

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

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3			
4	ELIEZER WILLIAMS, et al.,	)	
		)	
5	Plaintiffs,	)	
		)	
6	vs.	)	CASE NO.: 312236
		)	
7	THE STATE OF CALIFORNIA, et al.,	)	VOLUME II
		)	
8	Defendants.	)	
	-----	)	

DEPOSITION OF LAWRENCE T. LANE

BE IT REMEMBERED that pursuant to Notice and Stipulation, and on Monday, June 25, 2001, at the hour of 10:05 a.m., in the offices of LOZANO SMITH, 20 Ragsdale Drive, Suite 201, Monterey, California, before me, Jenna Osborn, CSR No. 8681, personally appeared LAWRENCE T. LANE.

APPEARANCES

For the Plaintiffs:

MORRISON & FOERSTER, LLP  
425 Market Street  
San Francisco, CA 94105-2482  
BY: LOIS K. PERRIN

For the Defendants Pajaro Valley Unified School District:

LOZANO SMITH  
20 Ragsdale Drive, Suite 201  
Monterey, CA 93940-5758  
BY: SARAH LEVITAN KAATZ

1 APPEARANCES (CONTINUED)  
 2 For the Defendants The State of California:  
 3 O'MELVENY & MYERS, LLP  
 4 400 South Hope Street  
 Los Angeles, CA 90071-2899  
 BY: STEVEN LACOMBE

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1 Government --  
 2 A. Correct.  
 3 Q. Along with Ron Jones I believe you said?  
 4 A. That's correct.  
 5 Q. Are there any others that you can think of?  
 6 MS. PERRIN: During what school year?  
 7 MR. LACOMBE: This school year.  
 8 THE WITNESS: I believe those are the only two but  
 9 I will check for the master schedule for this year.  
 10 Q. (By Mr. LaCombe) As for Delia Mendez' first period  
 11 Federal Government class in the fall of this school year,  
 12 2000-2001 school year, do you know how many students were  
 13 enrolled in that class?  
 14 A. Not without looking it up, no.  
 15 Q. Could there have been more than 34 students in that  
 16 class?  
 17 A. There could have been at the very start of the school  
 18 year, the first few days, but again, by contract class size  
 19 reduction calls for the class to be 34 to 1. So within the  
 20 first, let's say, eight or ten days of school the classes  
 21 would have been balanced.  
 22 Q. Now ordinarily if a class is not balanced, is not under  
 23 the 34 student ratio, would you find out about it, would you  
 24 be informed about it?  
 25 A. Me personally, not directly. That would go to --

1 LAWRENCE T. LANE,  
 2 having been first duly sworn by the Certified Shorthand  
 3 Reporter, testified as follows:  
 4

5 EXAMINATION  
 6 Q. (By Mr. LaCombe) Good morning, this is the second day  
 7 of the deposition of Mr. Larry Lane.  
 8 Mr. Lane, you understand you are under oath now?  
 9 A. Correct.  
 10 Q. And you understand the same ground rules apply as with  
 11 our last deposition to the deposition today?  
 12 A. Yes.  
 13 Q. Would there be any reason that you can't give your best  
 14 testimony today?  
 15 A. No.  
 16 Q. Where we left off last time is I said I had about 20  
 17 more minutes of questioning and I think I will be able to  
 18 stick to that. Let's talk about the Federal Government  
 19 class.  
 20 A. Okay.  
 21 Q. Is that a one-semester class?  
 22 A. Yes.  
 23 Q. Is it offered both in the fall and spring semester?  
 24 A. Yes.  
 25 Q. Delia Mendez is one of those teachers that teaches

1 directly to guidance, counseling.  
 2 Q. You mentioned that the text in that class is MacGrugers  
 3 American Government.  
 4 A. That's correct.  
 5 Q. Do you know how many copies of MacGrugers American  
 6 Government were in Mrs. Mendez' class in the fall of the  
 7 2000-2001 school year?  
 8 A. We assigned up to 40 books in each Government teacher's  
 9 classroom.  
 10 Q. When you say up to, what do you mean by that?  
 11 A. Well knowing there were 34 students in the classroom,  
 12 and then would give the teacher some extra in case the  
 13 students wanted to borrow the book overnight, the students  
 14 would have access to the book from the teacher.  
 15 Q. Do you know of any instance in which more than 40 books  
 16 were provided to any of the Social Studies classes this  
 17 year?  
 18 A. Any of the books beyond 40 were put in the library, if  
 19 you will, for circulation out of the library, in case the  
 20 teacher gave out all six of their copies. After that the --  
 21 anything beyond that would have been kept in the book room.  
 22 Q. Do you know of any specific class in the Social Studies  
 23 Department that there were fewer than 40 books?  
 24 MS. KAATZ: Objection, at this time?  
 25 MR. LACOMBE: This school year. All these

1 questions pertain to this school year.  
 2 THE WITNESS: When school year started we assigned  
 3 40 books to each room. If a kid filched a book and the  
 4 teacher didn't see it, then there were going to be less than  
 5 40, but I wasn't up there checking, taking inventory.  
 6 Q. (By Mr. LaCombe) Okay. Are you aware whether the  
 7 number of books in Mrs. Mendez' class ever decreased below  
 8 40 books?  
 9 A. I'm not aware of that.  
 10 Q. Did you personally decide that there would be -- that  
 11 the class would have 40 books?  
 12 A. Yes.  
 13 Q. Why did you pick 40?  
 14 A. Because there were 34 in the classroom would be the  
 15 maximum number, and if a student wanted to borrow a book,  
 16 the teacher could loan them a book. If they taught  
 17 Government all day we would still have 34 books if they were  
 18 using the text that day to do something, so every student  
 19 would have a copy. And then they still would be able to  
 20 loan one out so a student wouldn't have to go back to the  
 21 room.  
 22 Q. Besides the copies that were in the class sets and the  
 23 extra copies that are in the library, were there any  
 24 additional copies kept in the book room during the school  
 25 year for the Social Studies classes?

1 A. Yes.  
 2 Q. And how many?  
 3 A. Numerically I couldn't -- couldn't tell you.  
 4 Q. Do you have an estimate for any of the classes?  
 5 A. I would bet that we might have had in U.S. History maybe  
 6 200 books in the book room. Federal Government maybe 100  
 7 extra.  
 8 Q. If a teacher needed extra copies of a Social Studies  
 9 textbook beyond the 40 books that were assigned, would the  
 10 teacher be able to get those extra from the book room?  
 11 A. Yes.  
 12 Q. What about from the library?  
 13 A. They could get them from the library but those were  
 14 intended for students to be able to check out. So if a  
 15 teacher himself or herself wanted additional copies, the  
 16 ideal place for that would be to go to the book room and  
 17 have them checked out to that teacher.  
 18 Q. Are you aware of any Social Studies teachers this year  
 19 going to the book room to check out additional copies of a  
 20 Social Studies text beyond the 40 that were assigned?  
 21 A. No. Not to my knowledge.  
 22 Q. You mentioned last time that you and Cathy Alessandri  
 23 have conversations --  
 24 A. Uh-huh.  
 25 Q. -- about textbooks. And one of the things that you

1 discuss any shortages in textbooks; is that correct?  
 2 A. That's correct.  
 3 Q. When you discussed shortages in textbooks, is that at  
 4 the classroom specific level --  
 5 A. No --  
 6 MS. KAATZ: Objection as to classroom specific  
 7 level.  
 8 Q. (By Mr. LaCombe) Do you understand the question?  
 9 A. The way Cathy and I deal with the books is in gross  
 10 numbers, what's the total enrollment, how many books do we  
 11 have and if there is extra, fine, and if there is a  
 12 shortfall, then we're going to have to order additional  
 13 books.  
 14 Q. Has she ever informed you that there are too few books  
 15 in a particular class this school year?  
 16 A. We knew we were short Social Studies books this school  
 17 year, that's the reason we went to classroom sets in  
 18 relation to the total enrollment of the school in Social  
 19 Studies classes.  
 20 Q. Did Cathy Alessandri ever report to you that there were  
 21 more students than copies in a class set in any Social  
 22 Studies classes this year?  
 23 A. No.  
 24 Q. Did you attend every cabinet meeting this year?  
 25 A. I believe so.

1 Q. Did Mrs. Mendez ever attend a cabinet meeting?  
 2 A. No.  
 3 Q. Who's the current Social Studies Department Chair?  
 4 A. Elaine Legorreta.  
 5 Q. Was Elaine Legorreta the Social Studies Department Chair  
 6 all year long?  
 7 A. Yes.  
 8 Q. Ever since you stopped?  
 9 A. Correct.  
 10 Q. Did Elaine Legorreta attend every cabinet meeting, if  
 11 you know?  
 12 A. I believe so.  
 13 Q. Was it ever reported at any of the cabinet meetings that  
 14 there were not enough copies in a class set for any of the  
 15 Social Studies classes for each student to use without  
 16 sharing?  
 17 A. No.  
 18 Q. To your knowledge, has there been any class this year  
 19 where students have had to share textbooks in class because  
 20 there isn't at least one textbook available per student?  
 21 A. At the start of the school year until additional math  
 22 books arrived we -- we were short, but we ordered the  
 23 appropriate number to have full complement of class sets  
 24 across the board in math.  
 25 Q. Was that the Windows textbook that --

1 A. I believe it is. Specifically the one in Spanish.  
 2 Q. Other than Spanish and those Math textbooks that you  
 3 mentioned, has there been any other class this year where  
 4 the students have to share textbooks in class because there  
 5 isn't at least one textbook available per student?  
 6 A. Not to my knowledge.  
 7 Q. You mentioned last time that the school allows teachers  
 8 if they should choose to do so to teach without using  
 9 textbooks --  
 10 A. Uh-huh.  
 11 Q. -- is that correct?  
 12 A. Yes.  
 13 Q. If you know, why does the school allow teachers to teach  
 14 class without textbooks?  
 15 A. A textbook is simply one instructional material that the  
 16 teacher can avail himself to. They might be using things  
 17 from other history books and building a particular lesson or  
 18 unit of student from various sources and is not specifically  
 19 textbook based.  
 20 Q. Okay. You also mentioned that the school does allow  
 21 teachers to use class sets even though there are enough  
 22 textbooks available for each student to take home every  
 23 night; is that correct?  
 24 A. I don't believe I said that.  
 25 Q. Okay. Does the school allow teachers to use a class set

1 even though there are enough textbooks for each student to  
 2 take home everyday?  
 3 A. If the teacher selects to use a classroom set and not  
 4 have the student have the book, so when the teacher wants to  
 5 use the book in the classroom everyone will have a copy and  
 6 the kid can't say oh, I left my book at home. So that's a  
 7 teacher determination as to whether they are going to  
 8 have -- you know, leave the books in the room, if you will,  
 9 versus checking them out to the kid.  
 10 Q. Okay. Why does the school leave it to the teacher to  
 11 make that determination?  
 12 A. He is the professional in that classroom, and that  
 13 individual, in concert with their department, are going to  
 14 make the decisions they feel appropriate to that discipline  
 15 and that course.  
 16 MR. LACOMBE: I'd like to introduce this as an  
 17 exhibit. This I think is the first.  
 18 (Whereupon, the document was marked Exhibit 1.)  
 19 Q. (By Mr. LaCombe) Mr. Lane, do you know what this  
 20 document is?  
 21 A. It appears to be the cabinet meetings of August 30th,  
 22 2000.  
 23 Q. Have you ever seen this document before?  
 24 A. I'm sure I have.  
 25 Q. Why do you say you are sure you have?

1 A. Well, I -- without having my cabinet binder in front of  
 2 me, I would assume that I received a copy of these minutes  
 3 and that they are in my cabinet binder in my office.  
 4 Q. Do you always receive copies of the cabinet meetings  
 5 of -- yes?  
 6 MS. PERRIN: Are you asking about the cabinet  
 7 notes?  
 8 MR. LACOMBE: Cabinet notes, yes. Minutes of the  
 9 cabinets, yes.  
 10 THE WITNESS: Yes. I provided the fact that Melani  
 11 produces them and gets them back to us.  
 12 Q. (By Mr. LaCombe) Does Melani prepare this document?  
 13 A. Uh-huh. Melani.  
 14 Q. Melani Davis?  
 15 A. Melani Davis.  
 16 Q. What is Melani Davis' title?  
 17 A. She is the office manager of Watsonville High School.  
 18 Q. Do you know why she prepares cabinet notes?  
 19 A. She is the principal's secretary.  
 20 Q. Why is this document produced, if you know?  
 21 A. To reflect what goes on in the cabinet meetings.  
 22 Q. Do you use this document at all, Mr. Lane?  
 23 A. I generally take my own notes.  
 24 Q. If you know, does -- do school employees rely upon the  
 25 accuracy of this document in order to make decisions?

1 MS. PERRIN: Objection, vague as to in order to  
 2 make decisions.  
 3 MS. KAATZ: Join.  
 4 MS. PERRIN: Also lacks foundation because I am not  
 5 sure this is distributed to all the school employees.  
 6 THE WITNESS: I'd like the question repeated.  
 7 (Whereupon, the record was read as follows:  
 8 "Q. If you know, does -- do school employees rely  
 9 upon the accuracy of this document in order to make  
 10 decisions?")  
 11 THE WITNESS: I would submit that they probably use  
 12 this as a springboard to ask more questions if it directly  
 13 impacts their world before they make some kind of decision.  
 14 Q. (By Mr. LaCombe) Okay. I'd like to look at item 7.  
 15 A. Okay.  
 16 Q. It says, "Textbooks - Larry Lane."  
 17 Do you know why your name is on this?  
 18 A. Because I am the one that spoke to that topic.  
 19 Q. Okay. What did you speak about?  
 20 A. Well, let me review this.  
 21 Q. Sure.  
 22 A. Item 7, I reviewed a conversation that I had had with  
 23 the superintendent and the fact of his desire to have a  
 24 textbook in every student's hands and how were we going to  
 25 see that that's going to happen. One of the major problems

1 at Watsonville High School is retrieval of textbooks and  
 2 we -- we as a school need to address the issue of how to get  
 3 our students to return the textbooks. And that's what that  
 4 second bullet is talking about on the cabinet notes.  
 5 Q. Is it the District Superintendent, John Casey?  
 6 A. Yes.  
 7 Q. Was Dr. Casey present at this meeting?  
 8 A. No.  
 9 Q. Do you know when the conversation with him occurred?  
 10 A. I would -- my best guess would be in the August 20's.  
 11 Q. So about a week or two before?  
 12 A. Uh-huh. Yes.  
 13 Q. When Dr. Casey says he wants a textbook in each  
 14 student's hands, do you understand what he meant by that?  
 15 A. The thrust of these comments were that he would like a  
 16 textbook in every student's hands at the start of the school  
 17 year. In other words, getting the books out as soon as  
 18 possible. We did not discuss classroom sets as such.  
 19 Q. So when he expressed to you that he wanted a textbook in  
 20 each student's hands, it is your understanding that he did  
 21 not necessarily expect there would be a textbook for each  
 22 student to take home every night; is that correct?  
 23 A. Correct. Yes. That is correct.  
 24 Q. Did Dr. Casey propose any specific solutions to get a  
 25 textbook in each student's hands?

1 MS. KAATZ: Objection, ambiguous as to time.  
 2 Q. (By Mr. LaCombe) During that conversation.  
 3 A. No. He just wanted it solved.  
 4 Q. Did you propose any solutions to get a textbook in each  
 5 student's hands at the cabinet meeting, if you recall?  
 6 A. No, not at that cabinet meeting.  
 7 Q. Did Dr. Casey in his conversation with you propose any  
 8 solutions to get students to return textbooks?  
 9 A. I don't recall.  
 10 Q. Okay. Did you propose any solutions to getting students  
 11 to return textbooks at the cabinet meeting?  
 12 A. I don't know that it was at this particular cabinet  
 13 meeting, but one of the ways that we discussed getting  
 14 textbooks back is to start collecting them before finals, if  
 15 that fit the teacher's agenda. To have students either pay  
 16 for or return their books from the previous year before they  
 17 are issued new books. Those were two of the ideas that we  
 18 discussed.  
 19 Q. Who has discussed these ideas, if you know?  
 20 A. We've discussed them in cabinet, in -- in a brain storm  
 21 session.  
 22 Q. Okay. Have the idea to collect the textbooks before  
 23 finals, was that idea rejected at the cabinet meeting, if  
 24 you know?  
 25 A. No, it was not.

1 Q. What about the idea to have students pay for or return  
 2 the textbooks before they are issued new ones, was that  
 3 rejected?  
 4 A. No, it was not.  
 5 Q. You mentioned last time that the school issues fines to  
 6 students if they lose a textbook; is that correct?  
 7 A. Uh-huh.  
 8 Q. Do you know what percentage of the fines that are issued  
 9 are recovered? I'm talking about this school year.  
 10 A. No, I don't have a sense of the percentage or the number  
 11 of that.  
 12 Q. No sense at all?  
 13 A. No.  
 14 Q. Do you know what an on-line book is?  
 15 MS. PERRIN: Objection, vague and ambiguous as to  
 16 on-line book.  
 17 THE WITNESS: Conceptually I understand the term.  
 18 Q. (By Mr. LaCombe) Okay. What does it mean?  
 19 A. It means a book that a student or a person could locate  
 20 and read off the Internet.  
 21 Q. Do you know if there are any plans at Watsonville High  
 22 School to use any on-line books in any of the classes?  
 23 A. In my investigations this year, it appears that most  
 24 textbook companies are not going to put textbooks on-line.  
 25 They are going to put teacher materials on-line, teacher

1 resources, instructional materials, test banks, et cetera,  
 2 but the textbooks specifically, based on a conversation with  
 3 two sales reps from different publishers, they are not going  
 4 to do that because they realize that their bread and butter  
 5 is in the sale of the book.  
 6 MR. LACOMBE: Okay. I think I am done.  
 7 MS. PERRIN: Terrific. Can we take a short break?  
 8 MR. LACOMBE: Sure.  
 9 (Recess held.)  
 10  
 11 EXAMINATION  
 12 Q. (By Ms. Perrin) Mr. Lane, as you know, my name is Lois  
 13 Perrin and I represent the Plaintiffs in this lawsuit. And  
 14 when I refer to this lawsuit, the Plaintiffs have sued the  
 15 State of California, the State Board of Education, the State  
 16 Department of Education and the State Superintendent of  
 17 Public Instruction. We have not sued the school district or  
 18 the schools or the principals. So when I refer to this  
 19 lawsuit, I am actually speaking about the lawsuit that the  
 20 Plaintiffs initiated versus the cross-complaint which is the  
 21 lawsuit that was initiated by the state against the school  
 22 district. And when I am referring to both, I will refer to  
 23 both just to be clear. Okay?  
 24 A. Okay.  
 25 Q. And the same ground rules apply. I assume you don't

1 want me to go over them again and bore you to tears.  
 2 Did you do anything to prepare for today's  
 3 deposition?  
 4 A. No.  
 5 Q. Did you meet with counsel? Your counsel.  
 6 A. We -- when I walked in I met with her for about ten  
 7 minutes.  
 8 Q. Did you review any documents in preparation for today's  
 9 deposition?  
 10 A. No.  
 11 Q. Did you discuss today's deposition with Jose Banda?  
 12 A. No.  
 13 Q. How did you first hear about this case?  
 14 A. Probably in the newspaper. But I'm not really -- I am  
 15 not even real sure of that now.  
 16 Q. Do you recall when you first heard about the case?  
 17 A. I -- I would guess in the fall semester, but --  
 18 Q. Fall of 2000?  
 19 A. Yes.  
 20 Q. Do you have any specific recollection of reading a  
 21 newspaper article about the case?  
 22 A. No, not really, other than the fact that the ACLU had  
 23 taken on this lawsuit and it impacted our district was the  
 24 nature of it in the local newspaper.  
 25 Q. And when you first heard about the case, what were your

1 thoughts about it?  
 2 A. I don't remember. This is part of school.  
 3 Q. Have you had any discussions with any teachers at the  
 4 school about the suit?  
 5 A. Superficial.  
 6 Q. Would you have had those conversations in cabinet  
 7 meetings?  
 8 A. No. They were, you know, standing in the corridor  
 9 talking.  
 10 Q. Do you have any specific recollection of any of those  
 11 conversations or are they all sort of just jumbled?  
 12 A. No, I do not have any specific recollections of those,  
 13 other than the fact that we just -- I remember talking about  
 14 it in general.  
 15 Q. And can you tell me what the general sentiment of the  
 16 conversations was?  
 17 A. From my perspective it was going to be something else in  
 18 my plate that I was going to have to address because it  
 19 specifically dealt with textbooks, which is my -- one of my  
 20 responsibilities.  
 21 Q. And when you say one of your responsibilities, you mean  
 22 as assistant principal this year?  
 23 A. Yes.  
 24 Q. Would it have been one of your responsibilities as  
 25 Department Chair of the Social Studies Department?

1 A. Social Studies books would have been.  
 2 Q. But not books?  
 3 A. Not all of the books, not all types for the entire  
 4 school.  
 5 Q. Do you recall what any specific teacher may have said  
 6 about this lawsuit to you?  
 7 A. No, I don't have any -- nothing really jumps out at me.  
 8 Q. Do you have any specific recollection of hearing of the  
 9 cross-complaint being filed against the school district?  
 10 A. The only recollection I have of that is the fact that  
 11 the state ended up joining the lawsuit to sue the school  
 12 district, at least that's -- that's my translation of what I  
 13 think is going on.  
 14 Q. And do you remember when you first heard about that?  
 15 A. No.  
 16 Q. Did you ever discuss the cross-complaint with any of the  
 17 teachers at school? And by the cross-complaint, as you said  
 18 in your words, joining the school district as part of the  
 19 lawsuit.  
 20 A. Again, just general chitchat, nothing specific. Because  
 21 I -- I know nothing about the case in the sense of hard  
 22 facts.  
 23 Q. After the lawsuit was filed, did you receive any  
 24 communication about the allegations regarding Watsonville  
 25 High School from the State Board of Education?

1 A. No.  
 2 Q. How about from the State of California?  
 3 A. No.  
 4 Q. State Department of Education?  
 5 A. No.  
 6 Q. And the State Superintendent?  
 7 A. No.  
 8 Q. And how about for the cross-complaint, any direct  
 9 communication from the State Board of Education?  
 10 A. No.  
 11 Q. And the state?  
 12 A. No.  
 13 Q. The State Department of Education?  
 14 A. No.  
 15 Q. And the State Superintendent of Public Instruction?  
 16 A. No.  
 17 Q. Did you receive any direct communication from the  
 18 district? When I ask this question, I don't want you to go  
 19 into any conversations you may have had with counsel.  
 20 MS. KAATZ: Objection, vague. I'm not quite sure  
 21 what the question was.  
 22 Q. (By Ms. Perrin) Okay. When you first heard about the  
 23 lawsuit, or after you first heard about the lawsuit, the  
 24 original action, did you receive any direct communication  
 25 from the district's office?

1 A. No.  
 2 Q. How about for the cross-complaint, did you receive any  
 3 direct communication after that was filed?  
 4 A. No.  
 5 Q. Have you discussed this case with anybody from O'Melveny  
 6 & Myers?  
 7 A. From whom?  
 8 Q. O'Melveny and Myers. The counsel that represents the  
 9 State of California.  
 10 A. Is that --  
 11 MS. KAATZ: Yes.  
 12 Q. (By Ms. Perrin) You can answer yes or no.  
 13 MS. KAATZ: He is not sure --  
 14 THE WITNESS: I don't know who the players are.  
 15 MS. KAATZ: May I just --  
 16 MS. PERRIN: Absolutely.  
 17 (Private discussion held between the  
 18 witness and his counsel.)  
 19 THE WITNESS: Okay.  
 20 Q. (By Ms. Perrin) Do you recall when that meeting was?  
 21 A. No. April I guess.  
 22 Q. Do you recall who was present at the meeting?  
 23 A. Jose, myself, Mr. Choate and Ms. Kaatz.  
 24 Q.\* And what did you discuss at the meeting?  
 25 MS. KAATZ: Objection, I'm going to object on the

1 grounds of settlement negotiations between the state and the  
 2 district on the cross-complaint, and I instruct you not to  
 3 answer that question.  
 4 MS. PERRIN: Am I correct, you will instruct him  
 5 not to answer as to any questions relating to the contents  
 6 of those meetings?  
 7 MS. KAATZ: That's correct.  
 8 Q. (By Ms. Perrin) Did you give any documents to anybody  
 9 at that meeting?  
 10 A. I don't recall if I gave anybody any documents. Might  
 11 have had master schedule stuff in front of us or book  
 12 inventories, but I am not even sure of that.  
 13 Q. But you don't recall specifically giving any documents  
 14 to Mr. Choate at that meeting?  
 15 A. No. I don't. I do not recall that.  
 16 Q. Okay. Do you know how many students attend Watsonville  
 17 at this time?  
 18 A. Thirty-two hundred, in round numbers.  
 19 Q. Do you know what the maximum capacity of the original  
 20 building is?  
 21 A. The original building. You mean the entire campus?  
 22 Q. I mean the entire campus, minus the portables or  
 23 relocatables?  
 24 A. Oh, boy. I think somewhere 2,100 probably.  
 25 Q. Do you know offhand how many portables or relocatables

1 are on campus at this time?  
 2 A. I think there will be 39 by the end of summer. And that  
 3 does not count what we call the A Building, which I think is  
 4 probably legally a relocatable but it's been there for 25  
 5 years at least.  
 6 Q. Did the number 39 you gave include the 18 rooms or so in  
 7 the B Building?  
 8 A. Uh-huh.  
 9 Q. And do you remember when the B Building was open for  
 10 student use?  
 11 A. Sometime in -- I believe it was the fall of this year.  
 12 Q. Does October of 2000 sound about right? Or was it later  
 13 than that?  
 14 A. Close. Could have been November.  
 15 Q. Do you happen to know how many students at Watsonville  
 16 are eligible for free or reduced lunches?  
 17 A. We specifically don't -- we are not a Title 1 school.  
 18 So we can only infer that.  
 19 Q. And what's your inference?  
 20 A. And so my guess is of the kids that are truly there, it  
 21 would probably be in the 60 to 70 percent. But they don't  
 22 turn the forms in, therefore, we don't qualify for Title 1  
 23 money specifically.  
 24 Q. Do you happen to know what the drop-out rate at  
 25 Watsonville High is?

1 A. Probably about ten percent from the start of the year to  
 2 the end of the year. For any particular grade level.  
 3 Q. Now in that ten percent figure, is that including both  
 4 attrition rates, children who are transferring to other  
 5 schools, in addition to children that are dropping out from  
 6 school?  
 7 A. That -- see, drop-out is a very specific thing in school  
 8 talk. It -- if a person does not request a transcript  
 9 within 45 days, they are quote, "a drop out." But if they  
 10 might have, if you will, dropped out and then re-entered in  
 11 community school, we are not necessarily going to know that.  
 12 So when it comes to a real -- within that tight definition  
 13 of a drop-out, it's less than ten percent. But as far as  
 14 attrition over the school year, that would -- I was  
 15 concluding that's what you wanted to know so that's why I  
 16 said ten percent.  
 17 Q. So ten percent is the attrition rate for any given year  
 18 approximately?  
 19 A. I would say so. From September to June there is  
 20 probably ten percent fewer kids per grade level, ninth  
 21 graders, tenth, eleventh, twelfth.  
 22 Q. Do you know if there are that many students that enter  
 23 Watsonville during the school year as well?  
 24 MS. KAATZ: Objection, vague as to enter.  
 25 Q. (By Ms. Perrin) Enroll in Watsonville during the school

1 year.  
 2 A. Recently Watsonville High School's enrollment has  
 3 remained fairly steady, compared to what it has been.  
 4 Previously our ADA was very much a bi-modal curve. We would  
 5 dip down during the winter months and then it would go up in  
 6 the spring. We are maintaining our enrollment at a more  
 7 consistent rate now and I think that reflects the nature of  
 8 the agricultural picture in the Pajaro Valley.  
 9 Q. When you say it depicts the agricultural picture, what  
 10 do you mean by that?  
 11 A. The strawberries are becoming almost a year-round crop  
 12 and, therefore, the student population fluctuation of the  
 13 school has been decreased because as families no longer  
 14 leave, our enrollment remains more steady.  
 15 Q. Do you know how many AP courses were offered at  
 16 Watsonville during the 2000-2001 school year?  
 17 A. Not having a master schedule, I can ball park a few for  
 18 you.  
 19 Q. Okay.  
 20 A. AP Biology, AP Spanish Lit, AP Calculus, AP Statistics,  
 21 AP English Lit. That's the best I can do without a master  
 22 schedule.  
 23 Q. Do you happen to know if any AP courses were offered in  
 24 the Social Science Department?  
 25 A. This past year?

1 Q. Yes.  
 2 A. No.  
 3 Q. Are there any plans to add additional Social Science  
 4 courses in the 2001-2002 courses?  
 5 A. Yes.  
 6 Q. Do you know what those are?  
 7 A. AP Comparative Government, AP European History, AP  
 8 Calculus BC, because the previous one is AB.  
 9 Q. I remember those classes.  
 10 A. AP Spanish Language. Again, without notes in front of  
 11 me, I -- I know those are goes.  
 12 Q. Do you know if teachers have to take any particular  
 13 training to be able to teach an AP course?  
 14 A. We at Watsonville High School specifically see that all  
 15 of our potential AP teachers attend AP workshops as they are  
 16 available from the AP people, no matter what their location  
 17 is.  
 18 Q. How does Watsonville identify a teacher that's a  
 19 potential AP teacher?  
 20 A. If they are interested in attending the workshops and  
 21 have a -- a background within that area, that they want to  
 22 do it and are willing to make that commitment to do an AP  
 23 course, knowing that it is very specific and the end goal,  
 24 of course, is the students' success on an AP test, so...  
 25 Q. Do you have a sense as to why Watsonville is adding

1 several more AP classes for this next school year?  
 2 A. In my role as curriculum instruction AP assistant  
 3 principal, I think we need to increase the opportunities for  
 4 students if they want to take those courses. Further, I  
 5 think it's a goal of the district to increase opportunities  
 6 for kids at Watsonville High School. And so through my  
 7 offices I have encouraged people to seriously look at  
 8 courses that they might consider offering and if they are  
 9 willing to attend the training and subsequently teach the  
 10 course, then let's do it.  
 11 MS. KAATZ: If I may for just a minute, I wanted to  
 12 remind you that when you are starting your answers, if  
 13 you're shaking your head or nodding your head, make sure you  
 14 audibly say yes or no.  
 15 THE WITNESS: Sorry.  
 16 Q. (By Ms. Perrin) Why do you think that AP courses  
 17 increase opportunities for school children?  
 18 A. Philosophically I think that a lot of students might  
 19 feel they can't do something or that they might not be able  
 20 to succeed at a level where they really can succeed. And  
 21 given a teacher that is willing to make the commitment to AP  
 22 courses and willing to work with students to increase their  
 23 success within that course, we will be able to increase the  
 24 number of kids that Watsonville High School has in AP  
 25 courses and increase their success rate, which tends to be

1 self sustaining in the sense that students will tell fellow  
 2 students yes, I took the course and yes, you can do it, and  
 3 I think that's important for us to -- to do as a school.  
 4 Q. Do you know what percentage of Watsonville seniors from  
 5 this past year are going on to college of any kind?  
 6 A. My guess is that we will have probably 40 percent will  
 7 go on to school. Be it Cabrillo, a four-year school or a  
 8 tech school or trade school.  
 9 Q. Cabrillo is the local community college?  
 10 A. Yes.  
 11 Q. Do you believe that offering more AP courses will  
 12 increase the percentage of students that enroll in college  
 13 after graduation?  
 14 MR. LACOMBE: Calls for expert testimony.  
 15 MS. KAATZ: I will join. You can answer if you  
 16 have an opinion.  
 17 THE WITNESS: The question was?  
 18 Q. (By Ms. Perrin) Do you believe the increase in the  
 19 number of AP courses will lead to an increase enrollment of  
 20 Watsonville High students in colleges?  
 21 A. I don't know that it will significantly increase the  
 22 number of kids going to school. It might encourage a couple  
 23 more students to attend where they previously thought, you  
 24 know, school is not for me.  
 25 Q. Do you happen to know out of the students that were



1 enrolled in last year's AP courses what percentage took the  
 2 AP exam?  
 3 A. I would suggest it would be in the very high 90 percent,  
 4 because we encourage the students to take the test to really  
 5 see how they did in relation to a solid college level  
 6 course.  
 7 Q. Do you happen to know who paid for the kids to take the  
 8 courses -- I'm sorry, the test?  
 9 A. Some of the kids pay for it totally themselves. Some of  
 10 our students qualify for the reduced fee.  
 11 Q. And do you have any information about the scores from  
 12 those AP exams from this past year?  
 13 A. Superficial.  
 14 Q. And how did they do?  
 15 A. Students in our -- in our Spanish Lit classes do very  
 16 well, consistently score 4's and 5's. I don't -- close  
 17 but -- in the Math it would be also there were 4's and 5's  
 18 but there were also some 3's.  
 19 Q. Am I correct that 4's and 5's allow a student to obtain  
 20 college credit for that class?  
 21 A. If the college accepts that course and is willing to  
 22 give them credit. It's not -- it's not an automatic. The  
 23 colleges reserve the right to say yes or no to the AP exam  
 24 and whether they are going to allow the kid into the second  
 25 semester course right off the bat.

1 Q. Does anybody at Watsonville track students' scores on  
 2 the AP exams?  
 3 A. The teachers do, and now I believe that we will track it  
 4 more closely now that I'm in the position that I'm in  
 5 because the need for database decision making is greater  
 6 today than it has been in the past.  
 7 Q. What do you mean by the need for database decision  
 8 making?  
 9 A. I think if you are going to make curricular decisions,  
 10 it has to be well grounded and not some anecdotal vibration  
 11 that you get as to that's the way the school should be. I  
 12 think if we can anchor ourselves in hard data, if you will,  
 13 then we can make decisions that will help drive the school.  
 14 Q. And what kind of decisions would you make from the --  
 15 from collecting the AP data?  
 16 A. It will show us one, that -- if we look at the success  
 17 rate and students are consistently getting 4's and 5's, we  
 18 can, if you will, assume that that -- whatever that teacher  
 19 is doing must be fairly right on versus if students are  
 20 consistently getting 1's and 2's, then we need to  
 21 investigate what is it that's going on in that class that is  
 22 not leading to the students' success. And might it be need  
 23 for additional -- additional training, might it -- for the  
 24 teacher, might it dictate more tutorial support. I don't  
 25 know where that answer would be or it might be in a

1 combination of those. But somehow it will give us a basis  
 2 to really look at stuff.  
 3 Q. Has there been any AP course in which the students have  
 4 consistently received scores of 1's or 2's where you have  
 5 begun that kind of investigation?  
 6 MS. KAATZ: Objection, his answer may contain  
 7 confidential employee records. Let me --  
 8 MS. PERRIN: I am not asking about specific names  
 9 or anything like that.  
 10 (Private discussion held between the  
 11 witness and his counsel.)  
 12 THE WITNESS: Since I have been the assistant  
 13 principal, the answer is no as to, you know, how to improve  
 14 it.  
 15 Q. (By Ms. Perrin) Is it fair to say that this is  
 16 something that you are undertaking in your role as assistant  
 17 principal, to track this data?  
 18 A. Correct. Only as a team member. There are going to be  
 19 other administrators involved.  
 20 Q. What other administrators would be involved?  
 21 A. Well, at this juncture, it would include the assistant  
 22 principal in guidance, we would embrace the counselor that  
 23 helps coordinate the AP program. Obviously Jose.  
 24 Q. Which counselor helps to coordinate the AP program?  
 25 A. Just starting this year Angelica Echevarria.

1 Q. And how long has Ms. Echevarria been at the school, do  
 2 you recall?  
 3 A. I think this is her second year.  
 4 Q. What would you say the primary needs of Watsonville High  
 5 School are?  
 6 MS. KAATZ: Objection, may call for expert  
 7 testimony.  
 8 THE WITNESS: What do I think the needs of  
 9 Watsonville High School are. I think the first thing is  
 10 that we need to somehow make the school smaller. To deal  
 11 with 3,400 students on a campus our size, just the physical  
 12 plant needs to be brought up to speed if in fact we are  
 13 going to have that many students.  
 14 I think that we need to investigate the concept of  
 15 smaller learning communities. I think somehow organizing  
 16 the students' schedule and the teachers' schedule to provide  
 17 more time for teachers to be able to interact amongst  
 18 themselves and also interact among -- with students in  
 19 tutorial settings and what have you is an issue.  
 20 Obviously I would like to see an increase in our  
 21 budget for instructional supplies and materials and  
 22 supplies. I would like to see one of those licensed  
 23 marriage family counselor titles on our campus to deal with  
 24 students' mental health issues. I'd like to have two nurses  
 25 on campus full-time.

1 Q. (By Ms. Perrin) Anything else you can think of off the  
 2 top of your head?  
 3 A. I'd like to see smaller class sizes. That's pretty  
 4 broad brush but that covers it. Most of it.  
 5 Q. The first thing you said is you'd like to make the  
 6 school smaller. Are you referring to the student  
 7 population?  
 8 A. Uh-huh. Yes.  
 9 Q. And how much smaller would you like to see Watsonville?  
 10 A. Well, let's reduce it by a third.  
 11 Q. When you started in 1967; is that right?  
 12 A. Uh-huh.  
 13 Q. Do you know how many students were at Watsonville at  
 14 that time?  
 15 A. Just about as big.  
 16 Q. Is that when they opened Aptos High School?  
 17 A. They opened it two years after I started.  
 18 Q. Do you know why they opened Aptos High School?  
 19 A. Again, it was the function of Watsonville High School  
 20 was full, and because of the size of our district,  
 21 geographical size, we needed a school to serve what is  
 22 collectively known as the north zone.  
 23 Q. So is it fair to say that Aptos High School was opened  
 24 to accommodate the larger student population at Watsonville?  
 25 A. Yes, that's a fair statement.

1 Q. You said you would like to reduce it by a third. Why  
 2 did you pick that number?  
 3 A. Well, 2,000, which they say is what the school is built  
 4 for.  
 5 Q. And when we say that that's what the school is built  
 6 for, that's minus the 39 or so portables, not including the  
 7 A Building?  
 8 MS. KAATZ: Objection, I think that misstates his  
 9 prior testimony.  
 10 Q. (By Ms. Perrin) Okay. My understanding was that the  
 11 school as originally built can accommodate approximately  
 12 2,000 students; is that correct?  
 13 A. That's correct.  
 14 Q. And that these 39 portables, not including the A  
 15 Building, which has been there been about 25 years?  
 16 A. Uh-huh.  
 17 Q. House the additional 13- to 1,400 students; is that  
 18 correct?  
 19 A. That's correct. Some of the C Buildings have also been  
 20 there a long time. So I wouldn't want to take every  
 21 portable away.  
 22 Q. Do you recall when -- you said 25 years or so, do you  
 23 recall what year the first relocatables or portables were  
 24 installed at Watsonville?  
 25 A. I think C-1 and 2 were probably there in '67 when I got

1 there.  
 2 Q. So Aptos High opened in about 1969?  
 3 A. Yeah. Correct.  
 4 Q. And the school -- Watsonville High school was  
 5 substantially smaller thereafter; is that correct?  
 6 A. Sure.  
 7 MS. KAATZ: Objection, vague as to substantially  
 8 smaller.  
 9 Q. (By Ms. Perrin) Do you know what the difference in the  
 10 population was prior to Aptos opening versus after?  
 11 A. We were 3,200 plus before Aptos opened. I believe we  
 12 went down to 1,900 or 2,000 after it opened.  
 13 Q. And you were there at the time; is that correct?  
 14 A. That's correct.  
 15 Q. You were in the Social Studies Department?  
 16 A. Correct.  
 17 Q. What effects, if any, did you perceive with the reduced  
 18 student population at Watsonville High School?  
 19 MR. LACOMBE: Vague as to effects.  
 20 MS. KAATZ: Join.  
 21 THE WITNESS: Just less -- the halls were not as  
 22 crowded. You could move about more easily. It was just not  
 23 the sensation of being in a sardine can.  
 24 Q. (By Ms. Perrin) The sensation of being in a sardine  
 25 can, is that how Watsonville feels now?

1 A. After 34 years there, you know, I am used to it. There  
 2 are times when between periods the school is extremely  
 3 crowded, but all in all our students get along very well and  
 4 so, you know, there is not a real negative vibration.  
 5 Q. The second thing that you mentioned was smaller learning  
 6 communities.  
 7 A. Uh-huh.  
 8 Q. Can you tell me what you mean by that.  
 9 A. I think we need to investigate whether we should create  
 10 majors, if you will, and have the students declare a major.  
 11 And then once a student has done that, a -- that group of  
 12 students and those teachers would become a school, so you  
 13 would end up with five or six schools within a school. And  
 14 the students would feel a greater attachment to their  
 15 educational setting versus being just one of 3,200 that's  
 16 going to these six different places during the day and it  
 17 would in a sense build a community where there was a greater  
 18 affinity for what's going on within their educational  
 19 setting.  
 20 Q. Do you have any of these small arrangement communities  
 21 now at Watsonville?  
 22 A. Yeah, something parallel to it would be the academies.  
 23 Q. Like the video academy?  
 24 A. Yeah, right, correct.  
 25 Q. And I'm sorry, back to student population for a moment.

1 A. Uh-huh.  
 2 Q. Do you think it's fair to say that Watsonville High at  
 3 this time is over-crowded?  
 4 MS. KAATZ: Objection, vague as to over-crowded.  
 5 MR. LACOMBE: Join.  
 6 THE WITNESS: It's full. I mean, it's packed.  
 7 Q. (By Ms. Perrin) Do you think that having such a large  
 8 student population affects the students' ability to learn?  
 9 MS. KAATZ: Objection, calls for expert testimony.  
 10 MR. LACOMBE: Join.  
 11 Q. (By Ms. Perrin) You can still answer.  
 12 A. No. I think that the opportunities to learn at  
 13 Watsonville High School are there and I think that if a  
 14 student takes advantage of whatever opportunities he or she  
 15 wants to take advantage of, they can in fact get a very  
 16 quality education. It's on par with other schools.  
 17 Q. In 1969 and thereafter when the school population was  
 18 about 2000; is that correct?  
 19 A. Uh-huh.  
 20 Q. Do you think that it was easier for students to learn?  
 21 MS. KAATZ: Objection, calls for expert testimony.  
 22 MR. LACOMBE: And I join. And also speculation.  
 23 THE WITNESS: Do I think it was easier for them to  
 24 learn? I think it was easier for them to access things I  
 25 think. Easier for them to learn I think is dependent on a

1 variety of support systems, teacher, parent, the school  
 2 community in the broad sense of the word. I don't think  
 3 it's a function of just numbers.  
 4 Q. (By Ms. Perrin) But it is -- would it be fair to say  
 5 that a smaller student population would make education more  
 6 accessible, as you just said?  
 7 MS. KAATZ: Same objections.  
 8 THE WITNESS: Smaller size would facilitate kids  
 9 accessing things in a -- in probably an easier manner.  
 10 Q. (By Ms. Perrin) I think that the third thing you  
 11 mentioned when I asked for primary needs of the school was  
 12 to organize students' and teachers' schedules to provide  
 13 more time and allow for more interaction. Can you expand on  
 14 that just a little bit.  
 15 A. One example would be instead of the sixth period day as  
 16 we currently know it, expand the offerings and zero period  
 17 or 7:00 to 8:00 o'clock in the morning or seventh period  
 18 which would be 3:00 to 4:00 or even after that, if you will,  
 19 assuming the students would attend. If you are going to use  
 20 a student driven master schedule you have to get the  
 21 students to sign up for the zero period or the seventh  
 22 period or period eight if it was offered. So if you do  
 23 those things, it will provide more opportunities for  
 24 students and teachers to interact because time is -- is one  
 25 of those critical elements in a school setting. Pretty

1 clear that if students spend time, quality time in a  
 2 learning situation, they are going to learn more.  
 3 I think the other thing is to investigate block  
 4 scheduling, to use a very generic term. Not to say there is  
 5 anything wrong with the 55-minute period but there might be  
 6 situations that might be better served with a 90-minute  
 7 period.  
 8 Q. Are there any plans at Watsonville High now to go to  
 9 block scheduling?  
 10 A. There are not plans to go to it. There are plans to  
 11 investigate it. Because obviously when you do things like  
 12 that it calls for a very large cultural change within the  
 13 institution. And you've got to have people that are on  
 14 board, otherwise it will be -- it will die or be sabotaged.  
 15 Q. Are there any plans to investigate per say? What are  
 16 those plans?  
 17 A. Yes, there are plans.  
 18 Q. And what are they?  
 19 A. There is such a thing as a smaller learning community  
 20 grant. It is -- and we have applied for that and we're not  
 21 a recipient. I would suggest that we reapply. I would  
 22 suggest that we look at our application as to what we wanted  
 23 to do and I would suggest we revise it in light of what we  
 24 know -- know now after another year of actively thinking  
 25 about it, and that kind of thing.

1 Q. Did you draft the grant application for the smaller  
 2 learning community grant?  
 3 A. Myself?  
 4 Q. Yes.  
 5 A. No.  
 6 Q. Do you know who did?  
 7 A. Wendy Hurst.  
 8 Q. Do you know when you will hear if you become a grant  
 9 recipient?  
 10 A. We were not a grant recipient now.  
 11 Q. I see.  
 12 A. The time line has just been released for the new  
 13 applications and we would have to -- I believe July 30 is  
 14 the deadline for this year. The grant application for the  
 15 coming school year.  
 16 Q. And is Watsonville High planning to apply again for the  
 17 smaller learning community grant?  
 18 A. Based on informal conversations with Jose, I would say  
 19 yes.  
 20 Q. Do you happen to know how much money a grant recipient  
 21 receives under the smaller learning community grants?  
 22 A. I forgot what we applied for in dollars wise.  
 23 Q. The fourth thing you mentioned is an increase in the  
 24 budget for instructional materials --  
 25 MS. KAATZ: Actually, before you go to another

1 topic, can we take a quick break?  
 2 MS. PERRIN: Sure.  
 3 (Recess held.)  
 4 Q. (By Ms. Perrin) I believe the fourth thing that you  
 5 mentioned was an increase in budget for instructional  
 6 materials and supplies. What additional instructional  
 7 materials and supplies would you purchase?  
 8 A. I'd like to have the money so when a person proposes a  
 9 new course that takes, let's use the example of AP  
 10 Comparative Government which is going to be new next year, I  
 11 would like to be able to know that that money was there to  
 12 support that new course in addition to what we need to  
 13 provide within our regular textbook purchasing cycle and  
 14 other instructional materials so I don't have to go  
 15 searching. A classic example of unlimited wants and  
 16 unlimited means.  
 17 Q. Do you have an estimate as to how much more money you  
 18 would need on an annual basis to support these programs?  
 19 A. Specifically for textbooks?  
 20 Q. Sure.  
 21 A. Twenty-five thousand.  
 22 Q. And does that include having enough money to provide  
 23 each student with his or her own book, for example, like in  
 24 the Social Studies Department?  
 25 A. You mean -- the 25,000 would be for new courses.

1 We have 150,000 per year for textbook purchases  
 2 under the Schiff-Bustamonte money.  
 3 Q. Is the \$150,000 under the Schiff-Bustamonte enough for  
 4 you to purchase textbooks so each student has his or her own  
 5 textbook to use in class and take home for homework?  
 6 A. No, I have to find money in be the general textbook  
 7 account or the general fund which means taking it away from  
 8 the Xerox machine or whatever else.  
 9 Q. How much more Schiff-Bustamonte funds would you estimate  
 10 you would need to be able to provide every student with his  
 11 or her own textbook to use in class or take home for  
 12 homework?  
 13 A. Specifically with Schiff-Bustamonte which is limited to  
 14 those courses that have a published state standard which  
 15 currently means English, Math, Social Studies and Science,  
 16 sure, I'd like another 25- or 30,000 in that.  
 17 Q. And what other funds are available outside of  
 18 Schiff-Bustamonte for instructional materials?  
 19 A. Instructional materials, meaning textbooks?  
 20 Q. Meaning textbooks.  
 21 A. The district gives us -- gifts Watsonville High another  
 22 \$50,000, so I, if you will, oversee a \$200,000 textbook  
 23 budget.  
 24 Q. Would you like to see more money than the \$50,000 that's  
 25 given to you by the district?

1 A. Sure.  
 2 Q. What's an estimate of that?  
 3 A. Twenty to twenty-five thousand dollars.  
 4 Q. Other than textbooks and supporting new courses, what  
 5 other things would you use the additional money for?  
 6 A. If there was a general increase in discretionary money,  
 7 is that --  
 8 Q. Do you want to -- there were three different categories  
 9 of funds that we talked about.  
 10 MS. KAATZ: I think where he is going is if you get  
 11 extra Schiff-Bustamonte money you have no choice how to  
 12 spend it.  
 13 Q. (By Ms. Perrin) Let's say extra discretionary funds,  
 14 what other things would you purchase other than textbooks?  
 15 A. Based on a teacher's request for support material, I  
 16 would be able to say sure, if you -- if you want this, then  
 17 tell me who the publisher is, tell me the price and -- and  
 18 assuming that the teacher, the department chairman and  
 19 the -- all the teachers that are going to use that material  
 20 are in agreement, then I would like to be able to provide  
 21 that material to those teachers.  
 22 Q. And have you received any requests for support materials  
 23 in the past year as assistant principal?  
 24 A. Yes.  
 25 Q. What kinds of things have people requested?

1 A. Teachers might want a -- it might be a single desk copy  
 2 of a particular book or, again, be teacher support material,  
 3 it might be a test bank, it might be a workbook that they  
 4 can use as a resource, things like that.  
 5 Q. Were you able to provide or fill every request that you  
 6 received this past year for extra support materials?  
 7 A. Yes, through my offices, yeah, they -- yes.  
 8 Q. And do you think that providing these additional support  
 9 materials increases a child's ability to learn?  
 10 MS. KAATZ: Objection, calls for expert testimony.  
 11 MR. LACOMBE: Join.  
 12 THE WITNESS: I don't know that it increases their  
 13 ability to learn. It increases the number of avenues that a  
 14 teacher can present to the kid and therefore the light bulb  
 15 might go on with one of those avenues that was facilitated  
 16 by the additional materials that might not have gone on  
 17 without the materials.  
 18 Q. (By Ms. Perrin) Do you think that it's good teaching to  
 19 use a variety of materials in a classroom?  
 20 A. Sure.  
 21 Q. When you were a teacher, did you use a variety of  
 22 instructional materials?  
 23 A. Yes.  
 24 Q. And outside of the textbook, what other things did you  
 25 use in class?

1 A. Newspapers, college texts, a combination of materials  
 2 that I would -- or resources I would use to design specific  
 3 lessons and tasks, and with my Master's in instructional  
 4 media and technology, and at the risk of sounding conceded,  
 5 a fairly creative mind, I can dream up some pretty  
 6 challenging stuff for kids.  
 7 Q. Do you think that made you a better teacher?  
 8 A. Yes.  
 9 Q. The fifth thing I think you mentioned was family  
 10 counseling. I am paraphrasing. Are high schools eligible  
 11 for the Healthy Start Program?  
 12 A. Yes.  
 13 Q. Do you know whether Watsonville High applied?  
 14 A. Yes, we are a member and a recipient of.  
 15 Q. The Healthy Start Plan?  
 16 A. Yes.  
 17 Q. Do you know what year you began as a recipient of the  
 18 Healthy Start Plan?  
 19 A. About ten years ago.  
 20 Q. Do you know if that's annually renewed?  
 21 A. I do not know that.  
 22 Q. And I believe the sixth thing was two nurses full-time.  
 23 A. Uh-huh.  
 24 Q. Are there any nurses at Watsonville High?  
 25 A. Yes. There is one public health nurse and there is a

1 health clerk.  
 2 Q. And is the health clerk a registered nurse, if you know?  
 3 A. I do not believe so.  
 4 Q. Are both of them full-time?  
 5 A. Yes.  
 6 Q. Does the public health clerk provide nursing services?  
 7 A. Public health nurse. And then the health clerk. Now I  
 8 need the question again.  
 9 Q. Does the health clerk provide nursing services?  
 10 A. Generic nursing service, yeah. Band-Aids, see that the  
 11 student washes out the wound, cold pack, things like that.  
 12 Calling home.  
 13 Q. And the last thing you mentioned were smaller class  
 14 sizes.  
 15 A. Yes.  
 16 Q. In your opinion, what is the ideal teacher to student  
 17 ratio?  
 18 MS. KAATZ: Objection, calls for expert testimony.  
 19 MR. LACOMBE: Join.  
 20 THE WITNESS: Twenty-five.  
 21 Q. (By Ms. Perrin) And why do you think that smaller class  
 22 sizes are needed at Watsonville High?  
 23 A. If a teacher has to interact with 34 students in  
 24 this -- in our current time constraints of 55 minutes, if  
 25 you were to -- if -- make a direct student contact, the

1 maximum you would have would be what, a minute and 20  
 2 seconds. And I think there are times when a student might  
 3 not need any help but another student might need four or  
 4 five minutes of where you're coaching them or encouraging  
 5 them to get from A to B, and that's very difficult to do  
 6 when you've got 34 students and you've got five, six, seven,  
 7 eight, ten kids that need that kind of support.  
 8 Q. So is it fair to say that smaller class sizes would  
 9 increase the amount of time that a teacher could spend with  
 10 each particular student?  
 11 MS. KAATZ: Objection, calls for speculation.  
 12 MR. LACOMBE: Join.  
 13 THE WITNESS: Yes, I would say yes.  
 14 Q. (By Ms. Perrin) Back to textbooks for awhile.  
 15 MS. PERRIN: I'd like to introduce this as Exhibit  
 16 2.  
 17 (Whereupon, the document was marked Exhibit 2.)  
 18 Q. (By Ms. Perrin) Mr. Lane, have you seen this document  
 19 before?  
 20 A. Yes.  
 21 Q. What is this document?  
 22 A. It's a -- I am not sure the official title. It is a  
 23 reprint of a power point presentation that I did to the  
 24 governing board.  
 25 Q. This is the meeting you talked about that was in I

1 believe September or October of 2000?  
 2 A. When I spoke to the governing board, yes.  
 3 Q. You gave a power point presentation; is that correct?  
 4 A. Uh-huh. Yes.  
 5 Q. What did you say in addition to putting this outline up?  
 6 Can you give me a general gist of the meeting. Your portion  
 7 of it.  
 8 A. To set the stage for this, the governing board requested  
 9 that both Aptos and Watsonville High School do a  
 10 presentation regarding textbooks. So as I recall, Aptos did  
 11 their presentation first, and this was -- this reviews, you  
 12 know, what I presented to the governing board. And it  
 13 specifically addressed, if you will, the issue of -- that  
 14 came forth because of classroom sets in the Social Studies.  
 15 And so the governing board wanted, if you will, a textbook  
 16 report from the two comprehensive high schools.  
 17 Q. Do you recall whether Aptos High School was using  
 18 classroom sets as well?  
 19 A. I do not know.  
 20 Q. On page 2 of this document --  
 21 A. Uh-huh.  
 22 Q. -- where it says, "Science Solution."  
 23 A. Uh-huh.  
 24 Q. It says, "Provided a book for every student in a lab  
 25 class."

1 A. Uh-huh.  
 2 Q. Is it fair to say that students in non lab classes did  
 3 not receive his or her own book to use in class and to take  
 4 home for homework?  
 5 A. No, that's not a fair statement. There were classroom  
 6 sets. If a student wanted to take a book home, they could  
 7 take a book home by checking it out from the teacher.  
 8 Q. Now -- I'm sorry. Go ahead.  
 9 A. I was going to say, so they did have access to a book in  
 10 the classroom, as well as to take it home for that night.  
 11 Q. So the classroom sets in the second column, second box  
 12 it says Physical Science, Life Science and Integrated  
 13 Science II.  
 14 A. Uh-huh.  
 15 Q. Are those the only three pre-science classes that you  
 16 know that were using classroom sets?  
 17 A. Yes.  
 18 Q. Were books additionally placed in the library for these  
 19 three courses for students to check out?  
 20 A. I believe the Science Department had their own stash,  
 21 versus in the library.  
 22 Q. The purpose of this stash was to allow students to  
 23 request to take the textbooks home for homework?  
 24 A. Correct.  
 25 Q. Did you ever hear of an occasion where a student

1 A. We had all of the books that we needed.  
 2 Q. So you obtained 15 more from Aptos; is that correct?  
 3 A. Uh-huh. Yes.  
 4 Q. Why did you obtain 15 more?  
 5 A. Because that was a title they weren't using anymore, we  
 6 were, and we said well, we'll take those just so we would  
 7 have additional inventory.  
 8 Q. And were those 15 additional books from Aptos, were  
 9 those kept in the book room?  
 10 A. Uh-huh. Yes.  
 11 Q. And down where it says "New Solutions" it says "On-line  
 12 books can work for us."  
 13 A. That -- we thought -- we had been led to believe that  
 14 textbooks -- more textbooks were going to be available  
 15 on-line, and I have since found out they are not.  
 16 Q. And other than those two meetings you had with the sales  
 17 reps, have you done any other investigations?  
 18 A. Meetings with different sales reps. No. I have  
 19 asked -- I have asked around does anybody else -- can you  
 20 give me more information about on-line books because I --  
 21 people verbalize it, but I haven't been able to find  
 22 companies that have the titles of the books that we have  
 23 adopted and are using to have those books on-line.  
 24 MS. PERRIN: I'd like to mark this as Exhibit 3.  
 25 (Whereupon, the document was marked Exhibit 3.)

1 requested a book and was unable to take one home?  
 2 A. No.  
 3 Q. In foreign language solution, for French Mastery 1 it  
 4 says "need 170 books."  
 5 A. Uh-huh.  
 6 Q. Do you know if you were able to obtain all 170 books for  
 7 the 2000-2001 school year?  
 8 A. As I recall, we -- we did buy the additional books that  
 9 we needed. And Aptos High School did not want their other  
 10 books back, which is the title we were using so we were able  
 11 to keep those.  
 12 Q. And was there any point in the semester, the fall  
 13 semester of 2000-2001 where students were not provided his  
 14 or own textbook to use in class and take home for homework?  
 15 MS. KAATZ: In?  
 16 MS. PERRIN: French Mastery I.  
 17 THE WITNESS: Once we got our books in hand, then  
 18 all the kids had access to a book.  
 19 Q. (By Ms. Perrin) Do you know when you got those books in  
 20 hand?  
 21 A. Not without going back and looking.  
 22 Q. Can you estimate at all?  
 23 A. I would guess late October probably.  
 24 Q. And for French Mastery II, do you recall if you were  
 25 able to obtain all the books that you needed?

1 Q. (By Ms. Perrin) Have you seen this document before?  
 2 A. Yes, I believe so. I have looked at it.  
 3 Q. Did you prepare a similar document for the 2000-2001  
 4 school year?  
 5 MS. KAATZ: Objection, assumes he created this  
 6 document.  
 7 MS. PERRIN: I wasn't assuming he created this  
 8 document.  
 9 MS. KAATZ: Okay.  
 10 Q. (By Ms. Perrin) I'm asking if you prepared a similar  
 11 type document for the 2000-2001 school year?  
 12 MR. LACOMBE: You mean the school prepared it?  
 13 MS. PERRIN: No, if Mr. Lane prepared it.  
 14 THE WITNESS: No, I did not.  
 15 Q. (By Ms. Perrin) On the second page.  
 16 A. Uh-huh.  
 17 Q. It is the Watsonville High department textbook  
 18 purchasing cycle.  
 19 A. Uh-huh.  
 20 Q. Can you explain to me what this means, generally.  
 21 A. This was the -- a plan that was devised by the assistant  
 22 principal twice removed as to what the textbook purchasing  
 23 cycle should be as to the major departments and, if you  
 24 will, the minor departments.  
 25 Q. So the ones on the right-hand side would be the minor

1 departments?  
 2 A. Yeah. And it's not to denigrate them, it is just they  
 3 are not -- they don't use textbooks to the number that those  
 4 to the left do.  
 5 Q. Do you know if the years that are listed and the  
 6 subjects that are in the third column, if textbooks were in  
 7 fact purchased for that department during these years?  
 8 A. No, this is out of whack because you can see that Social  
 9 Studies was -- should have happened this year and it didn't.  
 10 Q. And why didn't it happen this year?  
 11 MS. KAATZ: Objection, asked and answered.  
 12 THE WITNESS: I'm sorry?  
 13 MS. KAATZ: I said objection, asked and answered.  
 14 MR. LACOMBE: I join.  
 15 MS. KAATZ: Because I think we discussed it last  
 16 time.  
 17 THE WITNESS: Okay. For some reason, this -- this  
 18 sequence was not followed. And so this school year -- this  
 19 school year that's just finished, Science need purchase  
 20 their textbooks. Therefore, it kicks Social Studies down,  
 21 which means that Social Studies is now going to get their  
 22 books for the 2001-2002 school year, which forces foreign  
 23 language down another year. So for whatever reason that  
 24 this went out of sequence, I don't know. It's just other  
 25 than the fact that this is what I inherited.

1 Q. (By Ms. Perrin) And do you know if foreign language has  
 2 been in fact removed to the school year 2001-2002 book --  
 3 A. That's our current thinking plan.  
 4 Q. Have you ever heard of something called the site and  
 5 facility commission?  
 6 A. I heard the title.  
 7 Q. Can you tell me what it was or what it is.  
 8 A. No, I cannot.  
 9 Q. Have you ever heard of any class at Watsonville High  
 10 School in which there have been more students than available  
 11 seats?  
 12 A. More students than available seats? At the start of the  
 13 year I have.  
 14 Q. And is that something that you have heard about every  
 15 year?  
 16 A. Probably from one or two teachers in various things I  
 17 have heard I have got more than 34 kids in my room.  
 18 Q. When you were a Social Science teacher, did you ever  
 19 have a class where there were more students than available  
 20 seats?  
 21 A. At the start of the year, yes.  
 22 Q. Where do the kids sit?  
 23 A. In my particular room, they sat on a counter off to the  
 24 teacher's right side.  
 25 Q. And did they bring in additional desks for those

1 students during the first two weeks of the school year?  
 2 A. If they were available, they would, chairs and desks.  
 3 Q. Were there times where they were not available?  
 4 MS. KAATZ: Objection, vague as to whether this is  
 5 regarding his room or other rooms in general.  
 6 Q. (By Ms. Perrin) I'm asking about your particular Social  
 7 Science classes.  
 8 A. In my particular class, the kids were in the process of  
 9 getting a class change, so -- let's say they had completed  
 10 the course during summer school, they didn't need a desk,  
 11 they were waiting for the counselor to call them down to do  
 12 the paperwork.  
 13 Q. And were you able to start teaching your course during  
 14 the first two weeks of the semester?  
 15 A. Yes.  
 16 Q. And the students who were waiting for a class change,  
 17 were they participating in your class at that time?  
 18 A. I would ask them to participate, yes.  
 19 Q. Even though they were waiting to be transferred out?  
 20 A. Yes.  
 21 Q. It is fair to say there were some classes that you  
 22 taught where the first two weeks there were some kids that  
 23 didn't have his or her own desk to sit in?  
 24 A. Yeah, that would be a fair statement. But I want to go  
 25 on to say that I, in anticipation of that kind of thing, I

1 designed my daily classroom activities to not be -- you  
 2 wouldn't need a desk as such.  
 3 Q. And do you know if other teachers made similar  
 4 accommodations?  
 5 A. I don't know that.  
 6 Q. Have you ever heard of any classes that have met in the  
 7 library?  
 8 A. Yes.  
 9 Q. And what class was that?  
 10 A. The most recent one would have been geometry, which  
 11 was -- I don't know if it was this school year or last.  
 12 Q. And prior to geometry?  
 13 A. There was also -- health was in the library -- geometry  
 14 must have been the year before. Health was this year until  
 15 the B Building was finished.  
 16 MS. KAATZ: Can I clarify that when you are saying  
 17 this year, you mean the 2000-2001 school year, which just  
 18 ended?  
 19 THE WITNESS: Correct.  
 20 MS. KAATZ: And last year will mean --  
 21 THE WITNESS: The previous one.  
 22 MS. PERRIN: 1999-2000.  
 23 MS. KAATZ: Got you.  
 24 Q. (By Ms. Perrin) And I know I already asked this but you  
 25 believe that the B Building opened sometime in October or

1 November; is that right?  
 2 A. Correct, yeah.  
 3 Q. So at that time did the health class move into a new  
 4 classroom?  
 5 A. Yes.  
 6 Q. And prior to health and geometry, are there any other  
 7 classes that met in the library, to the best of your  
 8 recollection?  
 9 A. Those are the two that really jump out at me.  
 10 Q. Have you ever heard of classes that have been held in  
 11 the old district office?  
 12 A. Yes.  
 13 Q. What classes were those?  
 14 A. Oh, gosh. English, Social Studies, there was an Art  
 15 class. Those three for sure.  
 16 Q. What school year was that?  
 17 A. This past year.  
 18 Q. Do you know why classes were assigned to the old  
 19 district building instead of a regular classroom?  
 20 A. No classrooms available. That was the most contiguous  
 21 site or where we could put students on an interim basis.  
 22 Q. And do you know for what period of time the classes  
 23 remained in the old district office?  
 24 A. I believe it was about -- I'm going to guess four to six  
 25 weeks.

1 Q. Did you ever receive any complaints about classes being  
 2 held in the old district office?  
 3 A. No, not -- I mean, complaints other than it is too far  
 4 to walk, but not as to a classroom, no.  
 5 Q. Did you ever receive any complaints about classes being  
 6 held in the library?  
 7 A. Yes.  
 8 Q. From whom?  
 9 A. Teachers.  
 10 Q. Which teachers, if you recall?  
 11 A. English and Social Studies teachers in general.  
 12 Q. And do you recall generally what those complaints were  
 13 about?  
 14 A. It limited access to the library for use of the general  
 15 reading area and stacks because there was another class in  
 16 session.  
 17 Q. Did you ever receive a complaint from the teacher that  
 18 was assigned to teach his class in the library?  
 19 A. No.  
 20 Q. Have you ever heard of classes being held on the  
 21 cafeteria stage?  
 22 A. Well, that's kind of a yes and no. I mean, that's where  
 23 we hold OCSC, On Campus Suspension Center. So if you want  
 24 to call it a class, then yes, there is a class there.  
 25 Q. That's in-house suspension?

1 A. Yes. OCSC, On Campus Suspension Center.  
 2 MS. KAATZ: I don't think kids can actually sign up  
 3 for that class.  
 4 Q. (By Ms. Perrin) Do you know for how many years OCSC  
 5 classes have been held on the cafeteria stage?  
 6 A. I believe this is the second year. It could be the  
 7 third.  
 8 Q. Do you know why OCSC is assigned to be held on the  
 9 cafeteria stage?  
 10 A. It is available space that doesn't impact a classroom.  
 11 Q. Is it fair to say that there are no classrooms to put  
 12 the OCSC?  
 13 A. Yes, that's a fair statement.  
 14 Q. Do you recall when the first portable or relocatable was  
 15 added to Watsonville High?  
 16 A. Going back. I think C1 and 2 have been there probably  
 17 since the late '60s.  
 18 Q. Do you know if the portable classrooms support the same  
 19 level of technology as in the main building?  
 20 MS. KAATZ: Objection, vague as to support the same  
 21 level.  
 22 MR. LACOMBE: Join.  
 23 THE WITNESS: It is my understanding that every  
 24 room has access to a computer and therefore the Internet.  
 25 At least one.

1 Q. (By Ms. Perrin) And that includes the portables?  
 2 A. Yes.  
 3 Q. Have you ever seen a portable removed from Watsonville  
 4 High since you have been there?  
 5 A. Yes.  
 6 Q. When?  
 7 A. We had portables following the '89 period earthquake  
 8 when we had to vacate the 1917 building. We were in those  
 9 portables until, I'm going to guess, 1992, and it might have  
 10 been '93.  
 11 Q. Do you know if they were retrofitting the 1917 building  
 12 at that time?  
 13 A. No, they were knocking it down and building the new  
 14 building, which is known as the Centennial Building.  
 15 Q. And those portables that you were in from about 1989 to  
 16 1992 were removed?  
 17 A. Yes.  
 18 Q. Do you recall how many there were?  
 19 A. Twelve to fifteen. In two different locations. That's  
 20 the total. Twelve to fifteen total in two different spots.  
 21 Q. And do you know how many portables have been added to  
 22 Watsonville High since 1992?  
 23 A. Not really. I mean, I could mentally go around the  
 24 campus and try to add them up.  
 25 Q. Would you say it is more than 12 to 15?



- 1 A. Sure. The B Building has 18 rooms.  
 2 Q. And do you know why all the additional portables have  
 3 been added since 1992?  
 4 A. Account for growing population, coupled with the fact  
 5 that some classes are mandated 20 to 1. And, therefore, you  
 6 would have to continue to expand.  
 7 Q. How has the 20 to 1 class size ratio affected  
 8 Watsonville High?  
 9 A. All English and Math classes ninth grade are 20 to 1.  
 10 Q. Do you know if Watsonville had to hire additional  
 11 teachers to accommodate the 20 to 1 class size?  
 12 A. Yes, they have.  
 13 Q. Do you know how many additional teachers?  
 14 A. No, not really. That's the Guidance Department.  
 15 Q. Are you familiar with the term roving teachers?  
 16 A. Yes.  
 17 Q. What does that mean to you?  
 18 A. A teacher that travels from room to room.  
 19 Q. That is not assigned to a particular classroom?  
 20 A. Correct.  
 21 Q. Have you ever heard of this at Watsonville High?  
 22 A. Yes.  
 23 Q. When?  
 24 A. Ever since I've been there. Since 1967.  
 25 Q. So is it fair to say that ever since 1967 there has been

- 1 ferrying material from A to B, all the way to the fact that  
 2 some teachers feel that if -- if I don't own the room, the  
 3 kids don't respect me as much.  
 4 MS. KAATZ: Off the record.  
 5 (Discussion held off the record.)  
 6 Q. (By Ms. Perrin) Do you have any specific recollections  
 7 of teachers that have complained to you about being roving  
 8 teachers?  
 9 A. You mean by name?  
 10 Q. Yeah, but I don't necessarily need you to name them.  
 11 I'm asking if you have a specific recollection of a  
 12 complaint.  
 13 A. Yes.  
 14 Q. And did anybody ever complain to you that it was harder  
 15 for them to teach as a roving teacher?  
 16 A. Yes.  
 17 Q. On how many occasions?  
 18 A. On three occasions from one particular teacher.  
 19 MS. PERRIN: Can we go off a second.  
 20 (Discussion held off the record.)  
 21 MS. KAATZ: Back on.  
 22 Q. (By Ms. Perrin) Do you recall which teacher complained  
 23 to you?  
 24 A. Yes.  
 25 Q. Who was it?

- 1 at least one teacher that was not permanently assigned to a  
 2 classroom?  
 3 A. Even before that because I know of colleagues that  
 4 started before me that were travelers or rovers.  
 5 Q. And do you know why the teachers aren't assigned to a  
 6 particular classroom?  
 7 A. Because they're not enough rooms for each teacher to  
 8 have his or her own room.  
 9 Q. Were you ever a roving teacher?  
 10 A. Yes.  
 11 Q. In what year?  
 12 A. '67, '68, '69.  
 13 Q. And do you think that being a roving teacher affected  
 14 your ability to teach during those years?  
 15 A. No.  
 16 Q. Why not?  
 17 A. Because I -- I am fairly well organized, I could get my  
 18 material from A to B and with appropriate lesson planning,  
 19 and what have you, I would move just like the students would  
 20 move to a different room.  
 21 Q. Have you ever heard any complaints from teachers about  
 22 being a roving teacher?  
 23 A. Yes.  
 24 Q. And what kind of complaints are those?  
 25 A. The -- initially the hassle of moving, the problem of

- 1 A. Thadd Liszkowski.  
 2 Q. Do you know how to spell the last name?  
 3 A. L-i-s-z-k-o-w-s-k-i. It might be L-i-z-s. I can look  
 4 it up.  
 5 Q. What department was Mr. Liszkowski in?  
 6 A. Social Studies.  
 7 Q. Do you know what year this was?  
 8 A. This past school year.  
 9 Q. And what did Mr. Liszkowski say to you?  
 10 A. Thadd is the teacher that specifically voiced the  
 11 concern that if you don't own the room, the students don't  
 12 respect you as much.  
 13 Q. And it was harder for him to teach, that's how you took  
 14 his statement?  
 15 MS. KAATZ: Objection, misstates testimony.  
 16 THE WITNESS: He felt he had more discipline  
 17 problems because he didn't own the room.  
 18 Q. (By Ms. Perrin) And do you recall how many teachers had  
 19 complained to you -- I am trying to use your words here  
 20 generally -- about the hassle of moving, problems with  
 21 moving material from A to B, and if you don't own the room,  
 22 you don't get enough respect from the students, over the  
 23 years?  
 24 A. Relatively small number.  
 25 Q. Do you know how it is determined what teacher is

1 designated as a roving teacher?  
 2 A. It's a -- it's really driven by the master schedule as  
 3 to what -- what -- what courses are offered what period.  
 4 And when you take a graduation requirement, be it English or  
 5 Rural Civ or U.S. History, we have to make sure that we have  
 6 sessions offered every period all day long to facilitate a  
 7 kid building his own personal schedule where he has access  
 8 to all those classes. And given that, there are times when  
 9 a teacher has to move to where the room is empty because  
 10 another teacher is on prep that period.  
 11 Q. Do roving teachers have prep periods as well?  
 12 A. Oh, yes.  
 13 Q. Do you know where the roving teachers prepare during  
 14 those periods?  
 15 A. Okay. They can prepare in the department office, we  
 16 have a building on campus which we call our annex, there are  
 17 vacant desks and computers available to them there. They  
 18 can also go to the library, they could also go to the  
 19 faculty section of the caf. Cafeteria.  
 20 Q. Do you know if the library was open to teachers for prep  
 21 sessions when classes were being held in the library?  
 22 A. There is a yes and a no to that.  
 23 Q. Okay.  
 24 A. Yes, they could use it for Xeroxing materials and,  
 25 therefore, they could use the counters in there to help

1 prep. Yes, they could go into the stacks. Yes, they could  
 2 go to the reserve section. Yes, they could go to the room  
 3 where AV equipment is kept. Yes, they could talk to the  
 4 librarian, the librarian clerk. So -- and they could access  
 5 the reference section as well. So yes, they could prep, but  
 6 they just couldn't sit down at a table right in the middle  
 7 of the room and go wherever they wanted to go. They'd have  
 8 to put themselves off to the side.  
 9 Q. And that's because there was a class going on in the  
 10 middle of the room?  
 11 A. Correct.  
 12 Q. The class going on in the middle of the room, do you  
 13 know did it have walls around it?  
 14 A. Our library is round. And the -- the main reading room  
 15 or reading area is right in the middle. And the stacks are  
 16 around part of that outer circle, and there are rooms around  
 17 the other -- to complete the circle. There are various  
 18 support things in those rooms.  
 19 Q. Do you know if students were precluded from accessing  
 20 the library when there was a class taking place in the  
 21 reading area of the library?  
 22 A. A full class?  
 23 Q. Yes.  
 24 A. Yes, they were precluded from going there as a class.  
 25 Q. Do you know if individual students were allowed to enter

1 the library when there was a full class going on?  
 2 A. Yes, they were.  
 3 Q. Do you know for what purpose they were allowed in?  
 4 A. They could access the periodical window, they could  
 5 access the videotapes, the listening tapes, they could go to  
 6 the reference section. They could not go back into the  
 7 stacks because it was difficult for the library to control  
 8 that area without interrupting the teacher, and the teacher  
 9 and the class came first.  
 10 Q. Do you know if there will be roving teachers on campus  
 11 in the 2001-2002 school year?  
 12 A. I would assume there is going to be, yes.  
 13 Q. And do you happen to know who those teachers are at this  
 14 point?  
 15 A. No, the master schedule has not been finalized yet.  
 16 Q. Do you know how many there will be?  
 17 A. No.  
 18 Q. Do you know how many there were last year, by any  
 19 chance?  
 20 A. I would guess 10 to 12.  
 21 Q. And were they in all different departments?  
 22 A. Yes.  
 23 Q. Was there construction at Watsonville High during the  
 24 1999-2000 school year?  
 25 MS. KAATZ: Objection, vague as to construction.

1 THE WITNESS: I don't recall year before last as  
 2 far as construction.  
 3 Q. (By Ms. Perrin) Was there construction on campus during  
 4 the 2000-2001 school year?  
 5 A. Yes.  
 6 Q. And in what areas?  
 7 A. The B Building was being assembled. So that would be  
 8 the main thing in the fall. And then in the spring the --  
 9 what we call the 100 Building, the business wing was vacated  
 10 for renovation. Then it was reoccupied and Science moved  
 11 out for the start of their renovation.  
 12 Q. Do you know where the 100 Building classes met when the  
 13 100 Building had been vacated for renovation?  
 14 A. In the B Building.  
 15 Q. How about the Science?  
 16 A. Same.  
 17 Q. Do you know what hours the construction workers work?  
 18 MS. KAATZ: Objection, vague as to time frame.  
 19 Q. (By Ms. Perrin) For the 2000-2001 school year.  
 20 A. 7:00 to 3:00, 7:00 to 4:00.  
 21 Q. Did you ever see any machinery on campus?  
 22 MS. KAATZ: Objection, vague as to machinery.  
 23 MS. PERRIN: Not particularly well versed in this  
 24 area.  
 25 MS. KAATZ: Big trucks.

1 Q. (By Ms. Perrin) Trucks, cranes, things of that --  
 2 A. Trucks and tractors.  
 3 Q. Any other jackhammers?  
 4 A. Saw jackhammers.  
 5 Q. Any other --  
 6 MS. KAATZ: Objection, vague as to whether or not  
 7 they were operating or simply existed.  
 8 MS. PERRIN: I haven't gotten to that part yet.  
 9 MS. KAATZ: So right now you are asking him if he  
 10 saw them?  
 11 MS. PERRIN: Saw them, right.  
 12 Q. So there were trucks, tractors, jackhammers. Any other  
 13 kind of machinery, construction type machinery that you can  
 14 think of? Or tools.  
 15 A. A trencher.  
 16 Q. And did you ever hear any of the workers operating a  
 17 jackhammer during school hours?  
 18 A. If we did, we went and asked them not to.  
 19 Q. And what about a trencher?  
 20 A. Again, loud -- we asked that if you are going to do loud  
 21 things that are going to interfere with class, please do it  
 22 before school, during lunch or after school.  
 23 Q. And do you know if that was always observed?  
 24 A. No, I don't know that.  
 25 Q. Did you ever hear any complaints about construction

1 A. Yes.  
 2 Q. And did you ever personally hear anybody operating a  
 3 jackhammer during school hours?  
 4 A. No.  
 5 Q. Or a trencher?  
 6 A. No.  
 7 Q. Or any other tool?  
 8 A. Well, yeah, I saw tractors moving about.  
 9 Q. Would you say you saw them moving about on a weekly  
 10 basis?  
 11 A. It's hard for me to pin down. If I was out on that part  
 12 of campus, I was one, generally, you know, doing something  
 13 very specific. But I always had my antenna out to see if it  
 14 is a safe and orderly environment for kids. So if there was  
 15 something going on that was going to be dangerous, then we  
 16 tell them hey, you got to stop this until the kids are --  
 17 during passing period. And, you know, it doesn't -- two  
 18 days of that and the construction guys catch on real quick,  
 19 this is not the right time to move my tractor, I can't move  
 20 it, I'm surrounded by kids.  
 21 Q. During the passing period?  
 22 A. Yeah.  
 23 Q. Did you ever remember specifically telling a  
 24 construction worker not to drive a tractor?  
 25 A. No.

1 noise during the 2000-2001 school year?  
 2 A. Yes.  
 3 Q. Did you hear them from teachers?  
 4 A. Yes.  
 5 Q. And how many teachers?  
 6 A. One.  
 7 Q. Do you recall who that was?  
 8 A. Excuse me, two.  
 9 Q. Do you recall who they were?  
 10 A. Yes.  
 11 Q. Who were they?  
 12 A. Dan Tracy in English. And then two days before school  
 13 was out Emparo Alvarez.  
 14 Q. And what subject did Mr. Alvarez teach?  
 15 A. She teaches Spanish.  
 16 Q. Do you recall what Mr. Tracy complained about?  
 17 A. Just general knowledge.  
 18 Q. And Ms. Alvarez?  
 19 A. It was -- I don't know if it was a saw or a chisel  
 20 starting to demolish a bathroom, which is next to her room.  
 21 Q. And she complained about the noise?  
 22 A. Yes.  
 23 Q. Did Ms. Alvarez say it disrupted her class?  
 24 A. Yes.  
 25 Q. Did Mr. Tracy say the noise disrupted his class?

1 Q. And did you ever receive any complaints from students  
 2 about the noise from the construction?  
 3 A. No.  
 4 Q. Any complaints from parents?  
 5 A. No.  
 6 Q. Any complaints from anyone at the school, other than  
 7 teachers?  
 8 A. No.  
 9 MS. PERRIN: I'm going to go to another subject, so  
 10 you want to break for lunch?  
 11 MS. KAATZ: Sure. That would be fine.  
 12 (WHEREUPON THE LUNCH RECESS WAS HELD.)  
 13 (AFTERNOON SESSION.)  
 14 1:05 P.M.  
 15  
 16 EXAMINATION (RESUMED)  
 17 Q. (By Ms. Perrin) Okay. Drawing on your roughly 30 years  
 18 of teaching experience, is that accurate?  
 19 A. Uh-huh.  
 20 Q. What makes an effective teacher?  
 21 MS. KAATZ: Objection, calls for expert testimony.  
 22 MR. LACOMBE: Join.  
 23 THE WITNESS: Well grounded in their discipline,  
 24 comes to the school with a quality student teaching  
 25 background, so it gives them the ability to go into the

1 classroom and be an effective teacher right from the get go.  
 2 But one that's open minded and willing to try new things,  
 3 willing to expand their horizons and not be locked into a  
 4 particular style but be able to embrace various  
 5 methodologies because not all kids learn in the same  
 6 modality. One that's interested in professional growth, be  
 7 it academically or methodology wise, has a genuine interest  
 8 I think in kids in seeing them grow. Being able to refer  
 9 the student to the best source of information when something  
 10 is out of your realm of expertise. To find positive results  
 11 in negative findings. A risk taker within reason in an  
 12 educational setting. And I think a personal commitment  
 13 toward excellence. That's what I'd look for if I was hiring  
 14 somebody.  
 15 Q. (By Ms. Perrin) Do you have any involvement with hiring  
 16 new teachers at Watsonville High?  
 17 A. Yes.  
 18 Q. Do you interview teacher candidates?  
 19 A. I participate on interview panels.  
 20 Q. One of the things you mentioned was an effective student  
 21 teaching background.  
 22 A. Uh-huh.  
 23 Q. How do you think that's helpful for a teacher?  
 24 A. I think a lot of people think they can be a teacher  
 25 because they've gone to school. And I don't necessarily

1 think that that is a fact. For a person to come to the  
 2 educational setting, they need to be armed, if you will,  
 3 with various strategies that they are going to use in the  
 4 classroom. To think that they can stand up there and  
 5 lecture all day in light of today's student population is  
 6 not necessarily going to make them an effective teacher,  
 7 although that may be how they experienced their education.  
 8 So I would like to see future teachers truly have a year of  
 9 methodology classes and observation and student teaching  
 10 under a quality master teacher where they -- where they can  
 11 try things, try their ideas that they think are hot, which  
 12 is great. But the flip side of all of that is truly  
 13 effectively evaluate what you are doing and is it doing what  
 14 you want it to do or what you think you want it to do.  
 15 Q. Do you think that experience matters in teaching?  
 16 A. Yes.  
 17 Q. And for the reasons you just stated?  
 18 A. I think -- I think a lot of times people think that they  
 19 have got all the answers when they start, and the longer  
 20 they teach, the more they realize they don't have all the  
 21 answers.  
 22 Q. So is it fair to say with some experience people are  
 23 likely to be better teachers?  
 24 A. To a point.  
 25 Q. Another thing you mentioned is professional growth.

1 What kind of programs are open to teachers at Watsonville  
 2 High, if any, for professional growth?  
 3 A. Any -- the Santa Cruz County of Ed, Office of Education  
 4 offers a variety of professional growth activities. You can  
 5 probably go to one every week if you could or wanted to.  
 6 CSU Monterey Bay, San Jose State, UCSC, Cabrillo College and  
 7 Hartnell, as well as MPC, Monterey Peninsula College, are  
 8 post-secondary educational institutions around our basic  
 9 area that offer various courses. They might be in specific  
 10 subject areas or they might be process classes and teachers  
 11 can opt into those and the school would support their  
 12 attendance. If they are during the day, school day, we will  
 13 if at all possible provide a sub and/or the enrollment fee  
 14 or the fees to get in, especially if it's at all related to  
 15 what they are doing. Because the stronger our staff is, the  
 16 better product we are going to have.  
 17 Q. So it is fair to say Watsonville High encourages its  
 18 teachers to enroll in these professional growth programs?  
 19 A. Yes.  
 20 Q. You mentioned in the event it happens during the day you  
 21 can get a sub. Do you have any idea what it takes to get a  
 22 sub if a teacher is going to be absent during a day?  
 23 A. Yes.  
 24 Q. And how is that done?  
 25 A. Other than sick?

1 Q. Yes.  
 2 A. We need to apply to the district office to see that  
 3 there is going to be a substitute available, in this case  
 4 for professional growth purposes, and that goes through  
 5 what's known as the freeze committee, and that's a budgetary  
 6 screening device to see that one, the money is in place to  
 7 pay for that substitute, and the fact that there is a sub  
 8 available for that particular date, and then that comes back  
 9 from freeze and if it is a yes, then we send the person to  
 10 do what they want to do.  
 11 Q. Is it Watsonville High's policy, if you know, to use the  
 12 same sub teacher if a teacher is going to be absent from  
 13 class for more than one day?  
 14 MS. KAATZ: Objection as to policy. Objection,  
 15 vague as to policy.  
 16 THE WITNESS: We try to make it consistent. If we  
 17 know a person is going to be out three days, we hope we can  
 18 get that person to work all three days in a row.  
 19 Q. (By Ms. Perrin) Why would you seek to have the same  
 20 substitute in the class all three days?  
 21 A. Consistency. They know what the lesson plan is, they  
 22 know what transpired the day before. So there is continuity  
 23 and fewer interruptions into the, you know, ongoing growth.  
 24 Q. Do you think that consistency and continuity is  
 25 important in the classroom?

1 A. To the point where you are not in a rut. I think you --  
 2 consistency is good only as long as the truth continues to  
 3 reveal itself.  
 4 Q. So is it fair to say that consistency is good but that a  
 5 teacher should try to stay innovative in his or her teaching  
 6 or discipline?  
 7 A. I agree.  
 8 Q. We talked about professional growth. Is that the same  
 9 thing in your mind as professional development?  
 10 A. I think the terms -- a majority of the people use the  
 11 terms synonymously. I think you can attend professional  
 12 growth activities and hopefully you will professionally  
 13 develop as well.  
 14 Q. Have you ever visited classrooms to monitor the quality  
 15 of teaching?  
 16 A. Yes.  
 17 Q. How often have you done that?  
 18 A. I observe all of my non-tenured teachers a minimum of  
 19 three times, that's with a formal pre-conference and formal  
 20 post conference. And then I do what's known, if you will,  
 21 as a walk-through, which means that I show up unannounced, I  
 22 observe what's going on 10 to 15 minutes, and I try to do  
 23 that from two to five times a year.  
 24 Q. And for three times it was three times a year also?  
 25 A. Three times a year is formal observations. We have a

1 pre-conference, I am in there the entire period, and we have  
 2 a post conference.  
 3 Q. And what's the purpose for the formal observations?  
 4 A. To determine whether the teacher should be moved --  
 5 let's say they are a first year teacher, to be moved to  
 6 what's known as probationary 2 status, or if they are a prob  
 7 2 to go to recommendation for tenure. The negative side of  
 8 all of that is to put them on pre-assistance.  
 9 Q. What is pre-assistance?  
 10 A. It means that you are going to work very specifically  
 11 with them and develop a plan that's going to lead to their  
 12 being more effective in the classroom.  
 13 Q. And without going into any specifics about teachers and  
 14 exact recommendations, have you been involved with anybody  
 15 that you have recommended for pre-assistance in this past  
 16 year?  
 17 A. Yes.  
 18 Q. What steps have you taken to work with that person to  
 19 design a curriculum and assist them like you just described?  
 20 A. In this particular instance it wasn't a curricular  
 21 thing, it was a function of meeting mandated deadlines.  
 22 Q. And who, other than you, has been working with this  
 23 individual to assist he or she in meeting mandated  
 24 deadlines?  
 25 A. I need to talk to her.

1 Q. Okay. Go ahead.  
 2 (Private discussion held between the  
 3 witness and his counsel.)  
 4 THE WITNESS: I'd like to hear the question again.  
 5 (Whereupon, the record was read as follows:  
 6 "Q. And who, other than you, has been working with  
 7 this individual to assist he or she in meeting  
 8 mandated deadlines?")  
 9 THE WITNESS: The teacher involved is a Special  
 10 Education teacher and so I sought the assistance from the  
 11 Assistant Director of SELPA, S-E-L-P-A, and I also had the  
 12 union president present for one of the conferences.  
 13 Q. (By Ms. Perrin) Is that one of the post conferences?  
 14 A. No, this was the pre-assistance plan, so it was  
 15 developing the plan with appropriate actions desired,  
 16 deadlines, when I would observe and when certain things were  
 17 due and desired outcomes.  
 18 Q. And the assistant director of SELPA, do you know by whom  
 19 that person is employed?  
 20 A. She is employed by the PVUSD.  
 21 Q. During the past year were there occasions when you were  
 22 able to elevate a person to, as you said, probationary 2?  
 23 A. Yes.  
 24 Q. What, if anything, is different about the review process  
 25 when a person is elevated to probationary 2?

1 A. The person going from probationary 1 to probationary 2  
 2 is being effective in the classroom, is at the  
 3 implementation level of various -- various components of --  
 4 of a matrix that our district uses to identify benchmarks  
 5 within a teacher's growth, moving from beginning to  
 6 innovative and the cells across that rubric or matrix.  
 7 Q. Do you know how many levels there are between when a  
 8 teacher begins to -- when that person is recommended for  
 9 tenure?  
 10 A. How many levels?  
 11 Q. You said you could elevate somebody to probationary 2 --  
 12 A. There is prob 1, prob 2, then there is tenure, assuming  
 13 that they have a clear credential. If the person does not  
 14 have a clear credential, then they are on probationary 2  
 15 until that credential is cleared.  
 16 Q. And what do you mean by clear credential?  
 17 A. That they have done all of their unit level work to  
 18 complete the requirements for a standard credential --  
 19 California Standard Secondary teaching credential.  
 20 Q. How do you think that teacher's participation in these  
 21 professional development programs helps them to become  
 22 better teachers, if it does at all?  
 23 A. I think it gives them a chance to hear a person outside  
 24 of the Watsonville High community, it gives them an  
 25 opportunity to hear another person's viewpoint, it gives

1 them an opportunity to interact with other teachers of like  
 2 courses or at least secondary teachers where they can get  
 3 new ideas or at least ideas to -- that they might be able to  
 4 adopt an idea that they've got, and a willingness to try it,  
 5 they can hear about successes and pitfalls of various ideas  
 6 that they have got in mind.  
 7 Q. Do you have any specific recollection of talking to a  
 8 teacher after he or she came back from a professional  
 9 development course in the past year?  
 10 A. Yes.  
 11 Q. And do you remember what that teacher generally said  
 12 about his or her experience?  
 13 A. In -- in a majority of the cases they generally came  
 14 back, one, excited about what they had heard, ideas that  
 15 they were willing to try and see how it could impact their  
 16 classroom.  
 17 Q. So was it generally a positive experience for the  
 18 teachers that you spoke with?  
 19 A. Yes.  
 20 Q. Do you know if every class at Watsonville will have a  
 21 permanent teacher assigned to it for the upcoming school  
 22 year?  
 23 MS. KAATZ: Objection, vague as to permanent.  
 24 MR. LACOMBE: Join.  
 25 Q. (By Ms. Perrin) Are there any teacher vacancies for the

1 upcoming school year?  
 2 A. Yes.  
 3 Q. Do you know how many there are?  
 4 A. Currently I would guess there are -- unless they filled  
 5 some the past two weeks, I would guess somewhere between  
 6 five and ten.  
 7 Q. And do you know what steps are taken to fill these  
 8 positions?  
 9 A. Yes.  
 10 Q. In the event one or more of those positions is not  
 11 filled by the fall, do you know what steps would be taken to  
 12 place a sub in the class?  
 13 A. We have to find a substitute who's willing to take on  
 14 that assignment from day one.  
 15 Q. Would this be the same substitute that would report to  
 16 that class everyday?  
 17 A. Yes, if it was a long period of time.  
 18 Q. Is it Watsonville High's policy to obtain a long time  
 19 substitute?  
 20 A. As best as we can.  
 21 MS. KAATZ: Objection as to policy.  
 22 Q. (By Ms. Perrin) Was there any classes this past year  
 23 where there weren't a permanent teacher assigned to a class?  
 24 MS. KAATZ: Object, vague as to permanent.  
 25 MR. LACOMBE: Join.

1 MS. PERRIN: I can ask it another way.  
 2 Q. Were there any teacher vacancies at the beginning of the  
 3 2000-2001 school year?  
 4 A. Yes.  
 5 Q. And did you -- how many classes were there in which  
 6 there were teacher vacancies?  
 7 A. It was for the upper level French classes.  
 8 Q. And were you able to obtain a long-term substitute for  
 9 that class?  
 10 A. After about three to four weeks.  
 11 Q. Three to four weeks into the beginning of the year?  
 12 A. Uh-huh.  
 13 Q. And do you know how many substitutes were in that class  
 14 for the first three to four weeks of the school, school  
 15 year?  
 16 A. Not for sure.  
 17 Q. Was it more than one?  
 18 A. I would guess one or two.  
 19 Q. And other than the French class were there any other  
 20 teacher vacancies at the beginning of the school year?  
 21 A. Not that I recall.  
 22 Q. Were there any classes this past year in which a teacher  
 23 left in the middle of the year?  
 24 A. Yes.  
 25 Q. And how many classes?

1 A. I know one for sure. The lady had a hip replacement.  
 2 Q. Do you know what classes she taught?  
 3 MS. KAATZ: Objection, move to strike on privacy --  
 4 confidential and privacy grounds.  
 5 (Private discussion held between the  
 6 witness and his counsel.)  
 7 MS. PERRIN: I am not trying to delve into personal  
 8 confidential information.  
 9 Q. So let's say it was a World Civ class that was left  
 10 without a teacher, is that a fair statement?  
 11 A. No, it is not fair. You said was there a teacher with a  
 12 long-term vacancy.  
 13 Q. Yes, that's correct.  
 14 A. Yes.  
 15 Q. And she taught World Civ?  
 16 A. Yes.  
 17 Q. Were you able to find a permanent -- a long-term  
 18 substitute for that --  
 19 A. Yes.  
 20 Q. Do you know how long that took?  
 21 A. I believe it was eight weeks.  
 22 Q. Eight weeks to find the long-term substitute?  
 23 A. No. The person served eight weeks. It took us -- it  
 24 didn't take any time. We found somebody willing to do eight  
 25 weeks.

1 Q. And other than this particular World Civ class or  
 2 classes, were there any other teacher vacancies, long-term  
 3 teacher vacancies during the 2000-2001 school year that you  
 4 are aware of?  
 5 A. Not that I recall.  
 6 Q. And how about any long-term teacher vacancies during the  
 7 1999-2000 school year, if you recall?  
 8 A. No recollection.  
 9 Q. Do you know if you are required to report the number of  
 10 teacher vacancies to anybody at the district?  
 11 MS. KAATZ: Objection, vague as to teacher  
 12 vacancies and vague as to time frame.  
 13 Q. (By Ms. Perrin) Do you know if you are required to  
 14 report teacher vacancies at the beginning of each school  
 15 year to anybody at the district?  
 16 A. Vacancies to hire people?  
 17 Q. Yes.  
 18 A. Oh, yes, yes.  
 19 Q. Do you know if you have to report daily absences to  
 20 anybody at the district level?  
 21 A. There is a form that goes in at the end of the month  
 22 that a teacher signs to verify their attendance or the  
 23 reasons why they weren't there.  
 24 Q. When a teacher is out sick for the day, how do you go  
 25 about finding a substitute for his or her classes that day?

1 A. We have a system called the Sub Finder where the teacher  
 2 calls this machine, identifies themselves with a pin number  
 3 and their name and the reason for their absence and the day,  
 4 date that they are going to be absent, and then that  
 5 machine, I guess through a computer, searches for  
 6 appropriate matches and starts automatically calling people  
 7 and asking them if they want to take that job, then the  
 8 person probably punches yes or no and it tells them where it  
 9 is and they show up.  
 10 Q. Do you know if substitute teachers are required to be  
 11 credentialed?  
 12 MS. KAATZ: Objection, vague as to required.  
 13 MR. LACOMBE: Join.  
 14 MS. KAATZ: If you know that it is required and  
 15 know by whom, you can answer it.  
 16 THE WITNESS: I believe the law is that a person  
 17 has got to have a degree, passed CBEST, and been  
 18 fingerprinted and the Department of Justice checked their  
 19 background.  
 20 Q. (By Ms. Perrin) Do you recall a time over the past year  
 21 in which a request for a substitute was made by a teacher  
 22 and where a substitute did not show up at school?  
 23 A. Yes.  
 24 Q. What, if anything, does Watsonville High do to cover  
 25 those periods?

1 A. Teachers or administrators or counselors cover that  
 2 vacancy, and then as we go through the day, we find other  
 3 teachers on prep that can possibly cover that and/or  
 4 administrators or counselors.  
 5 Q. Have you ever heard of a class at Watsonville that went  
 6 not covered or not manned?  
 7 A. At all?  
 8 Q. Yes.  
 9 A. No, I do not know of any.  
 10 Q. Do you know how many teachers have left Watsonville High  
 11 in the past year permanently?  
 12 A. Let's see. There were three retirees. I know one moved  
 13 for sure to Sacramento because the cost of housing. After  
 14 that I would have to look at a master schedule.  
 15 Q. Do you know if additional teacher positions have been  
 16 created to accommodate the incoming student population?  
 17 A. We are not in a position to create additional positions.  
 18 That's a function of the district office telling us what  
 19 they predict our enrollment will be and, therefore, telling  
 20 us how many -- what's known as FTEs or full-time equivalents  
 21 we get to work with. And so that's, if you will, given  
 22 those FTEs, we are directed to make our schedule fit that  
 23 until we can prove otherwise.  
 24 Q. And have you received the projections from the district  
 25 yet for the 2001-2002 school year?

1 A. Yes.  
 2 Q. And do you know if you have enough FTEs with the current  
 3 teachers that are on staff at this time?  
 4 A. Math I think we've got enough -- this assumes we are  
 5 going to hire for those people that have retired or left.  
 6 Q. And then you would have a sufficient number to cover  
 7 the --  
 8 A. Based on the district projection.  
 9 Q. And have you had experience with district projections in  
 10 the past?  
 11 A. Peripherally.  
 12 Q. Do you know if the district's projections tend to be  
 13 accurate?  
 14 A. They use the fifth month enrollment, which from  
 15 Watsonville High tends to be a somewhat down period,  
 16 therefore, from a teacher perspective, they are using a low  
 17 number.  
 18 Q. Has there -- are you aware of any time which the  
 19 district projected a particular number and the student  
 20 population on the first day of school was ten percent  
 21 greater than that?  
 22 A. I don't know that without doing the math.  
 23 Q. I was trying to be more specific and I don't think that  
 24 worked.  
 25 Are you aware of a time in which student enrollment

1 on the first day of school exceeded what the district had  
 2 projected for that school year?  
 3 A. Yes.  
 4 Q. And do you know by how many students?  
 5 A. I would say 100 to 200 more.  
 6 Q. And when was that? What year?  
 7 A. That's -- I would say that that -- the past couple three  
 8 years that's been the case.  
 9 Q. And have any additional FTEs opened because of that?  
 10 A. Generally, the district will say well, if they are  
 11 there, you know, a week after we start school, then we'll  
 12 give you another FTE.  
 13 Q. When was the last time that Watsonville was reviewed as  
 14 part of the CCR?  
 15 A. My goodness. I think CCR was the year before last. So  
 16 is that '99-2000?  
 17 Q. And did you have any direct involvement in the CCR  
 18 review process?  
 19 MS. KAATZ: Objection, vague as to direct  
 20 involvement.  
 21 MR. LACOMBE: Join.  
 22 THE WITNESS: If it was year before last, then it  
 23 would have been very minor. It would have been collecting  
 24 stuff from a Social Studies perspective to support some of  
 25 the criteria that the site was trying to answer.

1 Q. (By Ms. Perrin) Did you find the CCR review process  
 2 helpful?  
 3 A. Yeah, I don't have any trouble with Coordinated  
 4 Complaint Reviews. I think, in fact, they turn on light  
 5 bulbs for staff that occasionally, you know, get a little  
 6 dim when you are in the heat of the battle.  
 7 Q. When you say they turn on light bulbs, what kinds of  
 8 things are you referring to?  
 9 A. In the sense if there is a specific item that a site or  
 10 a course needs to have or to be doing, it's good to keep  
 11 those requirements in front of everybody so they are aware  
 12 of their responsibilities.  
 13 Q. Do you know if the CCR reviewers noted any areas for  
 14 improvement at Watsonville?  
 15 A. Generally, yes.  
 16 Q. And do you have a general understanding as to what those  
 17 areas were?  
 18 A. In general, a lot of the focus on that deals with the  
 19 need to address issues with the English Language learner  
 20 population.  
 21 Q. Do you know what percentage of the population has been  
 22 designated as the English Language learner population?  
 23 A. Forty and fifty percent.  
 24 Q. Other than that, do you remember specifically any areas  
 25 of improvement that were noted by the CCR reviewers?

1 A. No, because I was a classroom teacher at the time.  
 2 Q. Do you recall when the last time Watsonville High was  
 3 reviewed by WASC?  
 4 A. Year before last.  
 5 Q. '99-2000?  
 6 A. Right.  
 7 Q. And what did you do, if anything, to prepare for the  
 8 WASC visit?  
 9 A. I was chairperson of the Vision Leadership and Culture  
 10 component.  
 11 Q. I'm sorry, Vision Leadership and --  
 12 A. Vision Leadership and Culture.  
 13 Q. And was that a committee that was formed at the school?  
 14 A. Yes.  
 15 Q. Do you know how many committees in addition to Vision  
 16 Leadership and Culture there were, if any?  
 17 A. I think there is a total of five. Might be six.  
 18 Q. Do you happen to recall what they were?  
 19 A. One is curriculum, one is evaluation. I forgot the  
 20 other two.  
 21 Q. How many people were on the Vision Leadership and  
 22 Culture committee?  
 23 A. About 40.  
 24 Q. And you said you're a chairperson for that?  
 25 A. Uh-huh.

1 Q. Were you elected to that position?  
 2 A. (Witness nods head side to side.)  
 3 Q. Were you assigned to that position?  
 4 A. Yes.  
 5 Q. By whom?  
 6 A. Somebody downstairs.  
 7 Q. And I assume this is while you were still Department  
 8 Chair of the Social Studies Department?  
 9 A. Yes.  
 10 Q. And what did you understand the purpose of the Vision  
 11 Leadership and Culture committee to be?  
 12 A. To look at the criteria that WASC and the California  
 13 Department of Ed put together and have our committee look at  
 14 the various topics and criteria and evaluate our school  
 15 against that criteria and identify strengths and areas for  
 16 improvement.  
 17 Q. And did you draft a report or anything that identified  
 18 strengths and areas of improvement?  
 19 A. I facilitated the group's effort to draft that report.  
 20 Q. Do you happen to still have a copy of that report?  
 21 A. I do sitting in my office.  
 22 Q. And to whom did you submit that report, if anyone?  
 23 A. On site it went from our committee to the WASC  
 24 coordination effort, which was Barbara Johnson and Irene  
 25 Garcia.



- 1 Q. And do you know if the report from Vision Leadership and  
2 Culture was submitted to WASC?  
3 A. Yes. As part of the whole WASC document.  
4 Q. Okay. So the whole WASC document was a compilation of  
5 reports from each of the committees?  
6 A. Uh-huh. Those five, plus various other components that  
7 need to be answered, responded to.  
8 Q. And the compilation of reports and these other  
9 components, is that -- was that the self study?  
10 A. Uh-huh. Yes.  
11 Q. And did you find the WASC review process helpful?  
12 A. Yes.  
13 Q. Why?  
14 A. Again, I think it -- it's an opportunity to do some  
15 reflection with your peers as to what is working right and  
16 what needs improvement and how might we improve it. And if  
17 you -- if you -- if you do that yourself, if you figure out  
18 the reasonable avenues as to what you can do, you are aware  
19 of the constraints and then you can kind of plan a  
20 professional growth thing that you can live with rather than  
21 being force fed somebody's decisions.  
22 Q. And do you recall any specific areas that were noted for  
23 improvement at Watsonville?  
24 A. In gross general terms I could probably remember some.  
25 Q. Okay. And what were they?

- 1 A. Consistency in administration, improve the delivery of  
2 services from digital high school and technology. Lower  
3 class size. Investigate career pathways, there is a few of  
4 them. There is probably nine or ten per chapter.  
5 Q. For consistency in administration, do you know what led  
6 to that being a concern?  
7 A. I'm sorry?  
8 Q. For consistency in administration, do you know why that  
9 was noted as a concern?  
10 A. The -- there had been a lot of turnover in the  
11 management of the site and I think it was frustrating the --  
12 a lot of the staff members.  
13 Q. Do you think that the administrative turnover had any  
14 impact on students?  
15 MS. KAATZ: Objection, calls for expert testimony  
16 and speculation.  
17 MR. LACOMBE: Join.  
18 THE WITNESS: Did it impact the students' learning  
19 did you say?  
20 Q. (By Ms. Perrin) No, just impact the students. Did it  
21 affect the student population?  
22 A. Probably not directly.  
23 Q. You said that it impacted teachers. In what way did it  
24 impact teachers?  
25 A. Teachers would have to deal with a different person in

- 1 the same assignment year after year, and so it was -- they  
2 were always kind of having to reinvent the wheel. And there  
3 was a lack of consistency or any history within that  
4 position. And as a result they were -- they were frustrated  
5 with that.  
6 Q. Do you know if Watsonville High received accreditation  
7 from WASC?  
8 A. Yes.  
9 Q. And do you know for what period of time?  
10 A. Three years.  
11 Q. And do you know what accreditation, if any, Watsonville  
12 had received from the previous WASC visit?  
13 A. Six years.  
14 Q. Do you know why it went from six years to three years?  
15 A. I have not heard specifically from a WASC person but  
16 I've heard from people that have -- of our WASC visiting  
17 team, I have heard from people who have gone through the  
18 training that WASC has let it be known that if a school is  
19 not doing well on their API scores, they probably should not  
20 get a six-year accreditation, because if their scores aren't  
21 high, then how can everything be so rosy as if they would  
22 get a six-year accreditation.  
23 Q. And do you know what the API score is?  
24 MS. KAATZ: At Watsonville High School?  
25 MS. PERRIN: No generally.

- 1 Q. Do you understand what the API score is?  
2 A. Yeah.  
3 Q. And it stands for Academic Performance Index; is that  
4 correct?  
5 A. That's correct.  
6 Q. Do you know how it is calculated?  
7 A. It is a convoluted formula that uses test scores,  
8 demographic data, et cetera.  
9 Q. And what test scores?  
10 A. It comes from the SAT 9, Stanford Achievement Test 9.  
11 Q. And do you know what Watsonville's API score was for the  
12 2000-2001 school year?  
13 A. Numerically I can't tell you what it is. I know that we  
14 were -- they wanted us to grow 12 points and we grew 6.  
15 Q. And that was the growth target?  
16 A. Our growth target was 12 more. We got half of that.  
17 Q. Do you recall what the numerical score was for the  
18 1999-2000 school year?  
19 A. No.  
20 Q. Do you recall whether the score for the 2000-2001 year  
21 was particularly low?  
22 MS. KAATZ: Objection, vague as to low.  
23 MR. LACOMBE: Join.  
24 THE WITNESS: I believe we're in the lower  
25 quintile.

- 1 Q. (By Ms. Perrin) Do you know what the growth target is  
2 for the 2001-2002 school year?  
3 A. I'm not real sure of that, no.  
4 Q. Do you know if Watsonville intends to apply to  
5 participate as an IIUSB school?  
6 A. IIUSB? I'm not familiar with that acronym.  
7 MS. KAATZ: USB.  
8 Q. (By Ms. Perrin) Okay. Do you know what areas the SAT 9  
9 tests?  
10 A. English, Math, Social Studies and Science.  
11 Q. And do you think that the SAT 9 is an accurate measure  
12 of what a student has learned that year in that particular  
13 course?  
14 A. No.  
15 Q. Why not?  
16 A. Because the SAT 9 uses state frameworks to help as one  
17 of the building blocks of that test, and as a result state  
18 standards which would emanate from those, and if your  
19 curriculum is not necessarily specifically aligned to a  
20 state framework, there is going to be test material on the  
21 test that the kids have not been exposed to, depending on  
22 the grade level.  
23 Q. Do you know when the WASC revisit is scheduled to take  
24 place?  
25 A. I'm sorry?

- 1 Q. The WASC revisit.  
2 A. It's got to be next year because that would be the third  
3 year.  
4 Q. Have you received any complaints from any teachers about  
5 classroom temperatures in the past year?  
6 A. Yes.  
7 Q. And from how many teachers?  
8 A. Two.  
9 Q. And do you remember who they were?  
10 A. Yes.  
11 Q. Who were they?  
12 A. Ron Jones.  
13 Q. And?  
14 A. Nancy Adams.  
15 Q. And do you recall whether it was because it was too hot?  
16 A. In Ron's case it was too cold, and Nancy's case it was  
17 too hot.  
18 Q. And what did Ron Jones say when he complained?  
19 A. He sent a student down to my office, said that I had to  
20 come to Mr. Jones' room immediately. And so I went up  
21 there. And then he had me experience how cold it was.  
22 Q. And what, if anything, did you do to address Mr. Jones'  
23 complaint?  
24 A. I had the office call the maintenance and operations  
25 office, because heating and cooling in the main building is

- 1 controlled off site by a computer, and so we called Keith  
2 Halchen, the computer guy at M & O to check and see what was  
3 going on.  
4 Q. And do you know how long it took -- was there a heating  
5 problem?  
6 A. Yes.  
7 Q. Do you know how long it took to get fixed?  
8 A. It was fixed during the Christmas break. And the  
9 laments were just before Christmas.  
10 Q. And how did Ms. Adams complain to you?  
11 A. Verbally.  
12 Q. Did she come to your office?  
13 A. No. It was just, you know, in the hall.  
14 Q. And what, if anything, did you do to address Ms. Adams'  
15 complaint?  
16 A. I told her we could get more fans because the building  
17 doesn't have air conditioning. And in the early fall  
18 sometimes it gets warm in Watsonville and second story room.  
19 Q. And did you get more fans for Ms. Adams' class?  
20 A. I believe she's got two fans that the school provides.  
21 There are others in the room.  
22 Q. And other than those two complaints, do you recall any  
23 other complaints about classroom temperatures this year?  
24 A. Those are the only two that jump out at me.  
25 Q. And when I use the term school fees, what would you

- 1 understand that to mean?  
2 A. Generally I would assume that means things like cost of  
3 wood in wood shop.  
4 Q. Right. When I use the term school fees, I would use it  
5 to say when a student is asked to pay for participation in  
6 any school activity. That could be either in class or  
7 extracurricular activities. Is that a fair definition or  
8 one that I can work with?  
9 A. Sure.  
10 Q. Are you aware of any student ever being charged a fee  
11 for participation in any course at Watsonville High?  
12 A. Not specifically, no.  
13 Q. Or for any extracurricular activity?  
14 A. Kids can buy -- parents can buy supplemental insurance  
15 if a kid goes out for a sport. That's obviously their  
16 decision because the district does have some insurance.  
17 That would be the only thing that would jump out at me.  
18 Q. So you are not aware of any fee from a student to  
19 participate in an extracurricular activity?  
20 A. No.  
21 MS. PERRIN: Now do you want to put something on  
22 the record about compound questions?  
23 MS. KAATZ: Yes. Do you want to go ahead and say  
24 what you think is our agreement?  
25 MS. PERRIN: Sure. I am going to ask a series of

1 questions about the relationship to the State of California  
2 and the State Board of Education and the State Department of  
3 Education and the State Superintendent of Public Instruction  
4 and rather than ask the question five different times, I am  
5 just going to refer to all of them at once and it will be  
6 compound.

7 MS. KAATZ: And I have agreed that the compound  
8 question is fine, except in the event that he needs to  
9 answer differently as to any one of those and then the  
10 questions will be asked separately.

11 MS. PERRIN: Right.

12 Q. Is that okay?

13 A. I need a review -- State of California --

14 MS. KAATZ: She'll go through them each time. But  
15 if you have different answers as to any of them, let us know  
16 and then Lois will go through them one at a time.

17 MS. PERRIN: Right. I am trying to save some time.

18 Q. Have you ever communicated -- this is in your time as  
19 principal. Have you ever communicated --

20 MS. KAATZ: Vice principal.

21 Q. (By Ms. Perrin) -- with anybody at the State Board of  
22 Education?

23 A. No.

24 Q. At the State of California?

25 A. No.

1 Q. At the Department of Education?

2 A. No.

3 Q. State Superintendent of Public Instruction?

4 A. No.

5 Q. Are you aware of anybody on your staff ever  
6 communicating with any of those entities?

7 A. I wouldn't know that.

8 Q. What's your understanding of what the State Board of  
9 Education does?

10 A. Sets policy for the schools in California, attempts to  
11 resolve issues facing education in California.

12 Q. And do you have an understanding as to what the State  
13 Department of Education does?

14 A. Yes.

15 Q. And what's that?

16 A. Administer what the State Board has decided on  
17 administered policies, set forth operating policies or  
18 procedures, send out calls for grants, review grants, grant  
19 grants or money issues, provide technical assistance if you  
20 ask them on things, provide some kind of experts that would  
21 come down and help you resolve particular issues I guess.

22 Q. Do you have an understanding as to what the State of  
23 California does, if anything, with respect to education in  
24 California?

25 A. Yes.

1 Q. And what's that?

2 A. Well, determine the education budget, determine laws and  
3 rules that affect schools in California, work with, you  
4 know, things that are going to be added or deleted to the Ed  
5 code, work with, you know, if you will, develop a budget  
6 that's going to come to the schools and what have you.  
7 Interface with the county and the district offices  
8 specifically.

9 Q. To your knowledge, does the state, the State board, the  
10 State Department of Education or the State Superintendent of  
11 Public Instruction ever inquire into the needs of  
12 Watsonville High with regard to textbooks?

13 A. To my knowledge, they have not contacted Watsonville  
14 High School directly.

15 Q. And do you know if anybody at any of those entities has  
16 contacted Watsonville High School about any issue?

17 A. Probably in CCR type items.

18 Q. And outside of that state review process, are you aware  
19 of any other communication from any of those entities  
20 directly to Watsonville High School?

21 A. I am not. Other than again, a call for proposals, like  
22 the AP challenge grant, what have you.

23 Q. And was that call made from somebody at the state level  
24 to the school?

25 A. A document that I get in the mail.

1 Q. Has anybody from the State Board of Education ever  
2 visited Watsonville during your time there?

3 A. No.

4 Q. And from the State Department of Education?

5 A. Well, I should take that back. There is generally a  
6 State Department person on -- on CCRs.

7 Q. Okay.

8 A. So yes, there has been a person there.

9 Q. And outside of the CCR visits has anybody from the State  
10 Board of Education ever visited Watsonville?

11 A. Not to my knowledge.

12 Q. And the State Department of Education?

13 A. Not to my knowledge.

14 Q. State Superintendent of Public Instruction?

15 A. No.

16 Q. Anybody from the State of California, other than Peter  
17 Choate?

18 A. Not to the site specifically. There are politicians that  
19 breeze through.

20 Q. I recall there was one time when Delaney Sten was in  
21 town a couple years ago, is that what you are referring to?

22 A. Well, I was thinking in terms of McPherson and Keeley  
23 and -- because of the third high school issue and the PVUSD,  
24 Keeley has obviously been actively involved in that. And  
25 former Senator Henry Menlo was a Watsonville native.

1 Q. Hence the Menlo Center?  
 2 A. True. We occasionally get that through the high school.  
 3 But nothing jumps out at me.

4 MS. PERRIN: Okay. I have no further questions.

5 Do you have any follow-up?

6 MR. LACOMBE: Let's take a break.

7 (Recess held.)

8

9 EXAMINATION

10 Q. (By Mr. LaCombe) During one of the breaks, Mr. Lane,  
 11 you mentioned that you wanted to amend or clarify an answer  
 12 relating to Exhibit 1, which was the cabinet notes.

13 A. Yes. It specifically refers to item 7, star number 1,  
 14 the line in the minutes or notes, rather, reads "Dr. John  
 15 Casey wants a textbook in each student's hand."

16 Dr. Casey in our conversation was very specific  
 17 about having a textbook in each student's hand at the start  
 18 of the school year. And so we are trying to figure out a  
 19 way where when the student picks up their schedule, which is  
 20 before the school year starts, that one of those stops on  
 21 that little path through getting their schedule, getting  
 22 their student ID, doing the student body card, fee, possibly  
 23 buying a year book, is that they will be able to get their  
 24 textbook or textbooks that they will need. So hopefully we  
 25 are going to be able to find the human power to see that we

1 Q. Okay. And what about Mrs. Alvarez?

2 A. I specifically went to the foreman of the job and  
 3 asked -- asked him if he could do that demolition at some  
 4 other time because it was the last week of school. And that  
 5 was either on a Monday or a Tuesday, and I told him that it  
 6 would definitely have to cease Wednesday, Thursday and  
 7 Friday of final exams if he couldn't stop it on Monday or  
 8 Tuesday. And he said that he would attempt to only make  
 9 that big noise during passing periods and lunch and what  
 10 have you. But did indicate that this particular -- the  
 11 demolition of the bathrooms had to be done literally ASAP.  
 12 So I said well, okay, that's fine, as long as it doesn't  
 13 happen Wednesday, Thursday or Friday, until after the kids  
 14 leave at 12:15.

15 Q. To your knowledge, did he keep to his word?

16 A. Continue making the noise?

17 Q. Yes.

18 A. He tried to only do it when kids were not in the  
 19 classroom. But it did spill over sometimes.

20 Q. Okay. You were talking about the use of a long-term  
 21 substitute teacher.

22 A. Uh-huh.

23 Q. And you say you tried for consistency in order to have  
 24 fewer interruptions in students' growth; is that correct?

25 A. Yes.

1 can get all those books out of a storage facility and into  
 2 an area where we can issue a kid one, two, three, four,  
 3 five, six books.

4 Q. We were talking about noise during school hours related  
 5 to construction. You mentioned two complaints, one from Dan  
 6 Tracy and one from Ms. Alvarez. You mentioned that the  
 7 teachers complained that the noise disrupted their classes.  
 8 Can you describe what you mean by disrupted.

9 A. That was their term. It was being disruptive. My  
 10 translation of that was it was too loud.

11 Q. Okay. Did they give you any specific examples of how it  
 12 was disrupted?

13 A. No.

14 Q. To your knowledge, were they able to teach the class?

15 A. Yes.

16 Q. Okay. Did they give any specific examples of how their  
 17 classroom was affected by the noise?

18 A. Just by the fact that it was quote, loud, they had to  
 19 increase their own volume and -- of what they were doing.  
 20 Possibly altered how they were doing it, but they didn't say  
 21 they had to stop because it was 120 decibels.

22 Q. And did you take any actions in response to Mr. Tracy's  
 23 complaint?

24 A. No. I only heard about Mr. Tracy's complaint  
 25 peripherally.

1 Q. What do you mean by interruptions in student growth?

2 A. If teacher A teaches for three days, and then teacher B  
 3 teaches for three, and teacher C teaches for three, there  
 4 tends to be a lack of consistency and continuity with what's  
 5 going on, because teacher B has to say well what happened  
 6 day before yesterday, and what have you. And then  
 7 eventually, of course, the kids will start to play games  
 8 with the sub and then you get possibly can develop into  
 9 discipline problems and what have you.

10 Q. Besides the discipline problems and playing games --

11 A. That's one thing that can come up.

12 Q. Is there anything else that you mean by when you say  
 13 interruptions in student growth?

14 MS. PERRIN: I think that mischaracterizes his  
 15 testimony. But -- but go ahead.

16 THE WITNESS: Well, again, let's -- you know, if we  
 17 change the teacher every three days in a particular class,  
 18 the second teacher is not going to know what the first  
 19 teacher did and is going to have to rely on the students to  
 20 tell him or her what is going on. And not knowing what  
 21 transpired, they are going to somehow have to take it from  
 22 the point they assume things happened and carry on and take  
 23 the kids to the next level. If in fact that person is only  
 24 going to be there a couple days, if they collect any kind of  
 25 work, I think quality feedback to the students is hampered,

1 and then that teacher exits and in comes a new one and that  
2 cycle tends to repeat itself. Where it becomes less than a  
3 quality setting for the students.

4 MR. LACOMBE: And I believe that's everything.

5 MS. PERRIN: I have a couple follow-up questions.

6

7 EXAMINATION

8 Q. (By Ms. Perrin) Okay. Mr. Lane, is it reasonable to  
9 assume that kids get distracted when it is too loud outside?

10 MR. LACOMBE: Calls for speculation.

11 MS. KAATZ: Objection. Join.

12 THE WITNESS: I think kids can be distracted by  
13 anything that's -- I mean, be it a siren or jackhammer, you  
14 know, sure. Yes, they can.

15 Q. (By Ms. Perrin) And do students have to pay a fee in  
16 connection with their student body card?

17 A. Yes. Student body card is sold for a nominal fee which  
18 allows them into home games free, dances -- dances might be  
19 free, if not, it is at a discounted rate.

20 Q. Is it an identification card?

21 A. All students have an identification card which you need  
22 to check out books from the library and what have you. If  
23 you buy the ASB sticker, it's a little gismo that goes on  
24 that card, which says yes, you've paid your -- you joined  
25 the ASB, therefore, you get these goodies in return.

1 Q. What does the ASB stand for?

2 A. Associated Student Body.

3 Q. Do you know what that fee is?

4 A. No.

5 Q. And do you know if any student has ever been precluded  
6 from attending an event for failure to pay the ASB fee?

7 A. No, they cannot be precluded from attending an event  
8 because they don't have an ASB card.

9 MS. PERRIN: Okay. I am done. Thank you.

10 Actually Sarah has a couple questions.

11 MS. KAATZ: Actually, Mr. LaCombe asked my exact  
12 questions. So I need say nothing more.

13 (Discussion held off the record.)

14 MR. LACOMBE: May we stipulate copies of documents  
15 attached to the deposition may be used as originals.

16 MS. PERRIN: Yes.

17 MS. KAATZ: Yes.

18 MR. LACOMBE: May we stipulate that the original of  
19 this deposition be signed under penalty of perjury; that the  
20 original be delivered to the office of Lozano Smith; that  
21 the reporter is relieved of liability for the original of  
22 the deposition; that the witness will have 20 days from the  
23 date of the court reporter's transmittal letter to Sarah  
24 Kaatz to sign and correct the deposition; that Sarah Kaatz  
25 shall notify all parties in writing of any changes in the

1 deposition, and that if there are no such changes  
2 communicated or signature within that time, that any  
3 unsigned and uncorrected copy may be used for all purposes  
4 as if signed and corrected.

5 MS. KAATZ: Yes.

6 MS. PERRIN: Yes.

7 (End of record, 2:16 p.m.)

8

9

10

11

12

I hereby declare under penalty of perjury that the  
13 foregoing is my deposition under oath in the matter of  
14 Eliezer Williams vs. The State of California, Superior Court  
15 Action No. 312236;

16 That these are the questions asked of me and my  
17 answers thereto; that I have read my deposition and have  
18 made the corrections, additions, and changes to my answers  
19 that I deem necessary;

20 IN WITNESS THEREOF, I hereby subscribe my name  
21 on this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

22

23

24

25

LAWRENCE T. LANE

1 STATE OF CALIFORNIA )  
2 ) ss.

3 COUNTY OF MONTEREY )  
4  
5  
6  
7

8 I, JENNA OSBORN, a Certified Shorthand Reporter,  
9 License No. 8681, duly certified by the State of California,  
10 do hereby certify:

11 That the foregoing deposition was taken before me  
12 at the time and place first herein set forth;

13 That the witness, LAWRENCE T. LANE, was by me first  
14 duly sworn to testify to the truth, the whole truth, and  
15 nothing but the truth, and that the foregoing transcript is  
16 a true and correct record of the testimony given by the  
17 witness and all proceedings had at the time and place of  
18 examination, as recorded by me stenographically, to the best  
19 of my ability, and thereafter prepared into transcript form  
20 via computer-aided transcription;

21 I further certify that I am a disinterested person,  
22 and that I am in no way interested in the outcome of said  
23 action.

24 DATED this \_\_\_\_\_ day of July, 2001.

25

\_\_\_\_\_  
Certified Shorthand Reporter  
State of California