we will discuss what are you doing in class and
 19 successes and obstacles and failures.
 20 Q Did he ever mention in these casual
 21 conversations otherwise that he was using classroom sets
 22 in the U.S. history class last year?
 23 A No.
 24 Q What was it in these casual conversations, if
 25 anything, that led you to believe that he was using

1 classroom sets?
 2 MS. KAATZ: Objection. I think that might
 3 misstate his testimony. I don't think that he said that
 4 John Dudley used classroom sets.
 5 MR. LaCOMBE: I'm sorry, you're right.
 6 MS. KAATZ: Okay.
 7 MR. LaCOMBE: He said that John Dudley didn't use
 8 or may not have used textbooks.
 9 Q Do you understand the thrust of my question?
 10 A I need to hear the question again.
 11 MR. LaCOMBE: Okay, what was it?
 12 (Record read as requested.)
 13 BY MR. LaCOMBE:
 14 Q What was it about these casual conversations,
 15 if anything, that led you to believe that he did not
 16 issue textbooks in his U.S. history?
 17 A John would design his units using materials
 18 from the Internet or a collection of history items
 19 called TCI, which I believe stands for Teachers
 20 Curriculum Institute, which is a collection of U.S.
 21 history units, content units with some support material
 22 and lots of suggestions. And he would build handouts
 23 that he would Xerox that were project based, reading
 24 based things, and then the kids would do things relative
 25 to the unit of U.S. history that he was teaching from

1 teacher-produced and -generated materials.
 2 Q Did John Dudley ever tell you the reason he
 3 had, if he had any, for using these TCI materials
 4 instead of a textbook?
 5 MS. KAATZ: Objection, calls for hearsay.
 6 THE WITNESS: No, he didn't give me specific
 7 reasons as to why.
 8 BY MR. LaCOMBE:
 9 Q Did you ever ask?
 10 A I've asked teachers if they like TCI materials.
 11 Q You say that this year all of the U.S. history
 12 classes are using classroom sets; is that right?
 13 A This year?
 14 Q Right.
 15 A Correct. Well, they have access to them. I
 16 don't know how much a particular teacher is using them.
 17 Q Okay. What is the reason for using classroom
 18 sets in the U.S. history class this year, as you know?
 19 A Because as a department we decided to use
 20 classroom sets this year because, one, we knew we were
 21 going to replace our books next year and that was based
 22 on the State framework being approved that I discussed
 23 with you earlier, and it would allow us -- allow the
 24 department to have books for the kids and not spend
 25 money on books that we were going to get rid of nine

1 months later. Because we had already been investigating
2 textbooks last year and reading and looking at them and
3 what have you, to identify the new book titles we
4 wanted. And so it was one of those Let's not spend
5 money this year knowing that in nine months we're going
6 to can it.

7 Q Has the social studies department, if you know,
8 already decided on the new textbook titles it will be
9 purchasing for the text year?

10 A Yes, they have made those decisions.

11 Q Do you know, have they placed orders for the
12 new textbooks yet?

13 A The orders have not been placed because the
14 fiscal year doesn't start until July 1.

15 Q Will the orders be placed, to the best of your
16 knowledge, as of July 1?

17 A Yes.

18 Q The new textbooks that they've decided upon,
19 are they a different publisher from what is currently
20 being used, if you know?

21 A I know the World Civ by McGrueger Lytel. U.S.
22 history book, I'm not sure. I believe they're going to
23 continue with the new edition of McGrueger's in
24 government. And the econ book, they were still
25 debating, but I think it's going to be a book by Holt,

1 and there's honors government this year.

2 Q Those are elective courses or --

3 A Government and econ are required for
4 graduation. A student can, if you will, opt into honors
5 government and honors econ.

6 Q And do those classes use classroom sets, if you
7 know?

8 A There's only one section of honors economics
9 and there are 40 books, so the kids are, if you will,
10 issued the book, or have access to it.

11 Q Does that mean they have the textbook to take
12 home?

13 A Yeah.

14 Q Okay. Now, you had enough textbooks last year
15 in the social studies classes for each student for there
16 to be available for each student a textbook to take
17 home?

18 A Correct.

19 Q The current year, there's not enough textbooks
20 available for each student to take home?

21 A Correct.

22 Q What is the reason, if you know, for why there
23 are no longer enough textbooks available for each
24 student to take home in the required social studies
25 classes?

1 Rinehart, Winston, et cetera.

2 Q Besides those four classes, are there any other
3 social studies classes?

4 A Yes.

5 Q Do those classes use classroom sets?

6 MS. KAATZ: Objection, ambiguous as to time frame.

7 BY MR. LaCOMBE:

8 Q This year?

9 A International relations does not have a
10 textbook at all.

11 Q Okay. Do you know the reason why?

12 A There isn't one available.

13 Q Do you know what materials are used for
14 instruction in international relations, if any?

15 A What you and I'd call periodicals, journals
16 that the teacher can access, and then Internet research
17 and research that the kids do based on the topic that's
18 being discussed.

19 Q Is that an elective course?

20 A Yes. I need to go back because I think I
21 missed one of the courses. Are there any other courses
22 that are --

23 Q That is social studies courses besides the four
24 that you mentioned, econ --

25 A All right, gotcha. There's honors economics

1 A Because we didn't want to spend money on new
2 books that we knew we were going to get rid of within a
3 year, spend enough money to do that. And in light of
4 money available, if we were to, if you will, demand
5 books, then there wouldn't have been enough money for
6 science to have their, if you will, complement of books.
7 And so it was, we tried to build a win-win situation out
8 of it.

9 Q Okay. I'm asking if there's fewer textbooks
10 this year in the social studies classes than there was
11 last year.

12 A Fewer books in total, I would say yes.

13 Q Okay. Is there greater enrollment in these
14 four classes in total this year than there was last
15 year, if you know?

16 A There's probably greater enrollment in World
17 Civ this year than there was last year.

18 Q Do you know about the other classes?

19 A I would say they're about the same.

20 Q Do you know in the current school year by how
21 many textbooks is the school short in order to provide a
22 U.S. history textbook or to make available to each
23 student to take home?

24 MS. KAATZ: Objection. That's vague as to the
25 difference between make available and issue.

1 BY MR. LaCOMBE:
 2 Q Do you understand the question?
 3 A Well, I think I do. I think you're asking
 4 about the shortfall between how many books do we have
 5 and how many kids do we have.
 6 Q Uh-huh.
 7 A And I'm not sure of that in U.S. history.
 8 Q What about for the other three required social
 9 studies classes, do you know?
 10 A The enrollment in World Civ this year is
 11 greater than last year, so I would assume that we're
 12 shorter in World Civ than we are in U.S. history.
 13 Government, I don't have an estimate as to what the
 14 shortfall is without looking at the numbers.
 15 Q Have you projected student enrollment in these
 16 classes for next year for the four required social
 17 studies classes?
 18 A Not course specific. We've only projected
 19 enrollment schoolwide.
 20 Q Based on the schoolwide enrollment projections,
 21 is it your belief that each student will have a textbook
 22 of their own in each of the four social studies required
 23 courses next year?
 24 A Yes.
 25 Q Is there any classes at Watsonville High

1 School, to your knowledge, that has no books available
 2 for its students at all?
 3 MS. KAATZ: Objection, vague as to available.
 4 MS. PERRIN: Join.
 5 THE WITNESS: International relations.
 6 BY MR. LaCOMBE:
 7 Q Okay.
 8 A P.E. probably.
 9 Q Okay.
 10 A I would bet, without investigating, that many
 11 of the art classes do not have a textbook issued to
 12 every kid in every course. And there might not be a
 13 textbook for every kid in every course in the video
 14 academy.
 15 Q What is the video academy?
 16 A It's, if you will, a school within a school
 17 concept where kids attend four classes there are built
 18 around a common core, in this case video technology. So
 19 their English teacher, their technology teacher, meaning
 20 computers and keyboarding, and the video production
 21 class cooperate -- and there is a social studies
 22 component of that depending on the grade level. Those
 23 teachers have those same kids and attempt to do in a
 24 disciplinary instruction based on a common theme, in
 25 this case video technology and production.

1 Q Okay. Are there any other classes besides
 2 international relations, P.E., art and perhaps the video
 3 academy classes. Where there are no books available for
 4 the students at all?
 5 MS. KAATZ: Objection. I think that misstates
 6 testimony as to whether there's -- no books available
 7 and it's vague as to available. I believe we were
 8 talking previously about classes where books were not
 9 issued, and I think that's different whether or not
 10 books are available for use at all.
 11 MR. LaCOMBE: Okay.
 12 THE WITNESS: I believe -- of all the courses I can
 13 think of by mentally going around the school very
 14 quickly that there are books available for student use
 15 in the classroom when the teacher wants to use them.
 16 Now, whether there's a book for every student in every
 17 one of those instances, I do not know that. I have not
 18 been out to the woodshop to look and see how many books
 19 are sitting in there on how to do a dovetail joint.
 20 But more than likely if that's what the teacher
 21 want to do, there are books available for the teacher to
 22 explain to the kid the theory behind it and learn how to
 23 do before they get into the lab situation and do it.
 24 BY MR. LaCOMBE:
 25 Q Okay.

1 A And I just thought of something that came up
 2 this morning. You asked about the county office and
 3 books, and I think I said no, and there's probably an
 4 exception to that. There is such a thing as the
 5 Regional Occupational Program, called ROP. ROP many
 6 times involves the county office at a site. An example
 7 would be the auto shop where they are specifically
 8 teaching kids occupational skills and there's some kind
 9 of interface between the county office and that course
 10 and budget, even though it's at our site. And so when
 11 it comes to books in ROP classes, the county office
 12 might well have a say in those. And that's different
 13 than what I answered this morning and I just -- when I
 14 was going around the school in my brain and hit the auto
 15 shop, I realized that that could alter that other
 16 question.
 17 Q Okay. ROP courses include what classes
 18 besides auto shop?
 19 A Metal shop. There are some computer courses.
 20 There are what -- construction -- excuse me. Is it
 21 construction and cabinetry? -- I'm not sure of the
 22 exact course title it's something in the woodshop area,
 23 construction and cabinetry or cabinetry and something.
 24 I don't believe we currently have any Ag ROP classes
 25 this year.

1 Q Is that agriculture?
 2 A Yes. We have had ROP floristry in the past.
 3 That's the extent of it right now.
 4 Q Okay. Does Watsonville High School provide
 5 textbooks for the Spanish classes this year?
 6 MS. KAATZ: Objection, vague as to provide.
 7 MS. PERRIN: Join.
 8 THE WITNESS: Spanish classes, you mean classes
 9 where kids are going to learn the Spanish language?
 10 BY MR. LaCOMBE:
 11 Q That's right.
 12 A Yes, we provide textbooks in those classes.
 13 Q What about last year?
 14 A Yes, they were available.
 15 Q Does the school provide enough textbooks this
 16 year for each Spanish student to have a textbook of his
 17 or her own to use in class and to take home?
 18 MS. PERRIN: Same objection, vague as to provide.
 19 It's different from when it's available to when it's
 20 issued.
 21 MR. LaCOMBE: I'm talking about the school making
 22 it available to the classes, if it makes sense.
 23 MS. KAATZ: Actually it's still a little bit
 24 confusing. I think the distinction we're trying to make
 25 is, if a book is available, does that mean that every

1 child has a book that they take with them all the time,
 2 or does it mean that they're able to go and get one that
 3 they can take home? I think those are two different
 4 things.
 5 THE WITNESS: So where do we go?
 6 MS. KAATZ: Okay, you're the authority.
 7 THE WITNESS: I mean, I don't know -- I'm not sure
 8 where the question is now.
 9 MS. KAATZ: We'll bat it back into Steve's court.
 10 BY MR. LaCOMBE:
 11 Q Let's start at the student level. To the best
 12 of your knowledge does every student in the Spanish
 13 classes have a textbook of his or her own to use in
 14 class and to take home?
 15 A Yes, with this qualification. If a teacher
 16 decides to use a classroom set versus having the kids
 17 take it home, that's his or her decision.
 18 Q Were you aware of any Spanish teachers who have
 19 decided to use a classroom set this year?
 20 A I believe there's one that is using a classroom
 21 set.
 22 Q Do you know which teacher that is?
 23 A I'm sorry, I don't know her first name. Her
 24 last name is Collazo. I believe it's C-o-l-l-a -- I
 25 don't know if it's s-o or z-o, but it's a double l.

1 Q What makes you believe that Miss Collazo is
 2 using a classroom set this year in Spanish?
 3 A In conversations I've had with the department
 4 chairperson and Collazo, I think there was going to be a
 5 classroom set in that course that she teaches. I'm
 6 tempted to say it's Spanish for Spanish speakers, but
 7 I'm not sure without a master schedule in front of me.
 8 Q That's the name of the course?
 9 A Yes. We have Spanish for Spanish speakers,
 10 which is different than Spanish 1, 2 and 3 and 4.
 11 Q Do you know of the reasons, if any, why
 12 Ms. Collazo chose to use a classroom set this year?
 13 A No.
 14 Q Are you aware of any teachers last year who
 15 choose to use a classroom set in Spanish, in any Spanish
 16 class?
 17 A No, I'm not familiar with that, but I probably
 18 wouldn't have been.
 19 Q What makes you believe that there probably was
 20 not any Spanish class last year that used classroom
 21 sets?
 22 MS. PERRIN: Objection, misstates his testimony.
 23 He said he wouldn't know and probably wouldn't have been
 24 aware.
 25 THE WITNESS: Yeah, what she said is correct. I

1 was a social studies teacher last year. I wasn't
 2 concerned with Spanish books.
 3 BY MR. LaCOMBE:
 4 Q Okay. All right.
 5 A Specifically, directly.
 6 Q To your knowledge, are there any supplemental
 7 textbooks that are used in the Spanish 1 class?
 8 MS. KAATZ: In the current year?
 9 MR. LaCOMBE: That's right.
 10 THE WITNESS: Only if the teacher possess them --
 11 owns 'em himself, whatever the right word is. There
 12 aren't supplemental books from the bookroom.
 13 BY MR. LaCOMBE:
 14 Q What about last year?
 15 A Again the same answer. Supplemental materials
 16 would be of the teacher's collection.
 17 MR. LaCOMBE: Okay. Can we go off the record for a
 18 second.
 19 (Discussion held off the record.)
 20 BY MR. LaCOMBE:
 21 Q To your knowledge, can students who use class
 22 sets in their classrooms check out copies of the
 23 textbook for the night?
 24 MS. PERRIN: Objection. Are you asking ask from
 25 the library or from the teacher?

1 BY MR. LaCOMBE:

2 Q I'm asking in general.

3 A Yes.

4 Q Let me follow on with what she -- where are
5 those copies available for checkout?

6 A If they can convince the teacher to loan them a
7 copy, they can get it there. There are copies available
8 in the library for checkout.

9 Q Are there copies available for checkout in the
10 library for every class that uses a class set, to your
11 knowledge?

12 A Are there copies of every social studies class
13 that uses a class set in the library; is that the
14 question?

15 Q Yes.

16 A Yes, there are copies available for checkout.

17 Q Okay. What about classes that are not social
18 studies but where a teacher elects to use a class set,
19 are there copies available in the library of those
20 textbooks as well, if you know?

21 A Are they in the library? I don't know that.

22 Q Is there any procedure that a student uses to
23 check out a textbook -- check that.

24 How does a teacher -- let me begin again.

25 Does the school let the students know that

1 A Uh-huh, yes.

2 Q In your experience, do you believe that the use
3 of photocopy materials ever affected the students'
4 education in any way, if at all?

5 MS. KAATZ: Objection. Calls for possibly expert
6 testimony.

7 MS. PERRIN: And I also think it calls for a legal
8 conclusion. But again, I'm happy to do a standing
9 stipulation --

10 MS. KAATZ: We'll both join.

11 MR. LaCOMBE: Sure.

12 MS. PERRIN: Okay. So all questions about relief
13 are objected to on the grounds of expert testimony and
14 calling for a legal conclusion.

15 MS. KAATZ: I join that.

16 BY MR. LaCOMBE:

17 Q You may answer.

18 A So do I use photocopies --

19 Q Yeah, we established that.

20 A And were they effective?

21 MS. KAATZ: Can you read back the question.

22 (Record read as requested.)

23 THE WITNESS: Yes, I would say that it affected
24 their education in a positive way in the way that I used
25 them.

1 additional copies of social studies textbooks are
2 available in the library for checkout?

3 MS. KAATZ: Objection, calls for speculation.

4 THE WITNESS: At the start of the school year this
5 year, all social studies teachers were well aware that
6 there was a classroom set in each of the rooms that they
7 occupy and they were given extras. There were generally
8 40 put in each room. If they wanted more, they could
9 get more, and that we had another 40 books at the ready
10 in the library for checkout purposes on a daily basis.
11 Had that 40 been exhausted, we would have probably
12 gotten some more out of the bookroom.

13 BY MR. LaCOMBE:

14 Q Okay. If you know, is there any way that the
15 students are made aware of the availability of the
16 textbooks for checkout at the library?

17 A The teachers were supposed to tell them that.

18 Q Okay. To your knowledge, has a student this
19 year ever been unable to take a textbook home because
20 there aren't enough textbooks in the library for
21 checkout?

22 A No.

23 Q Mr. Lane, when you taught at Watsonville High
24 School, did you ever provide your students with
25 photocopy materials?

1 BY MR. LaCOMBE:

2 Q Okay. How did you use them?

3 A One example would be I, from the very first day
4 of class, would encourage my students to listen to the
5 news and read the newspaper. Knowing that a lot of them
6 did not read the newspaper, I would the next day of
7 class and the next day and the next day and on, every
8 day I'd say, "Well, you all read in the newspaper this
9 morning," and get the chuckle or the sneer as the case
10 may be, and I would have already been at school, had
11 done a cut and paste, had done a Xerox of a particular
12 article that had a particular economic thrust to it.
13 Generally fairly brief so they can read it in five to
14 eight minutes. I would Xerox it; I would hand it out;
15 I would have them read it, and then we would discuss the
16 salient points and the significance of that particular
17 piece of news in relation to economics in general, and
18 something specific that they were doing in class.

19 Q Okay. Does Watsonville High School have
20 computers for the students use?

21 A Yes.

22 Q Where are the computers located, if you know?

23 A There are computers in the library. There are
24 -- I believe, there are seven rooms that are -- have
25 computers, and then there is at least one computer in

1 every classroom that is available for students' use at
 2 the teacher's discretion. There are also computers in
 3 what is known as the Migrant Learning Center, which is
 4 inside the library but accessed from an outside door.
 5 Q Any other computers available for the
 6 students' use at the Watsonville High School site?
 7 A This year?
 8 Q Yes.
 9 A That fairly well covers it. Sometimes there's
 10 more than one computer in the room, but each room has at
 11 least a computer. Some rooms have six or seven.
 12 Q In the classrooms -- the classroom computers,
 13 does the teacher also use those computers, if you know?
 14 A Are you talking about the rooms, if you will,
 15 of computers?
 16 Q No, I'm talking about the classrooms.
 17 A Oh, where there's one?
 18 Q Yes.
 19 A Yes, the teacher would use that computer.
 20 Q For what purposes, if you know?
 21 A Specifically to take roll, to enter grades,
 22 report card type grades. If they care to keep their
 23 grade on it within their own digital locker, they can.
 24 Internet access, which is wired to the monitor in the
 25 room so they can put it up on the screen. Just as an

1 example, in the sciences, we have a couple of devices
 2 that the teacher can do something on the computer, put
 3 it up on the monitor and then through appropriate wiring
 4 and what have you, can connect it to a microscope so the
 5 students can see whatever it is they want the students
 6 to see.
 7 Q You said you have seven rooms full of
 8 computers?
 9 A Again, without a master schedule in front of
 10 me, I believe there are seven labs on campus.
 11 Q Do you know approximately how many computers
 12 terminals are in each of those rooms?
 13 A I would guess 24 to 30. I know that we have
 14 500 plus computers on campus, and then the --
 15 Q Do the 500 plus computers, does that include
 16 computers that are used for administrative purposes?
 17 A No. I think there are probably better than 500
 18 computers available for student use.
 19 Q What are the hours of access to the computers
 20 in the library?
 21 A I think student access to 7:30 to 4:30.
 22 Q What about the seven rooms of computers, what
 23 are the hours of access for students?
 24 A That's determined by an adult being there.
 25 Q Are there any after school hours?

1 A Well, school ends at 3:00, so anything from
 2 3:00 to 4:30 or if a teacher is willing to stay as long
 3 as kids would want to use them.
 4 Q To your knowledge, what is the latest that a
 5 student can access a computer room in the course of a
 6 day, if you know?
 7 A I don't know that. That would be dependent on
 8 the teacher willing to stay.
 9 Q Okay. Do you know how many computer terminals
 10 are in the Migrant Learning Center?
 11 A Not specifically.
 12 Q Do you know its hours of operation?
 13 A I believe it is 7:00 to 4:30.
 14 Q Do all these computers have Internet access?
 15 A Assuming someone hasn't broken the wiring, yes.
 16 Q Do the students have access to e-mail accounts?
 17 A Let's see. Every student has his own I.D.
 18 number to provide access. Does he have e-mail? I'm not
 19 able to answer that one.
 20 Q Okay. Has the school received any grants for
 21 the purchase of computer technology in the past five
 22 years?
 23 A Yes.
 24 Q What would those be?
 25 A Specifically we are a Digital High School Grant

1 recipient.
 2 Q Any other grants besides Digital High School?
 3 A Part of the English -- the ELD budget, which we
 4 mentioned earlier, ELL, English Language Learning
 5 Budget, those categorical funds can help support the
 6 access of technology for kids.
 7 Q What sort of technology is purchased with ELL
 8 funds, do you know?
 9 A Computers and/or software, hardware and
 10 software.
 11 Q Is that for the Migrant Learning Center, or is
 12 that for something else?
 13 A No. Heretofore the Migrant Learning Center was
 14 only available to designated my grant students. This
 15 year non migrants can use the Migrant Learning Center.
 16 An English language learner is not necessarily a
 17 migrant. So you're talking about two different pots of
 18 money.
 19 Q Okay.
 20 A The English -- the ELL program, English
 21 Language Learner program -- let me correct that.
 22 Because of the acronyms, it's going to get goofy.
 23 English Language Developmental program, the ELD
 24 has ELL's English Language Learner, which they now like
 25 to call just EL's, English Learners. That categorical

1 money can buy computers to support the success of
 2 English Language Learner students.
 3 Q Okay. Let's go back to the digital high school
 4 grant. How much money was received under the Digital
 5 High School Grant?
 6 A I'm not real sure.
 7 Q Do you know if the funds were dispersed in one
 8 lump sum or more?
 9 A No, they were not dispersed in one lump sum.
 10 They have been parceled out depending on how our digital
 11 high school committee and coordinator deemed
 12 appropriate.
 13 Q Do you know when you received that grant?
 14 A I believe this is the second year.
 15 Q And with those funds, what have you purchased,
 16 if anything?
 17 A A computer in every classroom, as far as the
 18 monitor. They decided to go with the thin client system
 19 which means we have a farm of servers in a couple of
 20 designated spots. And so in each classroom there's a
 21 keyboard and a monitor, but the software is loaded
 22 elsewhere. And teachers have -- and students have a
 23 digital locker, their own I.D. number and what have you.
 24 Q Are all the computers at Watsonville High
 25 School on the thin client system?

1 A A vast majority are. There probably are a few
 2 stand-alones.
 3 Q How long does the Digital High School Grant
 4 last, how many years?
 5 A I'm not sure.
 6 Q Are there any other computer technology grants
 7 besides the Digital High School and the ELL?
 8 A The SIP budget can support technology.
 9 Q Anything else?
 10 A The Eisenhower Funds, which are math and
 11 science specific, can support teachers learning how to
 12 use technology in the classroom. So it's professional
 13 growth, so we can send people off to conferences or
 14 workshops on how to use technology in the classroom, so
 15 there is a connection like that.
 16 Q Are the Eisenhower Funds used to purchase
 17 computer technology?
 18 A No, I don't think you can purchase -- no
 19 capital outlay with that.
 20 There are some very specific titled monies for
 21 library use that can buy software that is going to be
 22 used to serve the students. An example would be if we
 23 need to upgrade the technology that -- the scanners that
 24 read those bars that are in the textbooks, you can use
 25 that money for that. After that, there's specific

1 grants that teachers and/or admin would write to
 2 participate in certain things.
 3 Q Does Watsonville High School have any plans to
 4 expand the instructional use of computers that you know
 5 of?
 6 A Yes.
 7 Q And what would those be?
 8 MS. KAATZ: Object, vague as to instructional use.
 9 BY MR. LaCOMBE:
 10 Q What would those plans be?
 11 A Our plan is for next year, we're going to have
 12 four mobile racks of wireless computers of 24 each, so
 13 teachers can roll them into the classroom so every kid
 14 can do whatever it is the teacher wants 'em to do with
 15 the computer to successfully complete the assignment.
 16 Q And when will these wireless computers be
 17 available?
 18 A Ideally in the fall.
 19 MS. KAATZ: Are we at a breaking point?
 20 MS. PERRIN: Sure.
 21 MR. LaCOMBE: We can take a break.
 22 (Recess.)
 23 BY MR. LaCOMBE:
 24 Q Before we left, we were talking about plans for
 25 a mobile rack of wireless computers. How many mobile

1 racks will there be, if you know?
 2 MS. PERRIN: Objection. Asked and answered.
 3 THE WITNESS: I believe it's four.
 4 BY MR. LaCOMBE:
 5 Q Four. Have these computers been ordered yet,
 6 if you know?
 7 A I'm not sure.
 8 Q Do you know what the source of funding is for
 9 the computers?
 10 A Digital High School money and ELD funding.
 11 Q If you know, what will the wireless computers
 12 be used for?
 13 A To be determined by the teacher.
 14 Q Does Watsonville High School have any other
 15 current plans to expand the instructional use of
 16 computers in the forthcoming years?
 17 MS. KAATZ: Objection, vague as to instructional
 18 use.
 19 THE WITNESS: I think one of our long term
 20 instructional objectives is to have all kids capable of
 21 effectively using technology by the time they graduate
 22 Literacy and Technology.
 23 BY MR. LaCOMBE:
 24 Q What sort of plans does the school have, if
 25 any, to achieve that objective?

1 A To continue offering ongoing in-service for
2 teachers in the use of technology in the classroom, have
3 the teachers more comfortable with technology. To teach
4 teachers how to produce PowerPoint presentations that
5 they can use in the classroom. To teach teachers how to
6 teach students how to use the technology for research,
7 report preparation and presentation. And then to the
8 very esoteric stuff of gene mapping in the sciences --
9 Okay. I need to correct. I believe I said
10 gene --
11 Q Mapping is what you said?
12 A I want to correct that to read DNA mapping.
13 Q How does DNA mapping fit into the school
14 curriculum, if at all?
15 A It fits into the life sciences and specifically
16 biology and the chemistry that's involved in it.
17 Q If you know, are the students at Watsonville
18 High School currently doing DNA mapping?
19 A There is a unit where they have been doing some
20 of that information, some of that information and
21 research.
22 Q What unit is that?
23 A It's in biology, and some individual citizen
24 made a large donation to increase research in the
25 sciences in that area.

1 MS. PERRIN: That was nice.
2 BY MR. LaCOMBE:
3 Q Was this a donation to Watsonville High School
4 specifically, if you know?
5 A I'm not sure if it was Watsonville High School
6 or the district.
7 Q Do you know the amount of the donation?
8 A I believe it was -- I believe it was 10,000.
9 Q Do you know when that was received?
10 A I would guess three years ago.
11 Q Have those funds been used to purchase anything
12 other than DNA mapping technology?
13 A I do not know that.
14 Q Do you have any reason to know that that
15 donation helped to fund DNA mapping technology?
16 A I can only answer anecdotally because I was a
17 teacher at the time and I knew that it occurred. I
18 wasn't overseeing the spending of the funds.
19 Q Are you aware of whether or not there are still
20 funds remaining from that \$10,000 donation?
21 A No.
22 Q All that money's been spent?
23 A I don't know that.
24 Q You don't know. Besides the purchase of the
25 mobile racks of the wireless computers, are there any

1 other plans to purchase additional computers next year?
2 A I have no specific knowledge of specific
3 purchases.
4 Q Okay. Does Watsonville High School have ELL
5 materials?
6 A Yes.
7 Q What materials does the school have?
8 MS. KAATZ: Objection, vague to materials.
9 THE WITNESS: Reading books, videotapes,
10 audiotapes, teacher generated materials, other
11 professionally developed materials, single or, you know,
12 multiple copies.
13 BY MR. LaCOMBE:
14 Q How often does the school purchase new ELL
15 materials, if you know?
16 A Not in my province.
17 Q Okay. Does the school provide teacher
18 materials for ELL instruction, if you know?
19 A If they are available, they do.
20 Q What do you mean by available?
21 A In relation to our needs there's a dearth of
22 second language learner materials available that have
23 been prepared by knowledgeable experts. So if we can
24 identify something that is good and it is available, we
25 will make every effort to get it.

1 Q If a teacher wanted additional ELL materials,
2 is there a procedure for requesting such?
3 A Yes.
4 Q What is that procedure?
5 A I can only cover it in general because Tom
6 Hiltz, the assistant principal of categorical subjects,
7 is the one that administers that program.
8 Q Okay. Can you give the general?
9 A The teacher or teachers or the bilingual
10 resource teacher would identify the material, ideally
11 preview it, ascertain that it does what it says it's
12 going to do. If it's a reasonable price or cost and
13 there's enough money left in the budget, they would
14 start a purchase order -- do a requisition which
15 generates a purchase order, which goes to purchasing; is
16 approved by the board; the vendor gets the order and it
17 goes backward through the process until it ends up at
18 our site.
19 Q If you know, who decides whether or not to
20 approve the purchase of supplemental -- of the ELL
21 materials for a teacher?
22 A It would be Tom Hiltz ultimately and then Jose
23 Bonda, the principal.
24 Q Does the governing board also play a role?
25 A Oh, yes, the governing board approves all

1 purchase orders. That includes people at the district
 2 level before it gets to the governing board, okay.
 3 Q Anybody else besides --
 4 A By name?
 5 Q No, not by name. Not necessarily.
 6 A Oh. Yes, there are people beyond Jose and
 7 before the governing boards.
 8 Q Okay. And they're all at the district level?
 9 A Correct.
 10 Q Are textbooks delivered directly from the
 11 publisher to the school site?
 12 A In most cases, I would say yes.
 13 Q For those most cases, where are the new
 14 textbooks received at the school site?
 15 MS. KAATZ: Physically received?
 16 MR. LaCOMBE: Yes.
 17 THE WITNESS: If the truck driver comes into the
 18 main office and tells us what he wants, we will attempt
 19 to get the driver to go to a spot where the forklift can
 20 unload them. And the bookroom has been recently moved,
 21 so put 'em in the new bookroom. Put the pallets in the
 22 new bookroom.
 23 BY MR. LaCOMBE:
 24 Q Okay. Is there any school official or school
 25 employee who is in charge of receiving new textbooks at

1 the school site?
 2 MS. KAATZ: Objection, vague as to receiving.
 3 BY MR. LaCOMBE:
 4 Q Do you understand the question?
 5 A There's a person that signs acknowledging that
 6 there are this many cases on the pallet.
 7 Q Okay. Who's that?
 8 A Whoever happens to receive the truck driver.
 9 Q Okay. In the cases when the textbooks are not
 10 delivered directly from the publisher to the school
 11 site, where are they received?
 12 A The district office.
 13 Q In what circumstances would a new textbook be
 14 delivered to the district office instead of the school
 15 site?
 16 A Occasionally the district office address ends
 17 up on the purchase order, or the company reads the
 18 district office address because that's where the P.O.
 19 emanated from, so they think that sometimes is the
 20 shipping address so they are brought to the district
 21 office receiving area. And I'm sure that they try to
 22 convince the truck driver to drive them to the site, but
 23 sometimes they won't, they'll say, "No, this is where it
 24 says it's going, you get 'em."
 25 Q Okay. Are there any other sites where new

1 textbooks are received for Watsonville, if you know?
 2 A Bookroom -- well, occasionally they end up in
 3 the main office because we can't find the custodian.
 4 Q What happens to a new textbook after it is
 5 received into the textbook storage room?
 6 A Once they're delivered to the textbook room,
 7 Kathy open the cases, verifies that they are what
 8 they're supposed to be, takes 'em out -- starts getting
 9 'em out of the case. And the first thing -- assume
 10 she'd counted all the cases and done the math, they're
 11 all there, get out the purchase order and see if we got
 12 what we said we bought. And then as her schedule would
 13 permit, start to put them in the inventory which would
 14 mean the bar code. Then we take the book and with a
 15 permanent marker write the book number on the pages, the
 16 end of the pages up at the top in half-inch block
 17 letters so it's very easy to see, and if the bar code
 18 has been taken out we still know what that book number
 19 is for tracking purposes. And then they're put on the
 20 shelf.
 21 Q Do you know how long in general it takes for --
 22 between the time that the textbook is received to the
 23 time it's ready to be put on the shelf?
 24 A It would vary depending on how many books we've
 25 got to process when we get a, if you will, shipment of

1 books, meaning for alike all the social studies booklets
 2 use that section. It could take, calendarwise, 10 or 12
 3 days because her schedule is interrupted with other
 4 things. She can't do bar codes all day.
 5 Q Okay. Is there any procedure for the school to
 6 keep the local school district informed about any issues
 7 relating to textbooks?
 8 MS. KAATZ: Objection, vague as to issues.
 9 THE WITNESS: Boy. Procedurewise, if it is a
 10 textbook that qualifies to be paid for by
 11 Schiff-Bustamonte, that paperwork would go to the
 12 curriculum -- the district curriculum person, whose name
 13 is Ray Blute, B-l-u-t-e, because he needs to see that
 14 it's legal under the guidelines of Schiff-Bustamonte.
 15 If it's not Schiff-Bustamonte money, it would go from
 16 our school to our assistant superintendent and then
 17 through the system. That's the paper trail. And then
 18 -- I'd like to hear the question again.
 19 (Record read as requested.)
 20 THE WITNESS: District procedure to keep them
 21 aware?
 22 BY MR. LaCOMBE:
 23 Q Yes.
 24 A I don't believe there are other established
 25 procedures. It's based on their request.

1 Q Have you received any request from the local
 2 school district to inform them about issues relating to
 3 textbooks?
 4 MS. KAATZ: Objection, vague as to who is the local
 5 school district.
 6 MS. PERRIN: And vague as to issues.
 7 THE WITNESS: Not on textbooks.
 8 BY MR. LaCOMBE:
 9 Q Okay.
 10 A Other than those I previously mentioned about
 11 the social studies books having to meet the State
 12 standards, which I mentioned earlier today.
 13 Q Does the local school district require you or
 14 anybody else at Watsonville High School to prepare any
 15 type of report relating to textbooks?
 16 MS. KAATZ: Same objection.
 17 THE WITNESS: The only report that I prepared
 18 during my ten months' tenure so far as AP has been that
 19 textbook report that I did to the governing board in
 20 September or October of last year.
 21 MR. LaCOMBE: Okay. I think that will cover it for
 22 today. I'm going to have maybe 20 minutes more when we
 23 continue.
 24 (Discussion held off the record.)
 25 MR. LaCOMBE: We've agreed to continue the

1 I declare under penalty of perjury
 2 under the laws of the State of California
 3 that the foregoing is true and correct.
 4 Executed on _____, 20____,
 5 at _____, _____.

 SIGNATURE OF THE WITNESS

1 deposition at Monterey on June 25th at 10:00 A.M. at --
 2 MS. PERRIN: At the offices of Lozano Smith.
 3 MR. LaCOMBE: Yes. May we stipulate that the
 4 original of this deposition be signed under penalty of
 5 perjury; that the original be delivered to the office of
 6 Lozano Smith; that the reporter is relieved of liability
 7 for the original of the deposition; that the witness
 8 will have 20 days from the date of the court reporter's
 9 transmittal letter to Sarah Kaatz to sign and correct
 10 the deposition; that Sarah Kaatz shall notify all
 11 parties in writing of any changes in the deposition, and
 12 that if there are no such changes communicated or
 13 signature within that time, that any unsigned and
 14 uncorrected copy may be used for all purposes as if
 15 signed and corrected?
 16 MS. KAATZ: So stipulated.
 17 MS. PERRIN: We stipulate as well.
 18 MR. LaCOMBE: Great. And we've also agreed that I
 19 will continue about 20 minutes or so of questioning and
 20 then we'll go with the plaintiffs.
 21 MS. PERRIN: Sounds great.
 22 MS. KAATZ: Yes.
 23 (TIME NOTED: 3:44 P.M.)
 24
 25

1 STATE OF CALIFORNIA) ss:
 2 COUNTY OF SAN FRANCISCO)
 3
 4 I, THERESA A. DARNELL, CSR No. 9966, do hereby
 5 certify:
 6
 7 That the foregoing deposition testimony of
 8 LAWRENCE T. LANE was taken before me at the time
 9 and place therein set forth, at which time the witness,
 10 in accordance with CCP Section 2094, was placed under
 11 oath and was sworn by me to tell the truth, the whole
 12 truth, and nothing but the truth;
 13 That the testimony of the witness and all
 14 objections made by counsel at the time of the
 15 examination were recorded stenographically by me,
 16 and were thereafter transcribed under my direction
 17 and supervision, and that the foregoing pages
 18 contain a full, true and accurate record of all
 19 proceedings and testimony to the best of my skill
 20 and ability.
 21 I further certify that I am neither counsel for
 22 any party to said action, nor am I related to any
 23 party to said action, nor am I in any way interested
 24 in the outcome thereof.
 25

1 IN WITNESS WHEREOF, I have subscribed my name
2 this 26th day of June, 2001.
3
4
5

6
7 TERESA T. DARNELL, CSR No. 9966
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