

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF SAN FRANCISCO

3

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

5 Plaintiffs,)

6 v.)

7 STATE OF CALIFORNIA;)

8 DELAINE EASTIN, State)

9 Superintendent of Public)

10 Instruction; STATE)

11 DEPARTMENT OF EDUCATION;)

12 STATE BOARD OF EDUCATION,)

13 Defendants.) Pages 1 - 200

14)

15

16

17 DEPOSITION OF:

18 LUIS MAGDALENO

19 FRIDAY, JANUARY 4, 2002

20 9:25 A.M.

21

22 Reported by:

23 C. JANE HARMAN

24 CSR No. 5266

25

1 Deposition of LUIS MAGDALENO, the witness,
2 taken on behalf of DEFENDANT STATE OF CALIFORNIA,
3 at 9:25 A.M., FRIDAY, JANUARY 4, 2002, at 400 South
4 Hope Street, Fifteenth Floor, Los Angeles,
5 California, before c. jane harman, CSR No 5266.

6
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25

1 LOS ANGELES, CALIFORNIA
2 FRIDAY, JANUARY 4, 2002
3 9:25 A.M.
4 -oOo-

5
6 LUIS MAGDALENO,
7 having been first duly sworn, was
8 examined and testified as follows:

9
10 EXAMINATION

11
12 BY MR. SIMMONS:

13 Q. Good morning, Mr. Magdaleno. My name is
14 Shaun Simmons and I'm an attorney representing the
15 State of California in this litigation.

16 Would you please state and spell your name
17 for the record.

18 A. Luis Magdaleno. L U I S, the first name;
19 and Magdaleno, M A G D A L E N O.

20 Q. Thank you.

21 And could you state the city that you live
22 in.

23 A. Santa Paula.

24 Q. And would you prefer that I call you
25 Mr. Magdaleno, Luis, or something else today?

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3	LUIS MAGDALENO		
4	BY MR. SIMMONS		4
5	Afternoon session		118

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9 EXHIBITS

10	No.	Page	Description
11	1	12	Notice of deposition, 12 pages
12	2	13	Transcript of Courses Taken, 2 pages
13	3	157	Declaration of Luis Magdaleno, 14 3 pages

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1 A. Luis is fine.

2 Q. Okay.

3 Have you ever had your deposition taken
4 before?

5 A. No, I haven't.

6 Q. Do you have an understanding as to what a
7 deposition is?

8 A. Somewhat.

9 Q. Okay. Can you tell me what your
10 understanding is?

11 A. It's you guys ask me questions and I answer
12 them, pretty much.

13 Q. Yeah, that's pretty much it.

14 What we'll be doing is I'll basically be
15 asking you questions here today and the court
16 reporter here will be transcribing my questions and
17 your answers.

18 At the end of the day she'll -- well, not
19 at the end of the day, but after some time she'll
20 prepare a booklet that will have my questions and
21 your answers in the booklet. And you'll have an
22 opportunity to read through the booklet and see if
23 you want to change or add something to any of your
24 answers.

25 But you should know that if you make any

1 changes or alterations to your answers that you've
 2 given here today, all of the attorneys in the case
 3 can comment on the changes.
 4 A. Okay.
 5 Q. Let's see.
 6 And when you answer my questions, it's
 7 important that you verbalize your answers. It's
 8 tough to take down nods and shakes of the head.
 9 A. I see.
 10 Q. If you could say "yes" or "no," that would
 11 be great.
 12 A. I'll try.
 13 Q. Thank you.
 14 We'll try and remind you, too.
 15 And it's hard for the reporter to get a
 16 clear record of our questions and answers here today
 17 if we talk at the same time. So I'll try and do my
 18 best not to cut you off in the middle of the
 19 answer -- in the middle of your answer, and if you
 20 would in turn let me finish a question before
 21 answering, that would just be helpful for today.
 22 A. All right.
 23 Q. It's important that you listen to the
 24 questions carefully. If you don't understand a
 25 question, just let me know and I'll do my best to

1 rephrase it to make it more -- more understandable.
 2 A. Okay.
 3 Q. But you should know that if you answer a
 4 question, and you don't let me know that you, you
 5 know, are having problems understanding it, we will
 6 assume that you did understand the question.
 7 So it's important, you know, to make sure
 8 that if you don't understand the question, to speak
 9 up here today.
 10 A. All right.
 11 Q. Let's see.
 12 We don't want you to guess when you're
 13 giving answers here today. But since you are
 14 required to answer my questions to the best of your
 15 ability, if you can give an estimate that you're
 16 comfortable with, we'd appreciate that.
 17 Are you comfortable with the difference
 18 between a guess and an estimate?
 19 A. Yeah.
 20 Q. And we're in an informal setting here
 21 today, we're not in a courtroom. But the testimony
 22 you give here today will have the same force and
 23 effect as if you were testifying in a court of law.
 24 Do you understand that?
 25 A. Yeah, I understand that.

1 Q. And so that means that you will be subject
 2 to all the penalties of perjury for giving false
 3 testimony.
 4 Do you understand that?
 5 A. Yeah.
 6 Q. And if you need a break for any reason
 7 today, just let me know and we'll take a break.
 8 There's no need to try and make this an endurance
 9 contest.
 10 The one thing that I would ask is that if
 11 there is a question pending, that we finish the
 12 answer to the question before we take a break.
 13 A. Sounds good.
 14 Q. And if at any point during the deposition I
 15 ask a question or anything else triggers your memory
 16 about a previous question and you'd like to
 17 supplement an answer or change an answer, just let
 18 me know and we'll go back to that so that we can get
 19 a full record here today.
 20 A. Okay.
 21 Q. Do you understand the ground rules so far?
 22 A. Yeah, I understand them pretty much.
 23 Q. Okay. Do you have any questions?
 24 A. Not right now.
 25 Q. Is there any reason why you would be unable

1 to give your best testimony here today?
 2 A. There's no reason at all.
 3 Q. Have you recently consumed any medication
 4 or any substance that would affect your ability to
 5 understand the questions?
 6 A. No, I have not.
 7 Q. Okay. And lastly, do you suffer from a
 8 disability of any kind that would affect your
 9 ability to answer the questions here today?
 10 A. No, I don't.
 11 Q. Okay. Did you do anything to prepare for
 12 the deposition here today?
 13 A. I read my declaration there (indicating).
 14 Q. Did you have any conversations with family
 15 or friends about your deposition?
 16 A. Not really, no.
 17 Q. And did you mention it to anyone?
 18 A. I mentioned it, but I didn't go into detail
 19 or anything.
 20 Q. Who did you mention it to?
 21 A. Just my parents.
 22 Q. And did you have any conversations with
 23 your lawyers about the deposition?
 24 A. Yes, I did.
 25 Q. Do you know about how many?

1 A. There were a couple.
 2 Q. "A couple," does that mean about two?
 3 A. There were two.
 4 Q. And do you recall when those conversations
 5 occurred?
 6 A. Yes, I do.
 7 Q. And when was that?
 8 A. It was Wednesday.
 9 Q. And when you say "Wednesday," you're
 10 referring to the 2nd?
 11 A. Yes.
 12 Q. And did both conversations occur on
 13 Wednesday?
 14 A. No, the second one took place on the way
 15 here.
 16 Q. Okay. And how long did the conversation on
 17 Wednesday last?
 18 A. It was probably a couple of hours, at the
 19 most.
 20 Q. And you recall looking at your declaration
 21 before the deposition. Do you recall looking at any
 22 other documents to prepare for the deposition today?
 23 MR. ENGLISH: I'm actually going to object
 24 to that. You can ask him about specific documents,
 25 but he's not going to answer questions about the

1 general universe of documents that he's reviewed.
 2 That's been precedent in past depositions.
 3 MR. SIMMONS: Okay. I'm just asking if --
 4 well, for one, right now, it's just a "yes" or "no"
 5 question, if he looked at any other documents. If
 6 the answer is "no," that will make everything else
 7 easier after that.
 8 MR. ENGLISH: That's fine.
 9 You can answer.
 10 THE WITNESS: Yes, I did.
 11 BY MR. SIMMONS:
 12 Q. Do you recall, as you sit here today, what
 13 the documents were?
 14 MR. ENGLISH: Luis, I just want you to
 15 answer "yes" or "no" to the question.
 16 THE WITNESS: Yes.
 17 BY MR. SIMMONS:
 18 Q. Was one of the documents the complaint in
 19 this case?
 20 A. I'm not sure, too sure, but I think so.
 21 Q. Other than your declaration, do you know
 22 about how many other documents you looked at?
 23 A. It might have been two or three.
 24 MR. SIMMONS: All right. Could we mark
 25 this as Exhibit 1.

1 (The document referred to was marked by the
 2 Reporter as Deposition Exhibit 1 for identification
 3 and is attached hereto.)
 4 BY MR. SIMMONS:
 5 Q. Do you want to take a look at the document
 6 that's marked as Exhibit 1. And if you want to just
 7 thumb through there a little bit.
 8 A. (Examining document.)
 9 Q. Does that document look familiar to you at
 10 all?
 11 A. Yes, it does.
 12 Q. Is that one of the documents that you
 13 reviewed prior to the deposition?
 14 A. Yeah, I think it is.
 15 MR. SIMMONS: And Exhibit 1, just for
 16 the record, is a copy of the state's notice of
 17 deposition of plaintiffs, plaintiffs' guardians
 18 ad litem and non-party declarants, as well as a
 19 request for production of documents. And this is
 20 also the notice of deposition for Luis.
 21 Q. And did you have any understanding as to
 22 what this document required you to do?
 23 A. A little bit. I understood part of it.
 24 Q. What part did you understand?
 25 A. Where it asked what I had to bring, like my

1 transcripts, or things like that.
 2 Q. So you mentioned a transcript, and I guess
 3 we might as well go ahead and mark this as Exhibit 2
 4 now.
 5 (The document referred to was marked by the
 6 Reporter as Deposition Exhibit 2 for identification
 7 and is attached hereto.)
 8 MR. SIMMONS: And I'll trade you one.
 9 MR. ENGLISH: (Handing.)
 10 MR. SIMMONS: We'll have you work off of
 11 the exhibit here.
 12 Q. Was there a point where you made a search
 13 for documents in response to this notice of
 14 deposition and document request here?
 15 A. Yes, there was.
 16 Q. And can you tell me what you looked for?
 17 A. I looked for all the school documents I
 18 could find regarding my grades, things like that.
 19 Q. And can you tell me where you looked?
 20 A. I just looked around my house, because
 21 we're on break right now, so ...
 22 Q. Do you keep a file of school records in
 23 your home?
 24 A. Not really.
 25 Q. Where was your transcript?

1 A. It was in my room with my college
2 applications.
3 Q. Do you have a desk where you keep most of
4 your school-related materials?
5 A. Yeah.
6 Q. And is that where the transcript was?
7 A. Yeah.
8 Q. And is this the only document that you
9 found that you believed you needed to bring in
10 response to the deposition notice here today?
11 A. This was the only one I could find.
12 Q. Okay.
13 All right. And as you sit here today,
14 do you have any other notes or other document --
15 documentation that relates to the conditions at
16 your school?
17 A. No, I don't.
18 Q. How old are you?
19 A. I am 17.
20 Q. What grade are you in?
21 A. I'm a senior in high school, twelfth grade.
22 Q. And do you understand that you have been
23 called to testify here today in connection with the
24 lawsuit -- with a lawsuit filed by a number of
25 students that attend or will attend schools in the

1 State of California?
2 A. Yes, I do.
3 Q. And do you have any understanding as to the
4 substance of the aforementioned lawsuit?
5 A. A little bit, I understand it.
6 Q. And can you tell me what your understanding
7 is?
8 A. I understand that it's a lawsuit trying to
9 get the schools better funds, or things like that so
10 they can have more books in schools, they can be
11 cleaner, things like that.
12 Q. Anything else?
13 A. No, that's it.
14 Q. Do you recall when you first learned about
15 this lawsuit?
16 A. Yes, I do.
17 Q. When was that?
18 A. It was back in July.
19 Q. And how did you learn about the lawsuit?
20 A. I got a phone call from a lady that was
21 going to ask my sister questions about this.
22 Q. When you mentioned July earlier, were you
23 referring to July of 2001?
24 A. Yes.
25 Q. And you mentioned a phone call from a lady

1 who was going to ask your sister some questions.
2 Is that correct?
3 A. Yeah.
4 Q. Does your sister attend Santa Paula High?
5 A. Yes, she does.
6 Q. And what grade is she in?
7 A. She's in eleventh grade.
8 Q. And do you recall any of the substance of
9 the phone call that you mentioned?
10 A. It was for my declaration.
11 Q. And who was the woman who called you?
12 A. Her name was Gladys.
13 Q. Do you know how to spell that?
14 A. I'm not sure.
15 Q. Do you know her last name?
16 MR. ENGLISH: I do, if you want.
17 MR. SIMMONS: Yeah, that would be great.
18 MR. ENGLISH: G L A D Y S.
19 BY MR. SIMMONS:
20 Q. And do you recall Gladys's last name?
21 A. No, I don't.
22 MR. ENGLISH: It's -- I know that, too.
23 MR. SIMMONS: Thank you.
24 MR. ENGLISH: It's Limon. I believe it's
25 L I M O N.

1 BY MR. SIMMONS:
2 Q. And prior to the phone call we've been
3 discussing, had you ever spoken with Ms. Limon
4 before?
5 A. No.
6 Q. And if I mentioned -- and if I refer to
7 Gladys as "Ms. Limon" from now on, will you know who
8 I'm referring to?
9 A. Yeah.
10 Q. Had Ms. Limon spoke with your sister prior
11 to that conversation?
12 A. No, she had not.
13 Q. And what's your sister's name?
14 A. Her name is Christina.
15 Q. And do you two share the same last name?
16 A. Yeah.
17 Q. Were you expecting a phone call from
18 Ms. Limon?
19 A. I knew she was going to call my sister.
20 Q. How did you know that she was going to call
21 your sister?
22 A. Because my sister told me she was going to
23 get a call from Gladys.
24 Q. Do you know whether your sister had spoken
25 with Ms. Limon prior to the phone conversation?

1 A. I'm not sure.
 2 Q. And did your sister tell you anything about
 3 the phone call that she was expecting from
 4 Ms. Limon?
 5 A. No. She just told me a lady named Gladys
 6 was going to call for her.
 7 Q. And you testified earlier, correct me if
 8 I'm wrong, that the phone call related to the
 9 substance of your declaration?
 10 A. Yes.
 11 Q. Did Ms. Limon call you in the afternoon, in
 12 the evening?
 13 A. I think it was the afternoon.
 14 Q. Did you answer the phone?
 15 A. I answered the phone.
 16 Q. And did you speak with Ms. Limon at that
 17 time, or did you hand the phone over to your sister?
 18 A. That was when we first spoke and -- yeah.
 19 Q. And do you recall how the conversation
 20 began?
 21 A. She asked for my sister but my sister
 22 wasn't there. So she asked me if I wanted to -- she
 23 told me about it, about the case, and she asked me
 24 if I wanted to do it.
 25 Q. And when you say she asked you if you

1 Q. So is it correct that Ms. Limon didn't ask
 2 you any questions about your -- about your school
 3 prior to your agreeing to give a declaration?
 4 A. That's correct.
 5 Q. Do you know whether Ms. Limon is a lawyer?
 6 A. I'm not sure.
 7 Q. Did she tell you she was a lawyer?
 8 A. No.
 9 Q. Did -- and when I say "did she tell you,"
 10 I'm just referring to this conversation, just so we
 11 can limit it, this telephone conversation.
 12 A. Okay.
 13 Q. Did you ask her if she was a lawyer?
 14 A. No, I didn't.
 15 Q. Did you ask her to serve as your lawyer
 16 with respect to the Williams litigation?
 17 A. No, not at that time or anything like that.
 18 Q. And just to make sure, when I refer to the
 19 "Williams litigation," do you understand what I mean
 20 by that?
 21 A. Yeah.
 22 Q. And what's your understanding?
 23 A. It's the case itself.
 24 Q. Okay. Did there -- regardless of whether
 25 it happened now in this telephone conversation or a

1 wanted to do it, "it" refers to the declaration?
 2 A. Yes.
 3 Q. Excuse me.
 4 And your response to Ms. Limon?
 5 A. I told her if it was -- if it was towards
 6 helping the schools, then I would want to do it.
 7 Q. What happened next during the conversation?
 8 A. Well, she asked me questions and that's
 9 when I gave her the declaration.
 10 Q. Do you recall what kind of questions she
 11 asked you?
 12 MR. ENGLISH: I'm actually going to object
 13 on attorney-client privilege grounds at this point.
 14 It's been plaintiffs' position that at the point
 15 that Mr. Magdaleno or Luis agreed to join or make
 16 the declaration is the point at which -- and you can
 17 ask him foundational questions about this -- that
 18 this is the point at which he felt he joined the
 19 lawsuit and was represented by the ACLU.
 20 So he'll answer any questions about, you
 21 know, the occurrence of meetings or conversations,
 22 but as to the substance of the meetings or
 23 conversations, I'm going to instruct him not to
 24 answer.
 25 MR. SIMMONS: Okay.

1 subsequent conversation, did you ever ask Ms. Limon
 2 to serve as your lawyer?
 3 A. I don't recall asking her.
 4 Q. Have you ever asked anyone to serve as your
 5 lawyer in connection with this case?
 6 A. No, I haven't.
 7 Q. Has anyone offered to serve as your lawyer
 8 in connection with this case?
 9 A. Yes.
 10 Q. And do you know who that is?
 11 A. It's Norman (indicating). It's Mr. Norman
 12 here.
 13 MR. ENGLISH: Mr. Norman, I like that.
 14 BY MR. SIMMONS:
 15 Q. You're referring to your counsel next to
 16 you, Mr. English, I believe.
 17 A. That's his last name.
 18 Q. All right.
 19 And when did Mr. English offer to serve as
 20 your counsel?
 21 A. When we first spoke.
 22 Q. And that was Wednesday?
 23 A. Yes.
 24 Q. At the conclusion of your -- your telephone
 25 conversation with Ms. Limon, did you consider her to

1 be your lawyer?
 2 A. I kind of did, yes.
 3 Q. And when you say "kind of," can you tell me
 4 what you meant by that?
 5 A. Well, I gave her the declaration, so it
 6 was -- she told me that no one was going to -- she
 7 wasn't going to tell anyone or anything.
 8 Q. And when you say you gave her the
 9 declaration at this time, do you mean that you
 10 answered certain questions and you --
 11 A. Answered her questions, yes.
 12 Q. And then you understood at a later point
 13 that she would draft up the actual declaration for
 14 you to sign?
 15 A. Yeah, she told me at the end of the
 16 conversation.
 17 MR. SIMMONS: All right. Just for the
 18 record, Counsel, it's my understanding that
 19 basically from the point of time in this
 20 conversation where she asked him to provide the
 21 declaration and he agreed, that from that point on
 22 contacts with lawyers, or I guess people from your
 23 team, you feel are privileged under the privilege.
 24 Is that correct?
 25 MR. ENGLISH: That's correct, yes.

1 MR. SIMMONS: Okay. I will just say for
 2 the record, I don't think we've agreed to that
 3 position. But if you're going to continually
 4 instruct not to answer, I'm not going to --
 5 MR. ENGLISH: Yeah, that is our position.
 6 MR. SIMMONS: Okay.
 7 Q. All right. Other than with -- with lawyers
 8 working on this case, have you had any conversations
 9 about this Williams lawsuit?
 10 A. Only with my parents.
 11 Q. Have you discussed it with your sister at
 12 all?
 13 A. No, I haven't.
 14 Q. And how about with any other students at
 15 Santa Paula?
 16 A. No, I have not.
 17 Q. And do you -- if you know, on how many
 18 occasions have you discussed the lawsuit with your
 19 parents?
 20 A. Maybe just once.
 21 Q. Do you recall -- are you recalling a
 22 specific occasion where you discussed the lawsuit
 23 with them?
 24 A. Yeah. It was the day I talked to Norman,
 25 before he came, they were asking about it. And I

1 just told them he was going to come and ask me some
 2 questions. That was what I told them.
 3 Q. And when you say the day that Mr. English
 4 came, you're referring to Wednesday?
 5 A. Wednesday.
 6 Q. The 2nd of January?
 7 A. Yeah.
 8 Q. Okay. Do you recall anything that your
 9 parents asked you specifically?
 10 A. No, I don't.
 11 Q. Do you have a general understanding as to
 12 what they were asking you?
 13 A. Yeah.
 14 Q. And what was it?
 15 A. It was -- they just wanted to know, like,
 16 what he was coming for, because they didn't really
 17 know much, and they just wanted to know what he was
 18 there for.
 19 Q. Okay.
 20 MR. SIMMONS: Mr. English, with respect to
 21 the home address -- and we'll just note that on
 22 Exhibit 2, we've redacted the home address.
 23 MR. ENGLISH: Right.
 24 BY MR. SIMMONS:
 25 Q. Exhibit 2 is your transcript from

1 Santa Paula High School; is that correct, Luis?
 2 A. Yes, it is.
 3 MR. SIMMONS: Okay. So we've redacted the
 4 address from there. And I just want to make sure
 5 that, can we have an agreement from both of you,
 6 that service -- any service for Luis Magdaleno will
 7 be accepted by your offices?
 8 MR. ENGLISH: We do agree.
 9 MR. SIMMONS: Great.
 10 BY MR. SIMMONS:
 11 Q. And that's okay with you, too, Luis?
 12 A. Yes, it is.
 13 Q. Okay.
 14 All right. What I'd like to do now is just
 15 get a listing of your classes that you took since
 16 you've been at Santa Paula High School. If at some
 17 point you need to refer to your transcript to
 18 remember what the class -- the class was --
 19 A. Okay.
 20 Q. -- or -- go ahead and do so. But just let
 21 me know if it's something you don't recall off the
 22 top of your head.
 23 A. All right.
 24 Q. And can we start with your freshman year.
 25 And I believe you have two terms; is that correct?

1 A. Yes, two terms.

2 Q. Can we start with the first term of your
3 freshman year.

4 A. The first term was "A" period, that's
5 before school actually starts, and that was band.
6 And then I had physical science for first, English 9
7 honors for second, and for third I have Spanish 2.

8 MR. ENGLISH: Remember, Luis, Shaun would
9 like you to answer the question based on your
10 memory, and if you can't remember just let him know
11 before you refer to the declaration.

12 MR. SIMMONS: Yeah, that may be too much.

13 Q. Why don't we -- let's see. You want to --
14 this will seem childish, do you want to turn the
15 transcript over and that way you won't be tempted
16 and then we'll go from there.

17 A. (Witness complies.)

18 MR. ENGLISH: Thanks, Luis.

19 BY MR. SIMMONS:

20 Q. Thank you, yeah.

21 Now, can you remember from the second term
22 of the ninth grade?

23 A. Second term I had band again for
24 "A" period. And then I had health. I'm not exactly
25 sure for what period, though.

1 recollection as to the classes you took during the
2 first term of your tenth grade year.

3 A. During the first term.

4 Okay. It helps to look at this a lot.

5 Okay. I had computer fine art. It was
6 geometry, and I had English 10, and biology was in
7 the second term.

8 Q. And was English 10 honors as it was with
9 your ninth grade class?

10 A. Yes, it was.

11 Q. All right. For the second term you
12 mentioned that one of your class was biology; is
13 that right?

14 A. Yes.

15 Q. And I assume you had band again?

16 A. Yeah.

17 Q. What were your other two courses?

18 A. Spanish 3 and world history honors.

19 Q. And let's move on to the eleventh grade.

20 If would you take a look at Exhibit 2 there. Does
21 that refresh your recollection as to the classes you
22 took during the first term of your eleventh grade?

23 A. Yes, it does.

24 Q. Can you tell me what those classes were?

25 A. I had band once again for "A" period.

1 Q. Okay.

2 A. And I also had ... let's see. I can't
3 remember exactly what I had.

4 MR. ENGLISH: That's fine.

5 BY MR. SIMMONS:

6 Q. Okay. Shall we go ahead and look at the
7 exhibit that's your transcript there, Exhibit 2.

8 A. I had Algebra 1, and business fundamentals.

9 MR. ENGLISH: Thanks, Luis. It's not a
10 memory test.

11 MR. SIMMONS: Yeah, exactly.

12 Q. Shall we move on to the -- did you take any
13 summer school after your ninth grade?

14 A. No, I don't think so. I did not after
15 ninth grade.

16 Q. Shall we move on to the first term of tenth
17 grade.

18 A. Let's see. I had "A" period band again.
19 And I had I think physical science -- actually my
20 mistake, that was biology. My mistake.

21 Q. All right. This will be an easier way.

22 Do you want to take a look at Exhibit 2?

23 A. Yeah, it would be a lot easier.

24 Q. And just peruse that if you will, and see
25 if looking at Exhibit 2 -- if that will refresh your

1 English 11, U.S. history and computer literacy.

2 Q. And how about for the second term?

3 A. It was band, zoology, Algebra 2, and
4 creative cooking.

5 Q. Now, that brings us up to the present year,
6 which is the twelfth grade; right?

7 A. Okay.

8 Q. And thus far you've only completed the
9 first term of the school year?

10 A. I'm about to complete the first year.

11 Q. What classes do you have right now?

12 A. I have band, chemistry, commercial art and
13 English 12.

14 Q. Do you know what classes you'll be taking
15 for the second term?

16 A. I think I'm going to be taking economics,
17 math analysis, and Spanish 4.

18 Q. No band during that term, or --

19 A. Yes, there's going to be band.

20 Q. And band, too, okay.

21 Did you have a band teacher during the
22 ninth grade for the first term?

23 A. Yes.

24 Q. Who was the teacher?

25 A. Roina.

1 Q. Can you spell that for us?
 2 A. R O I N A.
 3 Q. What instrument do you play?
 4 A. The trumpet.
 5 Q. And did you play the trumpet prior to
 6 attending Santa Paula High?
 7 A. Yes, I did.
 8 Q. Do you have an opinion as to the quality of
 9 teacher that Mr. Roina is?
 10 A. He's a really good teacher.
 11 Q. And do you know how many students were in
 12 your "A" period band class during your -- the first
 13 term of your freshman year?
 14 A. There were a lot. At least 60.
 15 Q. And were there any textbooks used in your
 16 band class?
 17 A. No, there weren't. We didn't have any.
 18 Q. Were there any types of instructional
 19 materials used in your band class?
 20 A. Not that I can think of.
 21 Q. Was there basic -- did you guys use sheet
 22 music at all?
 23 A. Yes, we did.
 24 Q. And can you describe for me in general
 25 terms how Mr. Roina taught the band class?

1 A. Well, we'd get to class and we'd all sit
 2 down in band formation, orchestra, around him. And
 3 then from then on he would take roll. That would
 4 take really long because there's so many kids in the
 5 class. And then after that we'd warm-up and then
 6 we'd start playing the music.
 7 Q. Did you have practice assignments in that
 8 class that you had to go home and do?
 9 A. No, we didn't.
 10 Q. Do you practice on your own anyway?
 11 A. Sometimes I do.
 12 Q. How long was the "A" period band class?
 13 A. It was only 45 minutes.
 14 Q. Was there a particular room that the band
 15 was -- band class was held in?
 16 A. Yeah, the band room. It was under the
 17 cafeteria.
 18 Q. And can you describe the physical condition
 19 of the band room?
 20 A. It was in all right shape. There were some
 21 leaks on it, though.
 22 Q. When you say "some leaks," how many leaks
 23 are you referring to?
 24 A. At least three.
 25 Q. And were those leaks there during your

1 ninth grade year?
 2 A. Yes, they were.
 3 Q. And do you recall where the leaks were?
 4 A. There was one by the back exit, and one by
 5 the heater, I think.
 6 Q. I think you mentioned that there were three
 7 leaks. Do you recall --
 8 A. Yeah, I don't recall where the third one
 9 was.
 10 Q. Did anyone ever fix the leaks?
 11 A. Not that I know of because they're still
 12 there.
 13 Q. So the one by the back exit is still there?
 14 A. Yes, it is.
 15 MR. ENGLISH: Calls for speculation.
 16 BY MR. SIMMONS:
 17 Q. And the one by the heater is still there?
 18 MR. ENGLISH: Calls for speculation.
 19 THE WITNESS: I think so.
 20 BY MR. SIMMONS:
 21 Q. And can you tell me how you know that?
 22 A. Every day when we go into class, especially
 23 on rainy days, you can see the water dripping from
 24 there.
 25 Q. And you said that every day, does water

1 drip out of this area even when it's not raining?
 2 MR. ENGLISH: Calls for speculation.
 3 THE WITNESS: Not always, sometimes.
 4 MR. ENGLISH: And just for the record, you
 5 mean the times that you've been there to see it?
 6 THE WITNESS: Yeah.
 7 MR. ENGLISH: Thanks.
 8 BY MR. SIMMONS:
 9 Q. Do you recall any other problems with the
 10 physical condition of the band room?
 11 A. No, not that I know of.
 12 Q. Was the band room maintained in a clean
 13 fashion?
 14 MR. ENGLISH: Calls for speculation.
 15 THE WITNESS: It was cleaned once a week, I
 16 think.
 17 BY MR. SIMMONS:
 18 Q. And when you say "once a week," can you
 19 tell me how you know that?
 20 A. Every Friday we would put our instruments
 21 in the closets so the janitor can come in and vacuum
 22 the whole place.
 23 Q. So is the band room carpeted?
 24 A. Yes, it is.
 25 Q. And did you see -- did you receive a grade

1 for the first term of your ninth grade year in your
 2 band class?
 3 A. Yes, I did.
 4 Q. And can you tell me what that grade was?
 5 A. It was an [REDACTED]
 6 Q. The second period course during the first
 7 term of your ninth grade year was physical science;
 8 is that correct?
 9 A. That was the first period because band is
 10 in the "A" period, it's before school.
 11 Q. Thank you.
 12 Who was the teacher for that class?
 13 A. I think it was Ms. Wilkinson.
 14 Q. And in your opinion, was Ms. Wilkinson a
 15 good teacher?
 16 A. Yeah, she was a good teacher.
 17 Q. Do you recall how many students were in
 18 this physical sciences class at the beginning of the
 19 school year?
 20 A. I'm not too sure, but those -- the science
 21 classes are always overcrowded, so at least 30.
 22 Q. So you think there were about at least 30
 23 students at the beginning of the year in that class?
 24 A. Yeah.
 25 Q. And I just want to make sure. Is that a

1 first term of your ninth grade year have a seat at a
 2 table?
 3 A. Yeah, eventually.
 4 Q. And do you know about how long that took?
 5 A. I'm not too sure.
 6 Q. Can you recall whether it was more than a
 7 week?
 8 A. I'm not sure.
 9 Q. Okay. Did you have a textbook to use in
 10 the physical sciences class?
 11 A. We had a class set.
 12 Q. And was there a sufficient number of
 13 textbooks for each student to use their own during
 14 class?
 15 A. Yes, during class there was.
 16 Q. Could you ever take the textbooks home?
 17 A. Sometimes if there were any students
 18 absent, she could check them out to the students who
 19 were -- who were there.
 20 Q. Can you describe the physical condition of
 21 the textbooks?
 22 A. Most of them were really, really old. They
 23 were actually all old; mid '80s, at least. And
 24 pages were torn out. And they were -- there was
 25 graffiti all over them.

1 number you're comfortable giving as an estimate?
 2 A. Yes.
 3 Q. Okay. Are there desks in the physical
 4 science classroom there?
 5 A. We had large tables and chairs.
 6 Q. Did each student have a seat at the
 7 table -- at a table at the beginning of the year?
 8 A. Not at the beginning.
 9 Q. How many students didn't have a seat at the
 10 table at the beginning of the year for your ninth
 11 grade physical sciences course?
 12 A. There were probably about five.
 13 MR. ENGLISH: And that's to the best of
 14 your knowledge?
 15 THE WITNESS: Yes, it is.
 16 BY MR. SIMMONS:
 17 Q. And were those students ultimately provided
 18 seats, if you know?
 19 A. Eventually they were, because students
 20 would be -- would drop out of the class.
 21 Q. Would they transfer to another science
 22 class, if you know?
 23 A. I don't know.
 24 Q. Do you recall -- so at some point did every
 25 student in the physical science class during the

1 Q. Do you recall what the title of the
 2 textbook was?
 3 A. I don't remember.
 4 Q. Do you recall the color of the cover of the
 5 textbook?
 6 A. I think, but I'm not sure, I think it was
 7 green.
 8 Q. And I think you testified that you -- that
 9 you believed the books were from the mid '80s; is
 10 that correct?
 11 A. Yes.
 12 Q. Can you tell me how you knew the age of the
 13 books?
 14 A. From when we opened the cover to see the
 15 number on them, we -- the date was right under that.
 16 Q. Was the date handwritten, or --
 17 A. No, it was typed in there.
 18 Q. And was it the copyright date, if you know?
 19 A. I'm not sure.
 20 Q. Okay. And do you recall the specific date
 21 that was there?
 22 A. Not -- I'm not too sure.
 23 Q. But you believe it was in the '80s?
 24 A. Yes.
 25 Q. And do you know -- so was there -- were

1 there about 30 textbooks available in that class?
 2 A. Just about.
 3 Q. And of those, do you know about how many
 4 had torn pages?
 5 A. At least half.
 6 Q. And do you know about how many had graffiti
 7 in them?
 8 A. All of them did.
 9 Q. Were there -- did any of the books have
 10 pages that were essentially unusable because of the
 11 graffiti?
 12 A. Yes.
 13 Q. Do you know about how many of the 30, or
 14 approximately 30 books had that problem?
 15 A. Probably about half.
 16 Q. And that number, when you say about half of
 17 them had pages with such excessive graffiti that a
 18 page was unusable, are we referring -- are we
 19 including textbooks with perhaps one page that
 20 wasn't working -- or wasn't usable and a page
 21 where -- or a book where four pages wasn't usable?
 22 A. There were many pages.
 23 Q. Were you assigned a particular text to use
 24 in that class during class time? Did you use the
 25 same book each day?

1 A. We used the same book.
 2 Q. And just to make sure that we're on the
 3 same page. When I asked if you used the same book,
 4 not just the same -- the same version of the book,
 5 but I mean did you use number -- book number 30 --
 6 or book number 25 every day and someone else used
 7 book 24 every day?
 8 A. No. We had four to a desk.
 9 Q. And so you would use one of the four at the
 10 desk?
 11 A. Yeah.
 12 Q. Can you tell me how -- we've been speaking
 13 in terms of the -- of the class's entire set of
 14 books and the problems that exist with -- existed
 15 with those books.
 16 Can you tell me how you know what problems
 17 existed in textbooks that weren't at your table?
 18 A. Well, they were all the same. She would
 19 just pass them out at the beginning of the class, on
 20 the first days, and they all looked exactly the same
 21 with the graffiti and things like that.
 22 Q. Did you ever look through any of the other
 23 textbooks?
 24 A. Yeah, whenever our books were like too
 25 messed up to use, and we would just use someone

1 else's if they weren't there that day, and they
 2 would be in similar conditions.
 3 Q. About how often do you recall using a
 4 textbook that wasn't from your table?
 5 A. Once a week.
 6 Q. And on those occasions -- is it your
 7 testimony that on the approximately one time a week
 8 that you used a textbook from another table that you
 9 used that textbook because there was a problem with
 10 the book at your table?
 11 A. Yes.
 12 Q. And that problem would be there was
 13 graffiti on the page?
 14 A. Mostly it was graffiti; sometimes it was
 15 the pages that were missing.
 16 Q. Any other kinds of problems that would
 17 require you to use a book from another table?
 18 A. Our books were so old and torn, sometimes
 19 like the bindings would come loose and you don't
 20 like to use those books because they start to fall
 21 apart.
 22 Q. Is the problem with the bindings, is that
 23 one that you're identifying just as a general
 24 problem with the books, or was that also a reason
 25 that you would use a book from another table?

1 A. It was just a reason that I would use
 2 another book.
 3 Q. Did you use other types of instructional
 4 materials other than a textbook in your physical
 5 sciences class?
 6 A. Not that I know. All that we had were
 7 worksheets.
 8 Q. Can you give me some examples of the type
 9 of worksheets you would use?
 10 A. Just the worksheets that had to do with the
 11 textbook. She would write up questions from the
 12 chapters we read and we would answer the questions.
 13 Q. And were you assigned homework in your
 14 physical science class?
 15 A. Yes.
 16 Q. About how often?
 17 A. Every day.
 18 Q. Were there any problems with the physical
 19 condition of your physical sciences classroom?
 20 A. Not that I --
 21 MR. ENGLISH: Asks for expert opinion, but
 22 answer to the best of your knowledge or opinion.
 23 THE WITNESS: Not that I can think of.
 24 MR. ENGLISH: Thanks.
 25 ///

1 BY MR. SIMMONS:

2 Q. And you received [REDACTED] in the physical
3 sciences class; is that correct?

4 A. I -- yes, I did.

5 Q. And who was the teacher for your ninth
6 grade English class?

7 A. Mrs. Soble.

8 Q. Could you spell that for us?

9 A. S O B L E.

10 Q. And do you have an opinion as to whether
11 she was a good teacher or not?

12 A. Yeah, she was a pretty good teacher.

13 Q. What makes you think that she was a pretty
14 good teacher?

15 A. She was really into all the books that she
16 would read us in class.

17 Q. Anything else?

18 A. No, that's it.

19 Q. Do you recall how many students were in
20 your English class during the first term of your
21 ninth grade year?

22 A. No, I don't.

23 Q. Did you have desks in that class?

24 A. Yes, we did.

25 Q. And do you recall any students not having

1 Q. And do you recall any of the titles that
2 she handed out?

3 A. I think we read Of Mice and Men.

4 Q. And were there a sufficient number of books
5 for each student to have to take home?

6 A. For those, yeah, there were.

7 Q. Do you recall any other novels from your
8 ninth grade year?

9 A. No, I don't.

10 Q. Were there any problems with -- and we'll
11 refer to the -- or return to the class set of

12 textbooks now, the ones that you thought maybe the
13 cover was dark brown. Were those -- was that a hard
14 cover book?

15 A. Yes, it was.

16 Q. And were there any problems with the
17 physical condition of that book?

18 MR. ENGLISH: Overbroad, but answer to the
19 best of your knowledge.

20 THE WITNESS: To those, just graffiti.

21 BY MR. SIMMONS:

22 Q. Were any of the books unusable because of
23 graffiti?

24 A. There were a couple.

25 Q. And when we say "unusable," can you tell me

1 any -- having their own desk in your ninth grade
2 English class?

3 A. Not in that class, no.

4 Q. Did you have a textbook to use in your
5 ninth grade English class?

6 A. We had the class set.

7 Q. Do you recall the title of the textbook?

8 A. No, I don't.

9 Q. Do you recall the color of the cover?

10 A. I think it was a dark brown.

11 Q. And do you recall generally the substance
12 of the text? And by "substance" I just mean was it
13 a grammar text, or did it contain stories?

14 A. It had stories.

15 Q. Do you recall any of the stories that were
16 in the book?

17 A. No.

18 Q. It's been a long time. I understand.

19 And did you use any other -- any other
20 books in your English class during the ninth grade?

21 A. We had just books that she would hand out
22 so we could read them to take home.

23 Q. By that do you mean short stories or novels
24 that she would hand out?

25 A. Novels that she would hand out.

1 what you mean by that term?

2 A. Like there were some, like that there were
3 so many pages missing, like they weren't missing but
4 the graffiti was all over them, that you couldn't
5 really read a story without missing some of the
6 pages.

7 Q. And how many books do you think suffered
8 from that condition?

9 A. Probably -- of just graffiti where we
10 couldn't use them, probably three or four.

11 Q. And do you recall any specific occasions
12 where students complained about, or where you
13 personally had a textbook with --

14 A. I remember kids sharing the class -- the
15 books because their books were -- they couldn't use
16 them because there was so much graffiti on them.

17 Q. Do you recall any specific instances like
18 that?

19 A. No, I don't.

20 Q. Do you know, would you be able to estimate
21 how often students would have to share a textbook
22 because theirs had graffiti in it that rendered a
23 portion of it unreadable?

24 A. I'm not too sure, so I don't want to guess.

25 Q. Okay. How about with respect to the --

- 1 there was one novel that you can recall reading in
 2 your ninth grade English class, and that was
 3 Of Mice and Men; is that correct?
 4 A. Yes.
 5 Q. Was there any problem with the physical
 6 condition of those novels?
 7 A. Not with those, because the library took
 8 care of those.
 9 Q. Other than the class set of the dark brown
 10 hard cover books and the Of Mice and Men novel, do
 11 you recall any other instructional materials being
 12 used in your ninth grade English class?
 13 A. Just the worksheets again, about the books.
 14 Q. When you say worksheets about the books, do
 15 you mean worksheets with questions about the
 16 characters and plot of the book?
 17 A. Yeah.
 18 Q. Any other kinds of worksheets that you can
 19 recall right now?
 20 A. Not right now. That was pretty much all we
 21 did in that class.
 22 Q. Okay. Were you assigned homework in your
 23 English class?
 24 A. Just the worksheets.
 25 Q. How often were you assigned homework?

- 1 A. Probably three or four times a week,
 2 depending on how many chapters we were reading.
 3 Q. Were there any problems with the physical
 4 condition of your English classroom?
 5 MR. ENGLISH: Overbroad. Vague.
 6 But answer to the best of your knowledge or
 7 opinion.
 8 THE WITNESS: Not that I can think of.
 9 BY MR. SIMMONS:
 10 Q. Okay. When I say problems with the
 11 physical condition of your classroom, do you -- do
 12 you feel comfortable with answering that question?
 13 I just want to know if you know what I mean by
 14 "physical condition" or problems with that?
 15 A. Yeah.
 16 Q. Can you give me an idea as to how you
 17 understand that question.
 18 A. Well, you want to know if it's clean, if
 19 it's got any leaks or anything like that.
 20 Q. Right. Thank you.
 21 MR. ENGLISH: Thanks.
 22 THE WITNESS: Actually, I do remember one
 23 thing. There was a problem with ants in that -- in
 24 that classroom.
 25 ///

- 1 BY MR. SIMMONS:
 2 Q. And can you tell me a little bit more about
 3 that problem?
 4 A. I remember the teacher would always
 5 complain about having ants and how she couldn't get
 6 rid of them.
 7 Q. Did you see ants in the classroom?
 8 A. Yes.
 9 Q. Do you know about how often you saw ants in
 10 the classroom?
 11 A. Every day.
 12 Q. Where would you see them?
 13 A. All along the teacher's desk, which is
 14 right by the entrance.
 15 Q. Do you know whether anyone ever tried to
 16 exterminate the ants?
 17 A. I'm not sure.
 18 MR. ENGLISH: Calls for speculation.
 19 BY MR. SIMMONS:
 20 Q. So I don't have to keep asking this
 21 question. Can we take a look at Exhibit 2 and can
 22 you just review the grades that are on your
 23 transcript here for all of your classes and just see
 24 if those grades look accurate to you as the grades
 25 you received in the courses identified.

- 1 A. Yes, they all look -- they all look right.
 2 Q. Okay.
 3 A. Yeah.
 4 Q. And who was your Spanish 2 teacher?
 5 A. I think it was [REDACTED]
 6 Q. Do you recall whether she was a good
 7 teacher or not?
 8 A. She wasn't that good of a teacher.
 9 Q. What about her teaching style led you to
 10 think that she wasn't that good of a teacher?
 11 A. She always seemed really uptight, like you
 12 couldn't really ask her anything. It was hard to
 13 understand her.
 14 Q. What about her made it hard to understand?
 15 A. Like when she would speak, she didn't know
 16 Spanish that well. So sometimes you'd be wondering
 17 if -- like if she said things right, or you couldn't
 18 understand exactly what she said.
 19 Q. Anything else that -- about her teaching
 20 style that led you to think that she wasn't that
 21 good of a teacher?
 22 A. No.
 23 Q. And when you say she didn't know Spanish,
 24 you were -- sometimes wondered if she knew Spanish
 25 very well, are you fluent in Spanish?

- 1 A. Yes, I am.
 2 Q. Do you recall how many students were in
 3 your ninth grade Spanish class at the beginning of
 4 the year?
 5 A. I'm not sure. It's -- the average amount
 6 of a regular class was usually 25 to 30. And I'm
 7 not too sure how many were in there.
 8 Q. Did you have desk in your Spanish class?
 9 A. Yes, we did.
 10 Q. Do you recall any students who didn't have
 11 a desk in that class?
 12 A. Not in that class, no.
 13 Q. Did you use a textbook in your Spanish
 14 class?
 15 A. No, we didn't.
 16 Q. Did you use any other types of
 17 instructional materials?
 18 A. Just worksheets that she would give us.
 19 Q. Can you describe the worksheets?
 20 A. They were just worksheets that she would
 21 type out regarding the grammar.
 22 Q. Were there worksheets with vocabulary on
 23 them?
 24 A. Yes.
 25 Q. Did you have homework in that class?

- 1 A. Usually. It was just worksheets, though.
 2 Q. And when you say "usually," can you say
 3 maybe an average number of days per week that you
 4 would have homework?
 5 A. Like three days a week.
 6 Q. Do you know why you didn't have a textbook
 7 to use in your Spanish class?
 8 A. I'm not sure.
 9 Q. Did you ever ask your teacher?
 10 A. Not really.
 11 Q. Did the subject ever come up in class?
 12 A. It might have, but I am not certain, so ...
 13 Q. Not that you can recall here today?
 14 A. Yeah.
 15 Q. Were there any problems with the physical
 16 condition of your classroom in your Spanish class
 17 during the ninth grade?
 18 A. Not with that class.
 19 Q. Okay. We'll move on to the second term
 20 now. The "A" period again was band for the ninth
 21 grade; right?
 22 A. Yes.
 23 Q. And was that the same teacher?
 24 A. It's been the same teacher all these four
 25 years.

- 1 Q. Okay. And has your band class been in the
 2 same room all four years?
 3 A. Yeah, it's been the same.
 4 Q. And that's the room under the cafeteria?
 5 A. Yeah.
 6 Q. Do you like the band class?
 7 A. It's okay. Not bad.
 8 Q. What aspects of the class do you like?
 9 A. Well, it's band, and I've always liked
 10 music. That's the main reason.
 11 Q. Are there aspects of the class that you
 12 dislike?
 13 A. The amount of people that are in the class.
 14 Since band is only offered for "A" period, everybody
 15 who takes it has to take it at the same time, so
 16 it's a really crowded classroom.
 17 Q. Do you ever put on -- does the band class
 18 ever put on concerts?
 19 A. They put on, I think, two or three during
 20 the year.
 21 Q. And do all students participate in the
 22 concerts?
 23 A. Some -- one of them is optional; the other
 24 two are required.
 25 Q. Anything other than the number of people

- 1 that you dislike about your band class?
 2 A. That's about it.
 3 Q. And you also had a physical sciences class
 4 during the second term of your ninth grade year; is
 5 that right?
 6 A. Physical science was during the first term.
 7 Q. Okay. That was at -- it's a health class;
 8 is that right?
 9 A. The health class was during the second
 10 term.
 11 Q. Okay. Can you describe the substance of
 12 the health class generally?
 13 A. It was just -- it was mostly nutrition.
 14 Q. Who was your teacher?
 15 A. Mrs. Stenzel. I'm not sure how to spell
 16 her last name.
 17 Q. And do you have an opinion as to whether
 18 Mrs. Stenzel was a good or bad teacher?
 19 A. She was a pretty good teacher.
 20 Q. And what about you -- what about her makes
 21 you think she was a pretty good teacher?
 22 A. Well, she -- I think she knew -- it seemed
 23 like she knew what she was talking about. And then
 24 in that class, we did have books, so, like, if she
 25 didn't know, she would refer to the books.

1 Q. So you recall having a set of textbooks for
2 that class?
3 A. Yeah.
4 Q. And did you have -- did each student have a
5 textbook to use in class?
6 A. In that class, yes.
7 Q. And how about to take home?
8 A. Not to take home.
9 Q. Did anyone ever take a textbook home, if
10 you know?
11 A. Only the students that were absent, like
12 the day before.
13 Q. Do you recall the title of this textbook?
14 A. I'm not sure.
15 Q. Was it a hard-cover book?
16 A. Yes.
17 Q. And do you recall the color of the cover?
18 A. Huh-uh, no, I don't.
19 Q. Can you describe the physical condition of
20 those textbooks?
21 A. I think they were in pretty good shape,
22 because she was a new teacher, so they gave her new
23 textbooks.
24 Q. And when you say "new textbooks," do you
25 know about how many years old those textbooks were?

1 A. A couple of years old.
2 Q. And do you know the -- the age of those
3 textbooks? Again, by looking at the date in the
4 book, or is there some other way that you know the
5 age of the textbooks?
6 A. I remember her telling us that those were
7 newer books.
8 Q. Other than textbooks, did your health
9 teacher make use of any other instructional
10 materials?
11 A. Not really.
12 Q. Were there any worksheets in that class?
13 A. Not -- it was mostly she would write things
14 on the board.
15 Q. What kinds of things would she write on the
16 board?
17 A. Vocabulary words that we needed to learn,
18 stuff like that.
19 Q. Were you assigned homework in this class?
20 A. Yeah, it was mostly the vocabulary words.
21 Q. How often did you get homework?
22 A. Well, since it was vocabulary words, it was
23 once a week. We'd get it like at the beginning of
24 the week and we would turn it in at the end of the
25 week.

1 Q. What kind of assignments would you do in
2 class, in your health class?
3 A. We would read out loud from the books and
4 at the end of it, we would answer the questions that
5 were in the books.
6 Q. How -- how long in terms of minutes or
7 hours is a -- is a period at Santa Paula High?
8 A. It's like an hour and a half to an hour and
9 45.
10 Q. And is -- are all periods -- excluding the
11 "A" period are all periods the same length?
12 A. Yes.
13 Q. And have they been the same length since
14 you've been at the school?
15 A. Yeah.
16 Q. Were there any problems with the physical
17 condition of your health classroom?
18 A. No, there weren't.
19 Q. If you would turn back to Exhibit 2 again,
20 which is your transcript.
21 A. Okay.
22 Q. There seem to be two sets of grades for --
23 for one term.
24 Is that -- am I reading the transcript
25 right?

1 For example, if you go to the first term,
2 what looks like the first term of your -- of your
3 ninth grade year.
4 A. Yeah.
5 Q. We see one set -- one set of grades for
6 band, physical science, English 9 and Spanish 2, and
7 then below we see another set of grades.
8 A. Yes, semesters. Each term is divided up
9 into two semesters so we get the two different
10 grades for each class.
11 Q. Okay. Thank you.
12 And if you'll look over to the -- to the
13 right side of Exhibit 2 on the first page, do you
14 see where it says -- it says "GEOG"; is that
15 geography there?
16 A. Yes, it is.
17 It's -- each term is 18 weeks --
18 Q. Okay.
19 A. -- and our geography and health classes
20 were cut -- were divided into nine weeks each.
21 Q. So when we call your -- when we referred to
22 your health class, was that also your geography
23 class?
24 A. Yes.
25 Q. Were they the same teacher?

- 1 A. No, they were different teachers.
 2 Q. Were they in the same classroom?
 3 A. No.
 4 Q. Okay. So during the second term, in
 5 addition to band, health, Algebra 1 and business
 6 fundamentals, you also had a geography class.
 7 A. And it was the same way for business
 8 fundamentals and keyboarding.
 9 Q. Okay. Who was your geography teacher?
 10 A. Mr. Thomas, I think.
 11 Q. Do you have an opinion as to whether or not
 12 he was a good teacher.
 13 A. He was a pretty good teacher.
 14 Q. What about him made you think he was a
 15 pretty good teacher?
 16 A. He had, like, a lot of worksheets that he
 17 would give us, that he had used for years and years,
 18 so he knew -- he knew -- if there was anything wrong
 19 with them, he knew what to do.
 20 Q. Did you have a textbook to use in the
 21 geography class?
 22 A. The class set.
 23 Q. Could anyone take the textbook home?
 24 A. Only if you could check them out, but it
 25 was only for one night.

- 1 Q. How often could you check the book out?
 2 A. It was depending on the teacher. You
 3 couldn't always check them out because he would need
 4 them for his other classes.
 5 Q. Did you ever check a book out in your
 6 geography class?
 7 A. Once or twice.
 8 Q. What was the physical condition of the
 9 geography textbooks that you used in class?
 10 A. They -- the condition of them, like, they
 11 weren't torn or anything, but there was graffiti.
 12 Q. Were any of them rendered -- did any of the
 13 geography textbooks have portions of them that were
 14 unusable because of the graffiti?
 15 A. There were two or three.
 16 Q. Do you know about how old the geography
 17 books were?
 18 A. I'm not sure, but they looked pretty old.
 19 Q. You said that you also used worksheets in
 20 this class. Other than your textbooks and
 21 worksheets, were there any other types of
 22 instructional materials used by your teacher?
 23 A. We would have the beginning assignment,
 24 which was also on the board.
 25 Q. And what kind of assignment would that be?

- 1 A. It would just be like, three questions
 2 about geography that he would ask, and we would use
 3 the class set of textbooks to find out the answers.
 4 Q. Did you get homework in that class?
 5 A. Yeah.
 6 Q. About how often?
 7 A. Every day, I think. Since it was a shorter
 8 class, we had to cover more work. So we would have
 9 to get homework every day.
 10 Q. Were there any problems with the physical
 11 condition of your geography classroom?
 12 A. No.
 13 Q. Did you have desks to use in your geography
 14 classroom?
 15 A. Yes, we did.
 16 Q. Do you recall whether any students lacked a
 17 desk?
 18 A. No. That was a small class, so no students
 19 were standing up.
 20 Q. Who was your Algebra 1 teacher?
 21 A. It was Mrs. Bowerman.
 22 Q. Could you spell that for us.
 23 A. B O W E R M A N.
 24 Q. Do you have an opinion as to whether or not
 25 Ms. Bowerman was a good teacher?

- 1 A. She was a really good teacher.
 2 Q. And what about her makes you think she was
 3 a really good teacher?
 4 A. We didn't have textbooks in that class
 5 either at all so she would have to find out ways to
 6 teach us, and she did a pretty good job at that.
 7 Q. So there were no textbooks to use in class
 8 or to take home?
 9 A. Huh-uh, there were no textbooks.
 10 Q. Do you know why there weren't any
 11 textbooks?
 12 A. I don't know. We never had any textbooks
 13 in there.
 14 Q. Did you ever ask the teacher?
 15 A. I think someone asked her once, and I don't
 16 remember what she said, though.
 17 Q. You said that she found other ways to teach
 18 the class?
 19 A. Yeah. She would give us worksheets; she
 20 would write it on the board.
 21 Q. Can you describe the worksheets?
 22 A. They were just things she would write out
 23 by hand, and every day she would hand them out to
 24 us.
 25 Q. Do you know about how many students were in

1 your algebra class at the beginning of the school
 2 year?
 3 A. In that class there were about 35.
 4 Q. Do you recall, were there any -- did you
 5 have desks in that class?
 6 A. Yes, we did.
 7 Q. Do you recall whether any students lacked a
 8 desk?
 9 A. In the beginning there were some students.
 10 Q. And when you say "some students," do you
 11 have a -- an estimate of a number in mind?
 12 A. At least five, but there were no more than
 13 ten.
 14 Q. And did that situation continue through the
 15 entire course?
 16 A. Just for the first two weeks because that's
 17 when most of the kids change their classes. After
 18 the two weeks, you can't change your classes
 19 anymore.
 20 Q. Is that generally the case at your school,
 21 are overcrowding issues dealt with in the first two
 22 weeks?
 23 A. Yeah, yeah. Sometimes it's actually even
 24 longer because we don't have enough counselors.
 25 There's only two counselors there right now, so it's

1 would ask someone else and try to make it kind of a
 2 game.
 3 Q. Anything else?
 4 A. No, that's it.
 5 Q. Were you assigned homework in your algebra
 6 class?
 7 A. Yes, we were.
 8 Q. How often did you get homework in there?
 9 A. Every day.
 10 Q. And what kind of homework would she give
 11 you?
 12 A. It was just the worksheets that she would
 13 write out with math problems.
 14 Q. How long would your homework take a night
 15 for your algebra class?
 16 A. Depending on the difficulty, but it was
 17 just medium range, probably an hour.
 18 Q. And were there any problems with the
 19 physical condition of your algebra classroom during
 20 your freshman year?
 21 A. No, there weren't.
 22 Q. Let's move on to business fundamentals.
 23 Who was your teacher for that class?
 24 A. I think Mr. Northey.
 25 Q. Do you have an opinion as to whether

1 hard for the students to talk to their counselors so
 2 they can change their classes.
 3 Q. And when you say sometimes longer, do you
 4 know about -- how much longer are you referring to?
 5 A. A week, or longer.
 6 THE REPORTER: Can we take a quick break?
 7 MR. ENGLISH: That's fine with us, yeah.
 8 (Recess taken from 10:42 to 10:52.)
 9 BY MR. SIMMONS:
 10 Q. All right. When we left off for break, we
 11 were on your Algebra 1 class.
 12 A. Yeah.
 13 Q. And you mentioned that you didn't have
 14 books in that class, that Ms. Bowerman -- is that --
 15 A. Yes.
 16 Q. Ms. Bowerman was still able -- was able to
 17 teach the class well, notwithstanding the lack of
 18 textbooks.
 19 Is that correct?
 20 A. Most of the time, yes.
 21 Q. What things did she do that would allow her
 22 to teach the class well?
 23 A. She would involve the students more. Since
 24 there was nothing for us to look at, she would ask
 25 us. And if we couldn't figure it out, then she

1 Mr. Northey was a good or a bad teacher?
 2 A. He was a good teacher, I just wasn't really
 3 fond of him.
 4 Q. The substance of the class, or you weren't
 5 fond of him personally?
 6 A. Of him.
 7 Q. Personality conflict?
 8 A. Yeah.
 9 Q. Is that a fair way to put it?
 10 A. Yeah.
 11 Q. Did you have textbooks to use in your
 12 business fundamentals course?
 13 A. No.
 14 Q. What kind of instructional materials did
 15 you use in that class?
 16 A. He would just write things on the board and
 17 he would give us worksheets.
 18 Q. What did you learn in your business
 19 fundamentals class?
 20 MR. ENGLISH: Overboard.
 21 THE WITNESS: He would teach us -- he
 22 started to teach us how to do our taxes.
 23 BY MR. SIMMONS:
 24 Q. Anything else?
 25 A. Like the general things you needed to know

1 to run a business, that's about it, that's what it
2 was about.
3 MR. ENGLISH: Same objections.
4 BY MR. SIMMONS:
5 Q. Did you like the class?
6 A. Yeah, the class was okay.
7 Q. Do you know about how many students were in
8 your business fundamentals class at the beginning of
9 the school year?
10 A. I don't remember.
11 Q. Do you recall whether -- do you recall
12 whether you used desks in that classroom?
13 A. There were really, really long tables and
14 there were just chairs that we sat in.
15 Q. Do you recall if any of the students lacked
16 a seat at any of the tables?
17 A. Not in that class, no.
18 Q. Were there any problems with the physical
19 condition of that classroom?
20 A. It was just an old classroom.
21 Q. Any specifics that you can identify for me?
22 A. Not really.
23 Q. Did you receive homework in your business
24 fundamentals class?
25 A. There wasn't really anything we could do at

1 A. No. There was always some computers that
2 weren't working.
3 Q. Did the computers that weren't working --
4 did it vary which ones weren't, or was it always the
5 same computers?
6 A. There were some that they were sure that
7 would never work, but it would vary sometimes.
8 Q. So did some students have to share a seat
9 at that time at a computer in the keyboarding class?
10 A. Yes.
11 Q. About how many students were in your
12 keyboarding class, total?
13 A. I'm not sure, because it was the same
14 amount that was in the business fundamentals class,
15 it was the same students.
16 Q. Do you recall about how many students had
17 to share a computer?
18 A. There were probably about four.
19 Q. And does that mean there were two pairs of
20 students, or were there four pairs of students
21 sharing?
22 A. There were four pairs of students.
23 Q. Can you describe some of the types of
24 class assignments that you would receive in your
25 keyboarding class, if any?

1 home because everything he taught us you could only
2 do in class.
3 Q. Can you tell me why you could only do what
4 he taught you in class?
5 A. Because he would have, like, special
6 calculators that we would use, and you can't take
7 those with you.
8 Q. You had a keyboarding class; is that
9 correct?
10 A. Yes. It was a typing class.
11 Q. Who was the teacher for that class?
12 A. He was also the teacher.
13 Q. Was that in the same classroom as your
14 business fundamentals course?
15 A. No, we went to a different classroom.
16 Q. Was that because -- did you have
17 typewriters in a different class?
18 A. Yeah, we had the computers.
19 Q. So the -- it's called keyboarding because
20 essentially you're doing typing on --
21 A. Yeah.
22 Q. -- computers instead of typewriters?
23 A. Yeah.
24 Q. Okay. Did every student have a
25 typewriter -- or a computer to use in class?

1 A. Well, we had this program of where it would
2 test the speed of how we would type, and it would
3 just give us practice runs at it.
4 Q. I don't imagine there was homework for that
5 class, or was there?
6 A. No.
7 Q. Were there any problems with the physical
8 condition of the classroom that you had keyboarding
9 in?
10 A. Electrical is the only thing I can think
11 of.
12 Q. Can you describe for me what you mean by
13 "electrical" as you used it in that answer?
14 A. We would be using the computers and
15 sometimes they would like -- half of the computers
16 would shut down. And it would be a problem,
17 especially when we were doing our work. He would
18 tell us to constantly save our things just in case.
19 And that could be a problem.
20 Q. How often would you experience a shutdown
21 of one or more computers?
22 A. Twice a week.
23 Q. And when the computers would turn off, were
24 you able to get the computers to come back on?
25 A. Yeah.

1 Q. About on average how long would that take?
 2 A. Well, he'd have to make sure what the
 3 problem was. And then if it was just like ... he
 4 would have to turn the power back on, and that was
 5 it.

6 Q. Any other problems with the physical
 7 condition of that classroom?

8 A. Not really.

9 Q. During the first term of your sophomore
 10 year you had a class called computer fine arts; is
 11 that correct?

12 A. Yes.

13 Q. Who was the teacher for that class?

14 A. Ms. Romero.

15 Q. Did you have an opinion as to whether
 16 Ms. Romero was a good or a bad teacher?

17 A. She was a pretty good teacher.

18 Q. What about her makes you say she's a pretty
 19 good teacher?

20 A. Ever since she started there, about 15
 21 years ago, I remember her telling us, that's all she
 22 taught, so over the years she got better and better
 23 at it.

24 Q. So she had experience with the class?

25 A. Yeah.

1 computers.

2 Q. Were the keyboard -- was the keyboarding
 3 class held in the same room as the computer fine
 4 arts?

5 A. No, different class.

6 Q. Were the computers for your fine arts class
 7 more powerful than the ones that were used in your
 8 keyboarding class?

9 A. No. They were the same type of computers.

10 Q. And did the number -- you said that you
 11 thought there were about 25 students in your
 12 computer fine arts class. Did that number change at
 13 all throughout the course of the school year?

14 A. Only when she dropped one or two students
 15 because they were misbehaving.

16 Q. So there were about five more students than
 17 there were computers in that class; is that right?

18 A. Yeah.

19 Q. And so students had to share a computer on
 20 occasions; is that correct?

21 A. Yeah, whenever she would give us a lesson.

22 Q. And did she alternate who would -- who
 23 would have to share a computer on different days, or
 24 did the same students always share one?

25 A. No. There weren't any assigned computers,

1 Q. Can you describe for me in general terms
 2 what the substance of the computer fine arts class
 3 was?

4 A. All the projects -- all the projects we
 5 would do would have to do with using the computers
 6 and we would have assignments where we would have to
 7 make CD covers, everything using the computers.

8 Q. Did you ever have to create advertisements
 9 or anything like that?

10 A. Not in that class.

11 Q. Was it kind of a graphic arts type class,
 12 though?

13 A. Yeah.

14 We learned how to use certain art programs.

15 Q. Do you recall the names of any of the art
 16 programs?

17 A. Photo Shop, and Illustrator.

18 Q. Do you recall how many students were in
 19 your computer fine arts class at the beginning of
 20 the school year?

21 A. There -- I'm pretty sure there were like 25
 22 students.

23 Q. And did -- was it -- did each student have
 24 a computer to use in the class?

25 A. No, because there were only about 20

1 so wherever you just wanted to go and sit down. And
 2 sometimes the kids would just go sit with their
 3 friends.

4 Q. Did you have any form of textbook to use in
 5 that class?

6 A. No, we didn't have any books.

7 Q. Were there any other types of instructional
 8 materials used other than the computer softwares and
 9 computers?

10 A. No.

11 Q. Can you give me an example of what a
 12 typical day would be like in that class, as far as
 13 what you would learn and how the classroom would be
 14 run?

15 A. Well, if it was a new assignment, we would
 16 go in there and she would tell us to go to the
 17 computers. We would boot up the program that we
 18 needed to use. And then she would have her computer
 19 connected to a TV, so we could see what she was
 20 doing. And then we would either do the same thing,
 21 or we would just wait for her to finish and take
 22 notes on it, so we could do it later.

23 Q. Were you ever assigned homework in that
 24 class?

25 A. No.

1 Q. And were there any problems with the
2 physical condition of that classroom?

3 A. It was just a really hot classroom, I
4 remember that.

5 Q. So was that classroom warmer than the other
6 classrooms that you -- that you attended at the
7 school?

8 A. Yeah.

9 Q. Do you have any understanding as to why
10 that classroom was warmer?

11 A. I think it might have been because of the
12 furnace that they used for the pottery class. And
13 that was right next to our classroom, so the heat
14 from that might vent into ours.

15 Q. Was that classroom uncomfortably warm
16 during particular times of the school year?

17 A. Yeah. The only time that it wasn't really
18 warm was during the wintertime. All the other
19 times, it was really hot.

20 Q. And when you say "wintertime," can you tell
21 me what months you're referring to.

22 A. Like November, December, January.

23 Q. Does February qualify?

24 A. That's when it usually starts to get a
25 little warmer.

1 Q. Do you know why she didn't like to open
2 them?

3 A. To tell you the truth, I don't know.

4 Q. Did students ever ask her to open the
5 windows?

6 A. Yeah, they would ask her, but she would
7 just say no. She would say she would rather us open
8 the door, but that was right by the furnace.

9 Q. Do you recall your teacher ever complaining
10 about the temperature of the classroom?

11 A. Yeah, she would always complain about it.

12 Q. When you say "always," can you estimate
13 about how often?

14 A. About three times a week, three or four
15 times a week.

16 Q. And that would be during the warm months?

17 A. Yeah.

18 Q. Can you -- can you estimate the number of
19 times in -- for example, September, that your
20 computer fine arts classroom would be uncomfortably
21 warm?

22 A. Well, the first stage especially, the first
23 couple of weeks because it's just end of the summer,
24 so it gets even hotter. And then little by little,
25 it starts to cool down.

1 Q. Do you have any -- do you have any
2 understanding as to what kind of temperatures in
3 degrees Fahrenheit that we would be talking about?

4 A. I'm not too sure, and I don't want to
5 guess, so ...

6 Q. Okay. That's fine.

7 If you took, for example, the -- well,
8 let's see.

9 What -- what months were you -- were you
10 taking your -- your computer class?

11 A. Well, it was during the first term so it
12 ended, like, right at the end of January.

13 Q. So would that be September, October,
14 November, December, January?

15 A. Yeah.

16 Q. And in a month like September, would the
17 temperature of the classroom be pretty much the same
18 every day, or would it vary?

19 A. Depending on the temperature, like outside.
20 Because it was like an enclosed room, it would get
21 really hot in there.

22 Q. When you say "an enclosed room," were there
23 windows in the computer fine arts classroom?

24 A. Yeah, but they were all at the top and she
25 didn't like to open them.

1 Q. So there -- there are more warm --
2 uncomfortably warm days in September than there are
3 in October; is that fair?

4 A. Yes.

5 Q. And how about October, how many days a week
6 do you think it would become uncomfortably warm in
7 your computer fine arts classroom?

8 A. Two days a week.

9 Q. And could you do the -- could you make a
10 similar estimate for September?

11 A. Not really, because it was hotter during
12 those days. It was hotter.

13 Q. Did you have any fans in the classroom?

14 A. She had one by her desk, but that was at
15 the corner of the classroom so it didn't help too
16 much, unless you sat by her desk.

17 Q. Was there anything else wrong with the
18 physical condition of the classroom?

19 A. Not really.

20 Q. Who was your geometry teacher your
21 sophomore year?

22 A. Mr. Hague.

23 Q. Could you spell that for us?

24 A. Let's see, I think it's H A G U E.

25 Q. Do you have an opinion as to whether or not

1 Mr. Hague was a good teacher?
 2 A. It's just like with Mr. Northey, it didn't
 3 really seem like he liked me, so I didn't like the
 4 class too much.
 5 Q. Okay. Did you have a textbook to use in
 6 your geometry class?
 7 A. There were no books in there either. I
 8 never had a textbook in my math classes.
 9 Q. Do you know why there was no textbook in
 10 your geometry class?
 11 A. No idea.
 12 Q. Did you ever ask your teacher?
 13 A. No. By that time we were used to it from
 14 all our other math classes.
 15 Q. What kind of instructional materials did
 16 you use in the geometry class?
 17 A. Just worksheets that he would give to us
 18 and things he would write on the board.
 19 Q. Do you know how many students were in your
 20 geometry class at the beginning of the school year?
 21 A. That was an overcrowded classroom, I
 22 remember that. Probably at the most, 40.
 23 Q. Did you have desks in the geometry
 24 classroom?
 25 A. Yes.

1 Q. And were there some students that didn't
 2 have their own desks?
 3 A. Yeah, in the beginning there were.
 4 Probably like ten students.
 5 Q. And did that situation continue throughout
 6 the course of the year?
 7 A. About five or six of them dropped, so ...
 8 and then he -- he brought in some more desks, some
 9 really old ones that they had in storage, and he put
 10 those in the front of the classroom so we could sit
 11 there.
 12 Q. About how long did it take for the five or
 13 six students to drop from the course?
 14 A. Like two weeks. It all depends on when
 15 they went to their counselor.
 16 Q. And that leaves about four or five students
 17 that --
 18 A. Yeah.
 19 Q. -- continued in the class. And those
 20 students were provided with older desks, did you
 21 say?
 22 A. Yeah, they were old desks, had graffiti on
 23 them.
 24 Q. When were those desks brought in, if you
 25 recall?

1 A. I think they were brought in after about a
 2 week, because you have to put in a request for them.
 3 Q. Were the desks functional?
 4 MR. ENGLISH: Calls for expert opinion, but
 5 answer to the best of your knowledge.
 6 THE WITNESS: Yeah, you could ... they
 7 were.
 8 BY MR. SIMMONS:
 9 Q. Did the -- did any of the students who were
 10 in the desks complain about them?
 11 A. Just about the graffiti on them.
 12 Q. And do you know in terms of years how old
 13 the desks were?
 14 A. I have no idea.
 15 Q. Were you assigned homework in your geometry
 16 class?
 17 A. Yes, we were.
 18 Q. How often did you receive homework?
 19 A. Every day.
 20 Q. What kind of homework did you receive?
 21 A. Just worksheets that he would write out.
 22 Q. Were there any problems with the physical
 23 condition of the geometry classroom?
 24 A. No.
 25 Q. Who was your honors English teacher in your

1 sophomore year?
 2 A. It was Mrs. Soble. The same teacher that I
 3 had for English 9.
 4 Q. Did you have a textbook to use in your
 5 English 10 honors class?
 6 A. It was just like the English 9, just the
 7 class set.
 8 Q. Do you recall the title of the class set
 9 textbooks that you used?
 10 A. No, but they were similar to the ones that
 11 we had in ninth. They were just -- I think they
 12 were just a more advanced copy.
 13 Q. Okay. A hard-covered textbook again?
 14 A. Yes.
 15 Q. And do you recall the color of the cover?
 16 A. I think that had a purple cover.
 17 Q. And the book essentially contained
 18 different stories?
 19 A. Yeah. It had more poetry, I think.
 20 Q. Did you make -- did they use any novels or
 21 short stories in that class?
 22 A. We had novels, but I don't really remember
 23 what they were.
 24 Q. Now, the novels, can you tell me how
 25 assignments with the novels worked?

1 A. Like, what do you mean?
 2 Q. I'm just wondering, were the novels
 3 something you used at home for homework and you were
 4 given an assignment to read so many pages per night
 5 out of the novel?
 6 A. Yeah. And she would give us questions on
 7 it, too.
 8 Q. And did you ever have quizzes on the
 9 material that you read for her to make sure, or was
 10 that the idea behind the questions she gave you?
 11 A. Like she would give us the questions and at
 12 the end of the week we would have a review on the
 13 questions, like a little quiz.
 14 Q. I think you testified that you can't recall
 15 any of the titles of the novels from that year?
 16 A. Let me see. Let me think. Lord of the
 17 Rings, we read that. That's all I can really
 18 remember.
 19 Q. What was the physical condition of the
 20 class set of textbooks?
 21 A. They were -- had graffiti on them. The
 22 pages weren't really missing, though.
 23 Q. And was there -- was there a large enough
 24 class set that everybody had a textbook to use in
 25 class?

1 A. Yeah.
 2 Q. And were any of the textbooks rendered
 3 unusable at times because portions of them had
 4 graffiti in them?
 5 A. Not for those. I think she took better
 6 care of those.
 7 Q. How about -- do you recall the physical
 8 condition of the Lord of the Rings novels?
 9 A. All I remember is that they were really old
 10 books.
 11 Q. Can you recall any specific problems with
 12 the textbook, or with the Lord of the Rings novels?
 13 A. Not with those. Since she would check them
 14 out to us, she would know if they got messed up, so
 15 people had to take more care of those.
 16 Q. Did you receive homework in your English 10
 17 honors class?
 18 A. Not really, just the reading.
 19 Q. How often would you receive reading
 20 assignments?
 21 A. It all depends on what we did in class,
 22 what she would go over. If she would go over, like,
 23 a whole chapter that we read before, then she would
 24 go on to the next one. But if she didn't finish
 25 reviewing the chapter, then we wouldn't have

1 homework.
 2 Q. Is it possible to estimate the number of
 3 times in a week you would have homework, like it was
 4 with the other classes?
 5 A. Probably three or four.
 6 Q. Were there any problems with the physical
 7 condition of your English 10 honors classroom?
 8 A. It was the same classroom that I had in
 9 ninth, so just the ants.
 10 Q. The second term you had a biology course;
 11 is that correct?
 12 A. Yeah.
 13 Q. Who was the teacher for your biology class?
 14 A. It was Ms. Wilkinson.
 15 Q. I think I may have forgot. Is
 16 Ms. Wilkinson a teacher you had before?
 17 A. Yeah, I had her for physical science.
 18 Q. Was there any difference between her --
 19 strike that.
 20 Do you feel that she was an equally good
 21 biology teacher as she was a -- a physical science
 22 teacher?
 23 A. Yeah, she had the same methods. It was all
 24 the same.
 25 Q. Did you have a textbook to use in the

1 biology class?
 2 A. Just the class set.
 3 Q. Was there enough for each student to have a
 4 textbook to use in class?
 5 A. Yeah, just like the physical science class.
 6 Q. Did you ever take a textbook home?
 7 A. Maybe once or twice, whenever we had a lot
 8 of work.
 9 Q. But generally you couldn't take a textbook
 10 home?
 11 A. You couldn't really take it home because
 12 she would need them for all her other classes. And
 13 if people would check them out, then she wouldn't
 14 have any for her class sets, so ...
 15 Q. Do you recall how many students were in
 16 your biology class at the beginning of the school
 17 year?
 18 A. Probably about 35.
 19 Q. And was it like your physical science
 20 classroom that there were tables to sit at, or did
 21 you have desks in this one?
 22 A. It was the same for like the first month,
 23 but then one day it was -- a tree fell into the
 24 classroom, so we had to switch classes.
 25 Q. Okay. Prior -- so the first classroom that

1 you were in, was that a classroom with desks or
2 tables?
3 A. It was the tables.
4 Q. Okay. And then did each student have a --
5 a seat at the table in your biology class?
6 A. For the most part, yes. Not the first two
7 weeks. Because the first two weeks of almost every
8 class, there's always a couple students that don't
9 have seats.
10 Q. And then a tree fell into the classroom --
11 A. Yeah.
12 Q. -- so then you had to move.
13 Which -- well, was the new classroom that
14 you moved to, was that also tables, or did that one
15 have desks?
16 A. That one had desks.
17 Q. Was there a sufficient number of desks for
18 the students in that class?
19 A. Not in the beginning because no one knew we
20 were going to have to go in there and no one had
21 used that room for a couple years.
22 Q. So they had to have desks moved in there?
23 A. Yes.
24 Q. At some point did you each student have a
25 desk in the class?

1 A. Yeah, eventually.
2 Q. Do you know about how long it took?
3 A. A couple days, so they could slowly move
4 the desks in.
5 Q. Do you recall the title of the textbooks
6 that -- that you used in your biology class?
7 A. All it said on the cover was "biology."
8 Q. Do you recall the physical condition of the
9 textbooks?
10 A. They were torn, had graffiti on them.
11 Q. Anything else?
12 A. Well, the bindings on some of them were
13 really loose.
14 Q. And were you assigned a specific text to
15 use?
16 A. It was just like the other class, we
17 just -- the class set, we had four to a table.
18 Q. Okay. So at the beginning of the year you
19 had four to a table. What about after you moved to
20 the new classroom?
21 A. She just moved the books, too. And then
22 she would group the desks together so it would form
23 a table.
24 Q. Okay. And do you recall ever having a text
25 that was unusable because either a page was torn or

1 there was graffiti in it, or the binding was --
2 A. Yeah. I had -- I had to get a new book
3 because mine, the bindings was loose and the pages
4 were torn.
5 Q. When did you get the new book?
6 A. After about two weeks. Because at first I
7 remember her saying that she was going to take it to
8 the library to get it fixed. And she did take it
9 but they couldn't fix it anymore. They had to get
10 rid of it.
11 Q. After you received the new book, did you
12 ever have any problems using it because of torn
13 pages, graffiti or the binding?
14 A. No. When I got a new book, it just -- it
15 was a cleaner book.
16 Q. Do you recall textbooks other than your own
17 that were unusable because portions of them either
18 had a page torn, or graffiti, or a problem with the
19 binding?
20 A. Not unusable, but a lot of them did have a
21 lot of the graffiti and pages torn out.
22 Q. Do you know about how many had pages torn
23 out?
24 A. At least half.
25 Q. And how about problems with bindings?

1 A. Not really, not on the other ones.
2 Q. And with respect to graffiti, do you know
3 about how many had problems with graffiti?
4 A. All of them.
5 Q. But there were no texts that were rendered
6 unusable as a result of graffiti; is that correct?
7 A. Yeah.
8 Q. Did you guys use other instructional
9 materials in the biology class?
10 A. Just a couple of worksheets every once in a
11 while that she would give us. But lots of times
12 there was also taking notes.
13 Q. Did you have a lab portion of your biology
14 class?
15 A. Yes, we did.
16 Q. How about, was there a lab in your physical
17 science class during the ninth grade?
18 A. No.
19 Q. What was the -- can you explain the lab
20 component of your biology class for me?
21 A. Well, it really wasn't much of a lab. It
22 was more like she would take things in and we would
23 perform the experiments just on our tables.
24 Q. What kinds of experiments, can you give me
25 some examples?

- 1 A. Let me think. It was more like the
2 pigments of like cabbage, when you put -- get all
3 the colors out of a cabbage, things like that. Just
4 simple experiments.
- 5 Q. Any other experiments that you can recall?
6 A. Not that I can think of.
- 7 Q. Did you do any dissections?
8 A. Not in that class, no.
- 9 Q. All right. Prior to the tree falling on
10 classroom one, were there any problems with the
11 physical conditions of that classroom?
12 A. No, it was in pretty good shape.
- 13 Q. Do you know why the tree fell on that
14 classroom?
15 A. It was -- it was just a really big tree and
16 it was a really windy day.
- 17 Q. Did it fall during the school day?
18 A. It was like three minutes before the bell
19 rang, I remember, because I was already walking to
20 my class and the bell rang and I walked in there and
21 the teacher kicked me out, and said, "You can't come
22 in here." And I looked and there was a tree in the
23 middle of the classroom.
- 24 Q. Was anybody injured?
25 A. No. The only people that were in there was

- 1 just the teacher and another student.
- 2 Q. Did they fix the classroom or --
3 A. They eventually fixed it.
- 4 Q. How long did it take them to fix the
5 classroom?
6 A. Because it happened towards the beginning
7 of my class, probably about two and a half months.
- 8 Q. And how long did it take for you to -- once
9 that classroom became unusable, were you in the new
10 classroom the next day, or how long did it take?
11 A. That very first day we went to the new
12 classroom, but we spent most of the time cleaning it
13 up because no one had used it.
- 14 Q. Okay. And how about the new classroom,
15 were there any problems with the physical condition
16 of that classroom?
17 A. No, not really. The only thing I can think
18 of is the -- there was like three lab benches, where
19 they have the pipes, the gas and the faucets, and
20 the gas things were clogged up and we couldn't use
21 those. And some of the faucets weren't working
22 properly. You'd open them and, like, they would
23 shoot everywhere.
- 24 Q. Anything else?
25 A. That's it.

- 1 Q. Who was your Spanish 3 teacher?
2 A. Ms. Madrigal.
- 3 Q. Could you spell that for us?
4 A. M A D R I G A L.
- 5 Q. Do you have an opinion as to whether or not
6 she was a good teacher?
7 A. She was pretty good. She wasn't too bad.
- 8 Q. How did she compare to [REDACTED]
9 A. Oh, she was a better teacher than
10 [REDACTED] but her attitude wasn't as good.
- 11 Q. Did you have a textbook to use in your
12 Spanish 3 class?
13 A. Yes, we did.
- 14 Q. Did you have your own copy of the text to
15 use in class?
16 A. Yes.
- 17 Q. And could you take the textbook home?
18 A. For that one we could, because that was --
19 it was more of a grammar class, so that one we had
20 to take some home.
- 21 Q. How often would you take the textbook home
22 in that class?
23 A. We would take it home every day, but we
24 wouldn't get homework for it every day, so ...
25 Q. Were you essentially assigned -- assigned

- 1 your own textbook for that class?
2 A. Yeah.
- 3 Q. Do you recall the title of that text?
4 A. I have no idea. It was in Spanish, that's
5 all I remember.
- 6 Q. And can you describe the physical condition
7 of your textbook?
8 A. Those, since she would assign -- since
9 those were assigned to each student, they were all
10 in pretty good shape, so -- because she knew if
11 anyone would mess them up, and no one would want to
12 do that. So she could take -- they were -- they
13 were in better condition.
- 14 Q. And do you recall how many students were in
15 your Spanish 3 class at the beginning of the school
16 year?
17 A. Not that many in that class because no one
18 really was up to that -- to that Spanish class yet.
19 Most students just started on Spanish 1. It was
20 probably at the most, 20, 25.
- 21 Q. Were there desks in that class?
22 A. Yes.
- 23 Q. Did each student have a desk?
24 A. Yes.
- 25 Q. Did your teacher make use of instructional

1 materials other than the textbooks?
 2 A. She would just write things on the board
 3 and we would take notes.
 4 Q. Did you receive homework in that class?
 5 A. Yeah.
 6 Q. About how often?
 7 A. Almost every day.
 8 Q. Were there any problems with the physical
 9 condition of your Spanish 3 classroom?
 10 A. No.
 11 Q. Who was your world history honors teacher?
 12 A. Mr. Gomez.
 13 Q. G O M E Z, or is it an "S"?
 14 A. Yeah, "Z."
 15 Q. And do you have an opinion as to whether or
 16 not Mr. Gomez was a good or a bad teacher?
 17 A. He was a good teacher.
 18 Q. What about him made him a good teacher?
 19 A. It was fun being in his class because he
 20 was the football coach so it was fun to be in there.
 21 Q. Were you on the Santa Paula High football
 22 team?
 23 A. No. That would have made it harder.
 24 Q. Did you have a textbook to use in that
 25 class?

1 A. We had the class set.
 2 Q. Do you recall the title?
 3 A. No, I don't.
 4 Q. That's fine.
 5 A. I can't remember it.
 6 Q. Was there -- well, how many students were
 7 there in the class at the beginning of the school
 8 year or the beginning of the term?
 9 A. That class, there were like 35.
 10 Q. And were there desks in that classroom?
 11 A. Yes.
 12 Q. Did each student have a desk to use?
 13 A. Not in the beginning, there were about
 14 three students that had to stand up. Actually, they
 15 ended up dropping it.
 16 Q. Do you know why they dropped?
 17 A. I'm not sure.
 18 Q. Do you know of any students who have
 19 dropped the class because they didn't have a desk to
 20 use in the class?
 21 A. There have been some classes where students
 22 have had to do that.
 23 Q. Which classes? If you know, or if you
 24 recall.
 25 A. I'm not too -- I can't remember exactly

1 which ones, but I remember there were some, because
 2 there wasn't enough room.
 3 Q. And were these classes that you were a
 4 student in, or were these classes that you -- you
 5 heard about?
 6 A. It was both. I was a student in some of
 7 them, and some of them I heard about.
 8 Q. Which classes do you -- do you recall which
 9 classes you were a student in?
 10 A. I think it was -- it was one of my history
 11 classes, but it wasn't until my junior year.
 12 Q. Can you recall any other specific classes
 13 where students dropped because they didn't have a
 14 desk or a place to sit?
 15 A. Not right now.
 16 Q. And there were about three students in the
 17 world history honors class that didn't have a desk
 18 at the beginning of the year?
 19 A. Yeah.
 20 Q. And those students dropped; is that right?
 21 A. Yeah.
 22 Q. And then after that every student had a
 23 desk?
 24 A. Yeah.
 25 Q. Could you ever take the world history text

1 home?
 2 A. We could, but we'd have to check them out.
 3 But since there were -- once again, since they only
 4 had a class set, you couldn't take them home every
 5 night.
 6 Q. Under what circumstances would you be
 7 allowed to take a textbook home?
 8 A. If he let you take it, it would only be for
 9 one night and it was only on, like, certain
 10 assignments. Because he would give us packets for
 11 homework. And usually he would start the packets in
 12 class and if you didn't finish them, then it would
 13 be homework and that's when you would take the books
 14 home if you really needed to.
 15 Q. And about how often would students check a
 16 book out to take it home, if you know?
 17 A. There's usually like five or six people,
 18 like, per day, who would want to do it.
 19 Q. Is that average that you just gave there,
 20 is that similar for the other classes where you just
 21 had a class set of textbooks, or --
 22 A. Well, yeah, it's usually around the same.
 23 Q. Could you -- you mentioned packets that you
 24 would begin in class and then maybe take them home
 25 for homework if you didn't finish. Could you

- 1 describe those packets a little more?
 2 A. Well, they were, like, usually like three
 3 or four pages long, and they would have different
 4 questions and activities that we would do out of the
 5 book and we would just write in the answers. And if
 6 we didn't finish them, then we -- if we couldn't
 7 finish them in class, we'd have to take them home
 8 and then there would be homework. And that's when
 9 he would check out the books.
 10 Q. So these were packets of three or four
 11 worksheets --
 12 A. Yeah.
 13 Q. -- is that fair?
 14 Other than -- did you use other worksheets
 15 in that classroom as well?
 16 A. Yeah, sometimes --
 17 Q. What kind of --
 18 A. -- when we would do, like, special
 19 assignments, like, that would involve groups, he
 20 would give us sheets to do.
 21 Q. Can you give me like one example?
 22 A. Like we had to do a project where we had to
 23 describe a country of our choice, and he would give
 24 us, like, worksheets and we had to write down
 25 certain information for that country.

- 1 Q. Other than worksheets and your in-class set
 2 of textbooks, do you recall the teacher making use
 3 of other instructional materials?
 4 A. Well, he would just write things on the
 5 board and we would just take notes.
 6 Q. And were you assigned homework in your
 7 world history honors class?
 8 A. Sometimes, but it was like writing --
 9 writing assignments that we would get about what we
 10 read.
 11 Q. How often do you think you would get
 12 homework in your world history honors class?
 13 A. Three times a week.
 14 Q. Were there any problems with the physical
 15 condition of your world history honors class?
 16 A. Not that I can think of. Those -- they
 17 were kept in pretty good shape.
 18 MR. SIMMONS: Can we go off real quick.
 19 (Discussion held off the record.)
 20 BY MR. SIMMONS:
 21 Q. Now, you had an English 11 course during
 22 your junior year; is that right?
 23 A. Yeah.
 24 Q. Was that an honors course or --
 25 A. It was just a regular college prep class.

- 1 Q. Is there any reason that you didn't take
 2 the English 11 honors class, or was there an English
 3 11 honors class available?
 4 A. There was an English 11 available, but it
 5 was mostly poetry and I'm not really too much into
 6 poetry so ... this was more just regular literature.
 7 Q. Who was your teacher?
 8 A. [REDACTED]
 9 Q. [REDACTED]
 10 A. Yeah.
 11 Q. And do you have an opinion as to the kind
 12 of teacher [REDACTED] was?
 13 A. She was a new teacher so -- she was a good
 14 teacher, but sometimes it seemed like she didn't
 15 know what she was doing.
 16 Q. Can you give an example?
 17 A. Well, like, actually, she started like
 18 midway the year before because the teacher had,
 19 like, done something she wasn't supposed to do, I
 20 think like showing an rated R movie and like they
 21 had fired another teacher so she started new. And
 22 then she was just kind of like pushed into the job.
 23 So she didn't seem too prepared.
 24 Q. So she had about a half year of experience
 25 at Santa Paula High --

- 1 A. Yeah --
 2 Q. -- before --
 3 A. -- when I started her class.
 4 Q. -- your English 11 class?
 5 A. Yeah.
 6 Q. Do you know whether she had taught anywhere
 7 else before that?
 8 A. I don't think she had. She had just been a
 9 substitute.
 10 Q. And, again, could you give -- I think you
 11 mentioned that there were times where she -- she
 12 seemed maybe inexperienced or she didn't know what
 13 she was doing?
 14 A. Yeah.
 15 Q. Can you give me just one example of that?
 16 A. Well, if there was ever a student
 17 misbehaving, she didn't really know what to do.
 18 Like she -- she would just yell at them or something
 19 like that. And -- but that was about it.
 20 Q. Was your English 11 class, was it a rowdy
 21 class?
 22 A. Not mine, but my friend who had it second
 23 period, or was it third, I'm not too sure, he --
 24 they had a rowdy class, and she had a lot of trouble
 25 controlling that class.

- 1 Q. Are there any other examples that you might
2 be able to give me off the top of your head?
3 A. Not right now.
4 Q. Did you have a textbook to use in your
5 English 11 class?
6 A. Just the class set.
7 Q. Do you remember a title?
8 A. No.
9 Q. Was it a hard cover?
10 A. Yeah. It looked like the other ones that I
11 had in the other classes.
12 Q. And the same kind of thing where it
13 contained stories?
14 A. Yeah.
15 Q. And were you assigned a particular text to
16 use in the class, or did you just grab one at the
17 beginning of the day?
18 A. She would just have one at the back of the
19 classroom and when it was time to use them, we would
20 just go and grab whatever we needed.
21 Q. And was there a text for each student in
22 the class?
23 A. Yeah, there was.
24 Q. Did you ever take the textbook home?
25 A. She really didn't give us homework from the

- 1 again, look at the date inside the book, is that
2 what you're relying on, or was it something else?
3 A. When she first handed them out to us, she
4 told us.
5 Q. Other than -- other than the classroom set
6 of textbooks, did you have any other instructional
7 materials to use in that class?
8 A. Not really. She would just give us notes,
9 like vocabulary that we would write off the board.
10 Q. Did you read any novels in that class?
11 A. We read Huck Finn. What else did we read?
12 I can't remember the name of the book but we read
13 like two or three other books in that class.
14 Q. And was each student assigned a copy of the
15 novels to take home, or --
16 A. For one of them, yes. And the other ones
17 were just class sets. One of the books she didn't
18 even have a class set, she had to make copies of the
19 book, like just on paper.
20 Q. And do you recall the title of that one?
21 A. No, I have no idea what it was called.
22 Q. Do you remember what the book was about?
23 A. It was about these two old ladies from
24 Alaska, or something.
25 Q. Do you recall which -- was it Huck Finn

- 1 textbook, so we didn't really have to take it home.
2 Q. How many students were in your English 11
3 class at the beginning of the term?
4 A. I think there were 30. Around 30.
5 Q. And were there desks for students to sit at
6 in your English 11 class?
7 A. Yeah.
8 Q. Did each student have a desk?
9 A. Yeah, but it was really tight in there,
10 because there was a lot of students.
11 Q. Was this classroom smaller than your other
12 classrooms or --
13 A. I mean it was a little bit smaller, how it
14 was -- how it was shaped. Because it was like -- it
15 was shaped more like a triangle because it was kind
16 of like a corner classroom. So it was just shaped a
17 little different.
18 Q. And do you recall the physical condition of
19 the classroom set of textbooks you referred to?
20 A. They were -- those were in pretty good
21 condition.
22 Q. Do you know about how old those textbooks
23 were?
24 A. They seemed like about eight years old.
25 Q. And when you say "they seemed," did you,

- 1 that you were able to take home, or was it another
2 novel?
3 A. It was the other one. What was it called?
4 The Crucible, that's the one we could take home.
5 Q. Were you assigned homework in the English
6 11 class?
7 A. Just to read.
8 Q. How often did you get assigned homework in
9 that class?
10 A. Like every night we would have to read 20,
11 25 pages.
12 Q. Did you have tests in this class?
13 A. Yeah, every Friday we would get a test on
14 the vocabulary.
15 Q. Any other tests?
16 A. Just on the books, but that was at the very
17 end when we finished the books.
18 Q. Did you have composition or essay
19 assignments?
20 A. We had essays we would work on once a week,
21 twice a week at the most.
22 Q. How about in your English 9 and English 10
23 classes, did you have compositions or essays in
24 those?
25 A. I think for every book we read, we had to

1 write an essay on it.
 2 Q. In any of the classes that we've discussed
 3 so far have you felt the teachers didn't give enough
 4 tests or homework assignments?
 5 A. Not so far, no.
 6 Q. Were there any problems with the physical
 7 condition of your English 11 classroom?
 8 A. No.
 9 Q. Who was your U.S. history teacher?
 10 A. It was [REDACTED]
 11 Q. And what kind of a teacher was
 12 [REDACTED]?
 13 A. He was -- he was a new teacher. He'd been,
 14 like, subbing a couple of years. He was an
 15 ex-lawyer.
 16 Q. What kind of a teacher does an ex-lawyer
 17 make?
 18 A. They cost a lot more. They're not used to
 19 students so much.
 20 Q. What kind -- do you have an opinion as to
 21 the quality of teacher he was?
 22 A. Well, he wasn't that good of a teacher,
 23 like, because he -- he was brand-new. He'd never
 24 taught before, like an actual class. And that class
 25 was really overcrowded, so he was like overwhelmed.

1 Q. He has profaned our profession.
 2 MR. ENGLISH: I guess I'll cross that off
 3 my list.
 4 BY MR. SIMMONS:
 5 Q. How many students were in your U.S. history
 6 class at the beginning of the year?
 7 A. Like 40.
 8 Q. And were there desks in there for students
 9 to sit at, or was it tables?
 10 A. There were -- there were desks, but not
 11 enough.
 12 Q. So at the beginning of the year, did each
 13 student have a -- each student didn't have a desk to
 14 sit at?
 15 A. No, I -- I couldn't sit down for the first
 16 week, I think. I had to sit on a stool in the back.
 17 Q. Do you know about how many students, other
 18 than you, who didn't have a desk to sit at?
 19 A. There were like at least six or seven.
 20 Q. And that's in addition to you; right?
 21 A. Yeah.
 22 Q. And did that situation continue throughout
 23 the school year?
 24 A. For, like, the first three weeks of that
 25 class, like students didn't have, like -- there were

1 three or four that, like, didn't have anywhere to
 2 sit because after the first week we got a couple new
 3 desks.
 4 Q. After the first three weeks of school, did
 5 every student have a desk to sit in?
 6 A. Just about.
 7 Q. When you say "just about," are you
 8 remembering someone else that didn't have a desk to
 9 sit in during that three-week period?
 10 A. I'm just remembering that students had to
 11 sit where the computers were because there wasn't
 12 anywhere else to sit. And that's where they sat for
 13 like most of the year.
 14 Q. And can you describe the -- the seats where
 15 the computers are that these students were sitting
 16 at in relation to the desks?
 17 A. Well, the desks all faced the front of the
 18 classroom and the computers faced sideways. So the
 19 students would have to sit at an angle so they could
 20 see the teacher.
 21 Q. Were these -- were the computers at the
 22 side of the classroom, or at the back of the
 23 classroom?
 24 A. They were on the side.
 25 Q. And about how many students were sitting at

1 the computers?
 2 A. About three, I think.
 3 Q. And did those students ever move to a
 4 traditional desk?
 5 A. I think two of them did because two people
 6 dropped the class after the first semester.
 7 Q. And one of them remained at a seat by the
 8 computers throughout the class?
 9 A. Yes.
 10 Q. Did you have a textbook to use for the
 11 U.S. history class?
 12 A. Just the class set.
 13 Q. Was it a hard-cover book?
 14 A. Yeah.
 15 Q. Do you remember the title?
 16 A. I don't remember it.
 17 Q. And were there enough textbooks for each
 18 student to have one in class?
 19 A. Yeah, there were.
 20 Q. And were you assigned a particular
 21 textbook?
 22 A. We just put it under our desk. But they
 23 did assign them to us, though. We couldn't take
 24 them home, or anything.
 25 Q. So the book was kind of assigned to a

- 1 particular desk?
 2 A. Yeah.
 3 Q. And do you know how old the U.S. textbooks
 4 you used were?
 5 A. It looked pretty new because when the new
 6 teachers come, they usually get the new books. They
 7 don't give the old teachers new books because they
 8 are already used to the books that are there.
 9 Q. And could students ever take this textbook
 10 home?
 11 A. They had to check it out.
 12 Q. And this is the same type of situation
 13 where maybe, you said five or six, or six or seven
 14 students would take it home?
 15 A. Yeah.
 16 Q. And that's on any given day basically, as
 17 far as an estimate goes?
 18 A. Yeah.
 19 Q. And did you have any other types of
 20 instructional materials in your U.S. history class
 21 other than the textbooks?
 22 A. It was like the world history class where
 23 we would get worksheets, the packets.
 24 Q. Did you have tests in this class?
 25 A. Yeah.

- 1 Q. And what kind of tests did you have?
 2 A. We just had reviews, like on the chapters.
 3 Q. How often would you have a test?
 4 A. Probably once a week.
 5 Q. Did you get homework in the U.S. history
 6 class?
 7 A. Well, sometimes. It all depends if we
 8 finish our work.
 9 Q. How often would you have homework?
 10 A. Like three or four times a week.
 11 Q. And what kind of homework would you get?
 12 A. It was the packets, but he would give us
 13 like twice as many packets as my world history
 14 class, so it was harder to finish the work.
 15 And he would give us time during class,
 16 like we would take like two days to finish the
 17 packets, but sometimes that wasn't enough because he
 18 would start talking about the things and when he's
 19 talking, you have to take notes, so you can't do
 20 your packets.
 21 Q. Were there any problems with the physical
 22 condition of your U.S. history classroom?
 23 A. No.
 24 Q. Who was your computer -- is it computer
 25 literature class?

- 1 A. Literacy.
 2 Q. Literacy.
 3 Computer literacy, who was the teacher for
 4 that?
 5 A. Mr. Sillars.
 6 Q. Could you spell that for us?
 7 A. S I L L A R S.
 8 Q. Do you have an opinion as to whether
 9 Mr. Sillars was a good or a bad teacher?
 10 A. He was a really good teacher.
 11 Q. What about his teaching style that made you
 12 think he was a really good teacher?
 13 A. He knew exactly what he was doing when he
 14 would teach us and if you had any question, he would
 15 know the answers.
 16 Q. Was this a -- was your computer literacy
 17 class, was this a programming course?
 18 A. It was like learning how to use HTML, all
 19 that stuff.
 20 Q. So did you design web pages in the class?
 21 A. Yeah, we did a couple of those. Really
 22 basic ones.
 23 Q. Can you give me some examples of what other
 24 types of projects you would do in the computer
 25 literacy class?

- 1 A. He would give us writing assignments or
 2 typing assignments, I should say, just so we could
 3 keep up on our typing skills. And then he would
 4 have use, like, Power Point for projects.
 5 Q. So you learned how to use certain types of
 6 software?
 7 A. Yeah.
 8 Q. Do you recall how many students were in
 9 your computer literacy class at the beginning of the
 10 term?
 11 A. Probably -- probably about 30.
 12 Q. And were there -- was there a computer for
 13 each student to use?
 14 A. Yeah, in that class there was.
 15 Q. Was there a textbook at all in that class?
 16 A. No, we didn't have textbooks. He would
 17 just type out, like, things that -- our assignments
 18 and he would hand them out to us.
 19 Q. Did you ever use worksheets in that class
 20 at all?
 21 A. No, we didn't use worksheets.
 22 Q. Your work in that class was essentially
 23 done on the computer?
 24 A. Yeah.
 25 Actually, the only time we did use

1 worksheets was when we had substitutes. Because he
2 was absent a lot and we couldn't really go on the
3 computers because the substitutes don't know what to
4 do, so he would just give us worksheets.

5 Q. When you say he was absent a lot, how often
6 was he absent?

7 A. Probably like once every two weeks, he
8 missed, because he had, like, kind of like another
9 job that he would have to do for the school. Like
10 he'd have to type up their reports, so he would have
11 to go to meetings and he would have to miss, like,
12 the class.

13 Q. Do you know what the job title for his
14 other duties were?

15 A. I'm not sure.

16 Q. And was this, he -- when you say he was
17 absent once every two weeks, was he absent for the
18 whole day, or --

19 A. Yeah, the whole day.

20 Q. Did you ever receive homework in the
21 computer literacy course?

22 A. All we had to ever do was bring in pictures
23 or clippings from magazines so we could scan them
24 and use them for our projects.

25 Q. Is that the only homework that you can

1 start over and reboot the computer. Or if it was
2 something really wrong with the computer, like where
3 it wouldn't start back up, then they would just have
4 to either try and share with someone who was mostly
5 done with the assignment, or they would have to
6 wait.

7 Q. Were there any other problems with the
8 physical condition of your computer literacy
9 classroom?

10 A. No.

11 MR. SIMMONS: Shall we go to lunch?

12 MR. ENGLISH: Sure.

13 (At 12:05 p.m., the deposition
14 was adjourned for noon recess.)

15 /// (Please see next page.) ///

1 recall?

2 A. Yeah.

3 Q. Were there any problems with the physical
4 condition of your computer literacy classroom?

5 A. Not really. Some of the computers, like,
6 didn't work.

7 Q. Were those -- were those computers that the
8 30 students in your class were using?

9 A. Yeah.

10 Q. And when you say they didn't work, the
11 computers didn't work, do you mean that they didn't
12 work every day, or there were times when they didn't
13 work?

14 A. Like they would constantly freeze up.

15 Q. And how -- how often would that happen?

16 A. Like probably once a day, throughout his
17 classes.

18 Q. How many computers would freeze up on -- on
19 that occasion, or on those occasions?

20 A. It was usually like the same, like, two or
21 three computers.

22 Q. And what would happen when the computers
23 froze up?

24 A. Well, the students would just try and -- if
25 they didn't save their work, they would have to

1 (At 12:48 p.m., the deposition
2 of LUIS MAGDALENO was reconvened
3 with the same persons present.)
4 -oOo-

6 MR. SIMMONS: All right. We're back from
7 lunch -- excuse me -- and I just wanted to put on
8 the record that I gave Mr. English the check for
9 Nicholas Rodriguez, his statutory witness fee of
10 \$35, the check for that.

11 Mr. Hahn at the deposition of Mr. Rodriguez
12 had informed me that he would let us know what the
13 mileage portion of the witness fee is going to be
14 and then we'll take care of that as well.

15 But I just wanted to get it on the record
16 that we had delivered the check.

17 Is that consistent with what we -- our
18 understanding?

19 MR. ENGLISH: That is consistent.

20 MR. SIMMONS: Thank you.

22 /// ///

23 /// ///

24 /// ///

FURTHER EXAMINATION

- 1
2
3 BY MR. SIMMONS:
4 Q. All right. Luis, welcome back. I just
5 want to remind you that you're still under oath.
6 A. Okay.
7 Q. And then I'll just ask you: Did you take
8 any medication or anything over lunch that would
9 affect your ability to testify?
10 A. I did not.
11 Q. All right.
12 Who was your zoology teacher?
13 A. Mrs. Arroyo.
14 Q. Would you spell that for us?
15 A. A R R O Y O.
16 Q. And did you have an opinion as to whether
17 Ms. Arroyo was a good teacher?
18 A. She was a pretty good teacher.
19 Q. What aspects about Ms. Arroyo make you
20 think that she was a pretty good teacher?
21 A. Well, we did more labs in that class and
22 that was a way of involving the students more.
23 Q. And do you recall how many students were in
24 your zoology class at the beginning of the term?
25 A. I think there were about 25 to 30.

- 1 Q. And was this a class where you used tables
2 instead of desks or --
3 A. We had lab benches.
4 Q. Were those in addition to tables and desks,
5 or was that what you used?
6 A. That's what we used.
7 Q. Okay. And did all students have a -- have
8 a seat at one of the benches?
9 A. Yeah.
10 Q. Did you have a textbook to use in your
11 zoology class?
12 A. We had a textbook.
13 Q. Was this -- was there a copy of the
14 textbook for each student to use in class?
15 A. Yeah.
16 Q. And could students take the textbook home?
17 A. Yeah, because we didn't have a class set,
18 we just had those that we could take with us.
19 Q. So each student had a copy of the text to
20 use in class and take home?
21 A. Yeah.
22 Q. Can you describe the physical condition of
23 the textbook?
24 A. They were pretty much kept in pretty good
25 shape, but they were like, really, really old. They

- 1 seemed outdated.
2 Q. Do you know about how old the books were?
3 A. At least 20 years.
4 Q. And can you tell me how you know that?
5 A. I remember looking inside the cover when we
6 had -- when they check them out to us where it has
7 the number, and right there it was 1970 ... early
8 seventies.
9 Q. And if you know, was that the copyright
10 date?
11 A. I think so.
12 Q. Other than the textbooks, did you use any
13 other types of instructional materials in the
14 zoology class?
15 A. We just took a lot of notes.
16 Q. And were these notes copied from what
17 Ms. Arroyo was saying to the class or writing on the
18 board?
19 A. Yeah, what she would say, we would write it
20 down and take our own notes.
21 Q. And did you do labs in your zoology class?
22 A. Yeah, we did about -- at least eight labs
23 in that class.
24 Q. Do you recall some of the specific labs
25 that you did?

- 1 A. A lot of them were dissecting things.
2 Q. Do you recall which animals you did a
3 dissection of?
4 A. We dissected squids; clams; and at the end
5 of the class we dissected pigs.
6 Q. Were you assigned homework in the zoology
7 class?
8 A. It was mostly just reading that we were
9 assigned.
10 Q. And was that from your textbooks?
11 A. Yeah, it would be from our textbooks. Then
12 we would get to class and we'd answer questions on
13 what we read.
14 Q. You mentioned earlier that you thought the
15 textbooks seemed outdated.
16 A. Yeah.
17 Q. What -- can you give me -- can you tell me
18 what aspects of the textbook led you to believe that
19 they were outdated?
20 MR. ENGLISH: Asked and answered.
21 THE WITNESS: All of the questions --
22 actually -- what am I saying.
23 A lot of the books there was no color in
24 the book. It seemed, like, really boring just plain
25 text. And then we would be reading out loud in

1 class and the teacher would correct what the book
 2 would say and she would tell us that things changed,
 3 just because they are so old.
 4 BY MR. SIMMONS:
 5 Q. And do you recall about how often your
 6 teacher would mention that something in the book was
 7 outdated?
 8 A. I'm not exactly sure how often, but it
 9 would happen every once in a while.
 10 Q. And were there any other aspects of the
 11 textbooks that make you think that they were a
 12 little outdated?
 13 A. Well, they didn't have any graffiti or
 14 anything like that on them, but the bindings were a
 15 little loose just because they were so old.
 16 And the teacher who had them before
 17 Ms. Arroyo used to go on a lot of field trips with
 18 his classes so ... they would take the books with
 19 them so they could identify what they saw. And lots
 20 of times they went to the beach and they would get
 21 wet, so they just started to fall apart after a
 22 while.
 23 Q. And were there any books that weren't
 24 usable?
 25 A. Not that I know of.

1 Q. Did you have tests in your zoology class?
 2 A. Yeah, we had at least one test a week,
 3 sometimes more, depending on what we were doing.
 4 Q. Can you describe for me what your tests
 5 would be like?
 6 A. Well, usually they were on what we read and
 7 we would be discussing what we did in class. And
 8 then if we would do labs, like on the chapters, then
 9 they would also be on the labs.
 10 Q. Did you have homework in your zoology
 11 class?
 12 A. During -- there was a certain period where
 13 we wouldn't have homework because we would just do a
 14 bunch of class work. But then there was about a
 15 month, month and a half where we had homework every
 16 night because she would give us packets because we
 17 were going to go on a field trip to the beach and
 18 she had to give us packets to prepare us for the
 19 field trip. So we would have homework every night
 20 during that period.
 21 Q. Did you go on any other field trips other
 22 than this beach field trip that you're referring to?
 23 A. No, we just took that one.
 24 Q. Can you describe for me what the beach
 25 field trip consisted of?

1 A. It was just all her classes, they just went
 2 down to the beach and we had to, like, just search
 3 for animals, like, see if we could describe what
 4 they looked like, find out what they were. And she
 5 had gone before so she knew exactly, like, what
 6 animals will be there. And so we were like graded
 7 on that and how well we took our notes while we were
 8 there.
 9 Q. Were there any problems with the physical
 10 condition of the zoology classroom?
 11 A. Just the drains and the gas, just like in
 12 my biology class, I think, I said, where like they
 13 seemed clogged, they wouldn't always work right.
 14 Q. And this was the situation with the drains
 15 and the gas?
 16 A. Yeah.
 17 Q. Did you ever use the gas?
 18 A. We never used the gas in that class.
 19 Except for she tried to use it once, but she
 20 couldn't get it to work.
 21 Q. And the drains were clogged in some of the
 22 sinks?
 23 A. Yeah, in some of them.
 24 Q. How many sinks were there?
 25 A. There were six, I think.

1 Q. About how many had problems with their
 2 drains?
 3 A. Three or four of them.
 4 Q. Were the drains completely clogged up so
 5 that the sink was unusable?
 6 A. Just on one of them. The other ones they
 7 were fixed after about a month. That's how long it
 8 usually took when you put a request in to get
 9 something fixed.
 10 Q. Any other problems with the physical
 11 condition of the zoology classroom?
 12 A. No, that's about it.
 13 Q. Who was your Algebra 2 teacher?
 14 A. It was Ms. Bowerman.
 15 Q. And Ms. Bowerman was also your Algebra 1
 16 teacher; is that correct?
 17 A. Yes, yes.
 18 Q. Did she teach Algebra 2 with the same
 19 competence that she taught Algebra 1?
 20 A. Yes.
 21 Q. Do you recall how many students were in
 22 your Algebra 2 class at the beginning of the term?
 23 A. It -- I'm pretty sure it was probably just
 24 like my Algebra 1. There's always a lot of students
 25 taking those classes.

1 Q. And just for the record, when we refer to
2 your -- when you say about the same amount, or it
3 was like the Algebra 1 class, is there a particular
4 number of students that you're thinking were in the
5 course?

6 A. I think it was 35 to 40 in the beginning,
7 overcrowded.

8 Q. And were there desks or tables in your
9 Algebra 2 class?

10 A. There were desks.

11 Q. Were there any students who didn't have a
12 desk at the beginning of the term in Algebra 2?

13 A. Just, like, two students, but they didn't
14 want to be in the class anyway, so that's why they
15 were standing in back. They preferred that everyone
16 else sit down.

17 Q. Those students eventually dropped the
18 class?

19 A. Yeah.

20 Q. About how long did that take?

21 A. Well, they were seniors, I remember that,
22 and they didn't want to -- they didn't need the
23 class and they didn't have to transfer to another
24 one, so they just dropped it right away.

25 Q. Did you have a textbook to use in the

1 A. Almost every day.

2 Q. Did you have tests in that class?

3 A. Yeah. Probably once every week and a half,
4 depending on what we're learning.

5 Q. Were there any problems with the physical
6 condition of that classroom?

7 A. No.

8 Q. You took a creative curriculum (sic) class
9 during your eleventh grade year; is that correct?

10 A. Creative cooking, yes.

11 Q. Can you describe what that class consists
12 of?

13 A. It was a basic cooking class where they
14 taught us how to make basic things.

15 Q. So is creative curriculum (sic) essentially
16 a home economics class?

17 A. It was pretty much -- yeah, that was pretty
18 much what it was.

19 Q. Who was the teacher for that class?

20 A. Ms. Williams.

21 Q. What kind of teacher was Ms. Williams?

22 A. She was a pretty good teacher. She knew
23 what she was talking about. She would get irritated
24 with me easily, though.

25 Q. And do you recall how many students were in

1 Algebra 2 class?

2 A. No textbook.

3 Q. Do you know why there was no textbook for
4 the Algebra 2 class?

5 A. I have no idea.

6 Q. Did you ever ask the teacher?

7 A. Not once we got to the Algebra 2, we were
8 so used to it from the other classes.

9 Q. Did the teacher have any instructional
10 materials to make use of?

11 A. Just the worksheets that she would give us.

12 Q. Can you describe these worksheets
13 generally?

14 A. They were just handwritten things she would
15 write out with math problems on them.

16 Q. And were there any other instructional
17 materials used in that class?

18 A. Just taking notes. She would tell us how
19 to do a problem and we would have to take notes on
20 it.

21 Q. Were you assigned homework in the Algebra 2
22 class?

23 A. Yeah, usually.

24 Q. Do you know about how often you would
25 receive homework in there?

1 the creative curriculum (sic) course at the
2 beginning of the year?

3 A. Probably about 30. That was a really
4 overcrowded classroom.

5 Q. And were -- how were students seated in
6 that classroom?

7 A. She just had, like, four tables for --
8 because they were -- all the stoves and all the
9 things were in the way, so she didn't have a lot of
10 room for desks or anything. So she just got four
11 tables, so it was as many people that would fit per
12 table.

13 Q. And for the most part during the class,
14 were you standing up at one of the -- the ovens?

15 A. No, we were just sitting. We couldn't cook
16 that -- we would only cook once a week so that still
17 left four days that we were all cramped at our desk.

18 Q. What kind of activities would you do the
19 other four days?

20 A. She would describe the food groups -- we
21 went by food groups -- and we would get worksheets
22 on those.

23 Q. Did each student have a place to sit at the
24 table?

25 A. No.

1 Q. Was that the case throughout the course of
2 the year?

3 A. In that class, yes. There were people that
4 had to stand up in the very back, like, by where one
5 of the stoves were, because there were no more
6 chairs, either, to sit down. So they had to stand
7 up.

8 Q. How many people were -- was this?

9 A. At least three.

10 And we didn't have assigned seats, either.
11 So if you showed up and you were late, you didn't
12 get to sit down.

13 Q. Did anyone try to get additional seating
14 for these students?

15 A. She tried to get more seats, but she --
16 they could bring her chairs but there was no -- no
17 tables. Because the counters are really high so if
18 they would have sat in the chairs, they would have
19 been writing, like too high (indicating).

20 Q. I assume there wasn't a textbook in this
21 class?

22 A. No.

23 Actually, my mistake. There were, but they
24 were so -- so torn up, with the bindings, graffiti,
25 pages, that we didn't even use them. She just had

1 overhead, a lot of information. And she would give
2 us a sheet, like, with a lot of blanks spaces and we
3 had to fill in the information based on what she put
4 on the board and the overhead.

5 Q. Did you have tests in that class?

6 A. Yeah. Once -- once -- let's see. We had
7 about six tests. We didn't have very many.

8 Q. Were you assigned homework in this class at
9 all?

10 A. Not really. The only thing we could ever
11 get assigned was to bring in like a certain
12 vegetable or whatever we needed to cook with because
13 they didn't -- she didn't have any money. Lots of
14 time she didn't have any money for us to buy food to
15 cook with, so students would either have to bring
16 their own food in so we could use it or we wouldn't
17 be able to cook.

18 Q. Did she ever provide any food to cook with?

19 A. In the beginning of the class she did,
20 because she asked for money, just because she didn't
21 have enough to do it. So some kids brought in some
22 money if they could. And if -- well, she used that
23 money for the first couple of times that we cooked.

24 Q. Were there any problems with the physical
25 condition of this classroom?

1 them there. The only time we would use them is she
2 would give the five best ones that she could find so
3 she could show us examples out of the book.

4 Q. Do you recall the title of this book?

5 A. It might have been just Creative Cooking,
6 but I'm not sure.

7 Q. Earlier you testified that your class made
8 use of worksheets. Did the class make use of any
9 other types of instructional materials?

10 A. Not really. Just notes she would write.
11 And we would look on the overhead and we would take
12 notes off of that.

13 Q. When you say "overhead," is that an
14 overhead projector?

15 A. Yeah.

16 Q. Can you describe the worksheets that you
17 would use in class?

18 A. They were just worksheets, like most --
19 actually, a lot of them were crossword puzzles with
20 like the words that we would need to know from the
21 food groups. And then we would review them and she
22 would tell us what each word meant.

23 Q. Any other types of -- any other types of
24 worksheets?

25 A. She'd also have, like, on the -- on the

1 A. It was -- it was an old classroom. All the
2 stoves -- they worked, but they were old. And I
3 remember that they were -- they were clean, but,
4 like, janitors can't get under the stoves and
5 everything, so under there was really dirty. I
6 remember a rat ran out one time. She had rat traps
7 to catch the rats just in case.

8 Q. So on one occasion you saw a rat in the
9 classroom?

10 A. Yeah.

11 Q. And was this during class time?

12 A. Yeah, we were cooking. And we were going
13 to bake something so the stove got really hot and it
14 ran out -- I'm guessing, it ran out from under there
15 because of that. And it went to a corner. And then
16 we weren't sure what we saw, and then it ran out
17 again. And we told the teacher. And she's like --
18 she said, "Oh, it's just there. We've never been
19 able to catch it."

20 Q. And did you mention that your teacher had
21 some type of trap?

22 A. She had rat traps.

23 Q. And where were those set up?

24 A. There was one in the back -- they were at
25 all the corners, and some -- some of them were in

1 between the stoves, like if you could barely see,
 2 there was some in between the stoves.
 3 Q. And were these in place during the entire
 4 year?
 5 A. Yeah.
 6 Q. Have you seen any other rats at your high
 7 school?
 8 A. I haven't personally seen any, any other
 9 ones.
 10 Q. How about mice?
 11 A. No.
 12 Q. Ever seen any cockroaches at your school?
 13 A. Yeah, I've seen a couple of those.
 14 Q. Where did you see those?
 15 A. I saw one in one of my computer classes. I
 16 think it was the keyboarding class.
 17 Q. Anywhere else?
 18 A. I -- I personally didn't see them, but my
 19 friends say that they've seen -- they've seen a
 20 couple.
 21 Q. Do you know whether there's an exterminator
 22 that comes to your school?
 23 A. Not that I know of. It's usually the
 24 janitors that try to take care of those things.
 25 Q. Who is your chemistry teacher this year?

1 A. Dr. Royce.
 2 Q. R O Y C E?
 3 A. Yeah.
 4 Q. When you say "doctor," does this teacher
 5 have a Ph.D.?
 6 A. I think so. I'm not too sure.
 7 Q. Do you have an opinion as to whether
 8 Dr. Royce is a competent teacher?
 9 A. He's a good teacher.
 10 Q. What about him makes you describe him as a
 11 good teacher?
 12 A. He's just kind of like Ms. Arroyo is, how
 13 he involves the students more when we do labs. He
 14 does a lot of labs in his class.
 15 Q. Does he seem to know the material well?
 16 A. Yeah.
 17 Q. Is there anything else that leads you to
 18 characterize him as a good teacher?
 19 A. You just -- you can get along with him, he
 20 jokes. He has a good humor so he gets along with
 21 everybody.
 22 Q. Do you know how many students were in your
 23 chemistry class at the beginning of the term?
 24 A. At the beginning, there were 20. That was
 25 a small class.

1 Q. And how are students seated in that class?
 2 A. There were just long tables.
 3 Q. Do you recall any students lacking a place
 4 to sit?
 5 A. Not in that class, no.
 6 Q. Did you have a textbook to use in this
 7 chemistry class?
 8 A. We have one, but we don't really use it
 9 because we mostly work on labs when we're in there.
 10 Q. Is there a copy of the textbook for each
 11 student in class?
 12 A. Yeah.
 13 Q. Can you take the book home?
 14 A. Yeah, those we can. We only use those for
 15 homework.
 16 Q. Are you assigned a particular copy in
 17 there?
 18 A. Yeah.
 19 Q. And has each student in your class been
 20 assigned a copy of the book?
 21 A. Yeah.
 22 Q. And what's the physical condition of those
 23 textbooks like?
 24 A. They're really old, too.
 25 Q. Are there any problems with them outside of

1 them being old?
 2 A. Just -- it's always the bindings that's
 3 always wrong with them. There's a little bit of
 4 graffiti on them, not too much.
 5 Q. And do you know about how old those
 6 textbooks are?
 7 A. Mid '60s.
 8 Q. Can you tell me how you know that?
 9 A. It's in big writing when you open it on the
 10 inside. And I remember there's a girl in there
 11 whose dad took the class in the '60s and it has his
 12 name in one of the books.
 13 Q. You mentioned that you do a lot of lab work
 14 in this class; is that right?
 15 A. Yeah.
 16 Q. Can you describe for me some of the labs
 17 that you do?
 18 A. Let's see. Well, we took, like, sodium,
 19 and we -- he didn't tell us what it was going to do.
 20 But we took sodium, like just elemental sodium and
 21 he would be like, take a little piece of it and put
 22 it in water and then write down what happens. And
 23 if the water is not too cold it will blowup, the
 24 sodium, and stuff like that.
 25 Q. How often do you do a lab in there?

- 1 A. At least once a week, sometimes more.
 2 Q. What other types of activities do you do in
 3 that class?
 4 A. He doesn't really give us worksheets
 5 because the whole time we're in there if we're not
 6 doing labs, we're usually just -- he's giving us
 7 notes. He's talking and we're taking notes.
 8 Q. Did you receive homework in this class?
 9 A. Yeah. Not every day, but about three times
 10 a week. Three or four.
 11 Q. What kind of assignments did you get?
 12 A. Just work out of the book and we'll read
 13 out of a chapter and we'll answer the questions to
 14 it.
 15 Q. And do you have tests in this class?
 16 A. Yeah.
 17 Q. How often do you have a test?
 18 A. Usually about two or three days after we do
 19 a lab, just so we can -- so he can test us on what
 20 we did in the lab and what we read.
 21 Q. Were there any problems with the physical
 22 condition of your chemistry classroom?
 23 A. Just the faucets and the gas pipes, because
 24 it has -- it has the lab benches, too, in there.
 25 Q. Is this a different room from your --

- 1 A. Yeah.
 2 Q. -- zoology classroom?
 3 A. Yes.
 4 Q. How many -- we've talked about your science
 5 rooms, you've had a physical science, you've
 6 biology, zoology and now chemistry.
 7 A. Yeah.
 8 Q. How many classrooms -- different classrooms
 9 did those take place in?
 10 A. Oh, technically four. But with Wilkinson,
 11 the biology, we had to switch to another class.
 12 Q. Okay.
 13 A. But if it wasn't for that, it would have
 14 been three.
 15 Q. And which classrooms -- had you not
 16 switched from there, which classrooms would have
 17 been in the same lab?
 18 A. Just that one.
 19 Q. Okay.
 20 A. So there was -- there's actually -- it
 21 would have been three classrooms I would have been
 22 in.
 23 Q. Did any -- did you have four science
 24 classes?
 25 A. Yeah.

- 1 Q. And three rooms?
 2 A. Yeah.
 3 Q. Had you not moved out?
 4 A. Yeah.
 5 Q. So did one room serve as a classroom for
 6 two of your science classes? Did you have the same
 7 room for chemistry or zoology or some other set of
 8 classes?
 9 A. I had the same room for physical science
 10 and biology.
 11 Q. Thanks.
 12 Who was your commercial art teacher?
 13 A. Mrs. Romero.
 14 Q. And was that the same teacher for your
 15 computer fine arts class?
 16 A. Yeah. Same classroom, too.
 17 Q. Does she do a good job in the commercial
 18 art class?
 19 MR. ENGLISH: Vague.
 20 THE WITNESS: Yeah, she does.
 21 BY MR. SIMMONS:
 22 Q. What about -- what aspects of her teaching
 23 leads you to think that she does a good job?
 24 A. Well, just like the other class, she's
 25 experienced in it, she knows what she's doing.

- 1 Q. Can you tell me what kind of activities you
 2 do in the commercial art class?
 3 A. We do a lot of advertising type things.
 4 Q. So some of the assignments are to create an
 5 advertisement for a certain product?
 6 A. Yeah, we'll do packages for the candy, or
 7 things like that.
 8 Q. Do you use the computer to create these
 9 advertisements?
 10 A. We can, but a lot of it is drawing
 11 ourselves. She gives us the option of if we want to
 12 use the computer, but we don't have to.
 13 Q. About how many students are -- were in this
 14 class at the beginning of the term?
 15 A. Not too many of them dropped. I mean,
 16 right now there are about 30.
 17 Q. How are students seated in that class?
 18 A. Just tables.
 19 Q. Does each student have a spot to sit at the
 20 table?
 21 A. Yeah.
 22 Q. And has that been the same throughout the
 23 term?
 24 A. Yeah.
 25 Q. Is there a textbook that you use in there?

1 A. No, we don't have any textbooks in there.
 2 Q. Any other kinds of instructional materials?
 3 A. Just taking notes.
 4 Q. No worksheets in that class?
 5 A. Rarely do we get a worksheet.
 6 Q. What kind of worksheet would it be?
 7 A. It's actually just a shorter way of taking
 8 notes, she just already wrote them down. That's
 9 what she gives us.
 10 Q. Do you get homework in this class?
 11 A. No, we don't get any homework.
 12 Q. Are you tested?
 13 A. Rare. It's -- it's not even a test thing.
 14 Like we have a final at the very end, but that's
 15 about it.
 16 Q. Do you understand -- do you have an
 17 understanding as to what type of material will be
 18 covered on the final?
 19 A. Just basic questions on, like, the program
 20 she -- we used when we did use the computer. Like,
 21 just things like needed in design, like colors --
 22 THE REPORTER: Just things like needed
 23 in ...
 24 THE WITNESS: Needed in design.
 25 ///

1 BY MR. SIMMONS:
 2 Q. And you were going to give some examples, I
 3 think.
 4 A. Yeah, like colors, shading, things like
 5 that.
 6 Q. Are you -- are you graded on your projects
 7 that you prepare in there?
 8 A. Yeah.
 9 Q. And does that make up the bulk of your
 10 grade, if you know?
 11 A. Mostly.
 12 Q. Are there -- were there any problems with
 13 the physical condition of this classroom?
 14 A. Well, it was the same room as the computer
 15 fine art, so it gets a little hot in there.
 16 Q. Who is your English 12 teacher?
 17 A. Mr. Augustine.
 18 Q. Will you spell that for us?
 19 A. A U G U S T I N E.
 20 Q. And is he a competent teacher?
 21 A. He is, but not for seniors, because he's
 22 always taught freshman and this year was his first
 23 year of teaching seniors because they didn't have
 24 enough English teachers.
 25 Q. So you think he's a good teacher for

1 freshmen, but not quite as good with seniors?
 2 A. Yeah.
 3 We don't do anything that's, like,
 4 challenging in there. All we do is -- he gives us
 5 like writing assignments, like, once a day that he
 6 would give his freshmen and it's really easy work.
 7 Q. Do you know what kind of assignments
 8 students and the other seniors in other English
 9 classes get?
 10 A. They get a lot more reading assignments,
 11 writing assignments, grammar. We don't really get
 12 any grammar or reading assignments because we don't
 13 have any textbooks in there.
 14 Q. How many students were in this class at the
 15 beginning of the term?
 16 A. Probably about 30.
 17 Q. And how are students seated in this class?
 18 A. Just at desks.
 19 Q. Do you recall any students not having a
 20 desk?
 21 A. No, not in that class.
 22 Q. You testified that there's no textbook for
 23 this class; is that correct?
 24 A. There isn't any textbooks in that class.
 25 Q. Are there -- do you use other instructional

1 materials in there?
 2 A. He just -- he'll give us worksheets every
 3 once in a while. And we'll just take notes on
 4 whatever he says. The only thing we do -- the only
 5 books we do have are the books he makes us check out
 6 from the library so we have something to read when
 7 he gives homework.
 8 Q. And does the class read the same book?
 9 A. No. It's just -- you get to pick the book
 10 but he has to approve it.
 11 Q. And what kind of homework assignments do
 12 you get in that class?
 13 A. It's usually either reading and then
 14 writing about what we read, or usually about a page
 15 a night of writing on different topics.
 16 Q. Do you get homework in there every day?
 17 A. Yeah.
 18 Q. Do you have tests in that class?
 19 A. Just vocabulary test, but we don't -- but
 20 we've only got vocabulary three times this year so
 21 far.
 22 Q. So you're graded on your writing for the
 23 most part so far?
 24 A. Yeah, graded on writing and other kinds of
 25 class work that we do.

- 1 Q. What other kinds of class work do you do?
 2 A. Sometimes we get in groups and we have to
 3 work on these, like, journals that we're doing and
 4 he'll check them.
 5 Q. How many boys' bathrooms were there at
 6 Santa Paula during your ninth grade year?
 7 A. During my ninth grade year? There were
 8 three. There's always been three.
 9 Q. And that three has been the same throughout
 10 your time there?
 11 A. Yeah. The only difference now is that one
 12 of them is always closed now.
 13 Q. And when you say "always closed now," are
 14 you referring to this school year, your twelfth
 15 grade year?
 16 A. And last year.
 17 Q. So there are three boys' bathrooms at the
 18 school, but during your eleventh and twelfth grade
 19 year one of them was always closed?
 20 A. Uh-huh.
 21 Q. Do you know why?
 22 A. I'm not sure, to tell you the truth.
 23 Q. Did you ever ask anyone?
 24 A. There's no one really to ask. If you ask
 25 the security guards, they usually don't tell you.

- 1 They just tell you, "Just go to the other one." Or
 2 they'll say, "Oh, they're fixing that one." But if
 3 that's what it is, they've been fixing it for the
 4 last two years.
 5 Q. Did you ever ask a principal or a teacher?
 6 A. No.
 7 Q. Is there a way to describe where the
 8 bathrooms are at, or located on your campus?
 9 A. It's a little hard if you don't know the
 10 school, but --
 11 Q. Is there kind of a colloquial name that you
 12 refer to the different bathrooms as?
 13 A. Not really.
 14 The only thing I can say is there's one by
 15 the main entrance, and there's another one by the
 16 lockers, but that's the locked one. And there was
 17 one more by the rooms that they call the 500s,
 18 that's just how everybody knows them. And that's
 19 it.
 20 Q. There's one by the lockers?
 21 A. Yeah.
 22 Q. Does that -- and that's not a gym locker,
 23 that's a regular locker for your books?
 24 A. Yeah. There's these halls that have the
 25 lockers in them.

- 1 Q. Is each student assigned a locker at your
 2 school?
 3 A. If they want one, they can apply for a
 4 locker at the beginning of the year, but not all
 5 students have them.
 6 Q. Do you know if there's enough for all
 7 students?
 8 A. Actually, I don't think there is.
 9 Q. Do you know any students who have applied
 10 for one and haven't been able to get one?
 11 A. My freshman year, I didn't get one.
 12 Q. And you applied for one that year?
 13 A. Yeah.
 14 Because when they -- when they hand them
 15 out, they start with the seniors and they go down.
 16 And the freshman are the last ones to get them.
 17 Q. Do you know nobody else who has applied for
 18 a locker but didn't get one?
 19 A. I probably do, but I haven't asked them.
 20 Q. And the bathroom that's by the main
 21 entrance, are there stalls in that bathroom?
 22 A. Yeah.
 23 Q. How many?
 24 A. There are three.
 25 Q. And are there urinals in that bathroom,

- 1 too?
 2 A. Yeah, there are two of those.
 3 Q. And the one -- the bathrooms by the
 4 lockers, or the one bathroom by the lockers, are
 5 there stalls in that one?
 6 A. They weren't -- there were stalls, but they
 7 didn't really look like stalls, because there
 8 weren't any walls up to them. The walls were like
 9 three feet high and that was it.
 10 Q. So there were -- there were commodes in
 11 them, but they weren't as sectioned as the -- as
 12 other stalls would be?
 13 A. Yeah.
 14 Q. And were there three of those?
 15 A. There were two of those.
 16 Q. Two of those.
 17 And were there urinals in that bathroom?
 18 A. Yeah, there were three of those.
 19 Q. Three of those.
 20 And how about with respect to the restroom
 21 by the 500s?
 22 A. I haven't used that one, so I'm not too
 23 sure. That one is like too far away from my regular
 24 classes, so I don't use that one.
 25 Q. Are there sinks in the bathroom by the main

1 entrance?

2 A. Yes.

3 Q. How many?

4 A. Two, I think.

5 Q. And how about with the bathroom by the
6 lockers?

7 A. There are two.

8 Q. And with the bathroom by the lockers, how
9 do you know that that bathroom has always been
10 locked during your eleventh grade and twelfth grade
11 years?

12 A. Because I remember when I was a freshman
13 and sophomore, people would always use those. And
14 then as soon we started in my junior year, we
15 would -- all of a sudden it was locked and they
16 never opened it. There's just -- there's just a
17 lock on them, like a chain, a chain and a lock and
18 no one ever opens those.

19 Q. So there's a visible chain --

20 A. Yeah.

21 Q. -- and a padlock on it, on the outside of
22 the restroom?

23 A. Yeah.

24 Q. Do you know if anybody has asked why those
25 bathrooms are locked?

1 A. I have no idea, it just always was.

2 Q. Was it more out of the way so it was easier
3 for students to make it dirty without getting
4 caught, or --

5 A. It was more hidden, so, like, security
6 couldn't see it or they wouldn't clean it as often
7 just because it was out of the way, like in the
8 hall. The one that's by the main entrance is like
9 in plain view of where the security guards stand.

10 Q. How often would you use the bathroom by the
11 lockers during your ninth and tenth grade years?

12 A. That one I only used once.

13 Q. Only one occasion?

14 A. I only used it once.

15 Q. And so is this the -- when you say it's
16 always dirty, that that one was always dirty, do you
17 just mean it was dirty that one time you went there,
18 or ...

19 A. No, it was always -- that's why I only went
20 once because everyone would always say that one is
21 really dirty. And there was always graffiti
22 everywhere and toilet paper all over the ground.
23 It's just right by the lockers, and during break and
24 lunch, the halls of the lockers are always really
25 packed and a bunch of people go in there.

1 A. Some people have asked the teachers, but
2 the teachers don't know.

3 Q. How often -- how often would you use the
4 bathroom that's by the main entrance?

5 A. I use it, at the most, once a week.

6 Q. And has that been about the same since
7 you've been at school, or did you use it more or
8 less during the -- your ninth, tenth or eleventh
9 grade years?

10 A. I think I would say I used it more during
11 my ninth and tenth, because now I can -- as a junior
12 and senior I can leave campus during lunch. So I
13 would just go home and use the restroom there.

14 Q. About how often do you think you would use
15 it during the ninth and tenth grade?

16 A. Probably twice -- two or three times a
17 week, at the most.

18 Q. Were there ever any occasions where you
19 went to use the bathroom by the main entrance and
20 found that it was dirty?

21 A. Not with that one. But when I was a
22 freshman and sophomore, the one by the lockers
23 was -- that one was always dirty.

24 Q. Do you know why that one was dirtier than
25 the other one?

1 Q. Just to make sure. Your knowledge of the
2 cleanliness of the bathroom by the lockers is based
3 on what you've heard from other students; is that
4 right? Other than the one occasion that you went to
5 use it.

6 A. Yeah.

7 Q. Okay. Have you ever gone to use the
8 bathroom by the main entrance and found that it
9 lacked soap?

10 A. Yeah, that one, it's always missing soap.
11 They have the soap dispenser, but it doesn't seem to
12 work right.

13 Q. Does -- does it ever work properly? Have
14 you --

15 A. It works, but like when you use it, like,
16 the soap, it feels like water and it doesn't really
17 work very well.

18 Q. About how often do you think you will go to
19 the bathroom by the main entrance and find that it
20 lacks soap?

21 A. Not very often. The janitors actually
22 clean that one, like, every day.

23 Q. When you went to use the bathroom by the
24 lockers on the one occasion, do you know whether --
25 recall whether it had soap in that bathroom?

1 A. I don't remember.

2 Q. Did you ever use the bathroom, or have you
3 ever used the bathroom by the main entrance and
4 found that it lacked toilet paper?

5 A. I'm not sure, because when I go there
6 usually is, but I don't really use the stalls.

7 Q. Okay. And would that also be true with
8 respect to the bathroom by the lockers?

9 A. Yeah.

10 Actually, that one was, the toilet paper,
11 it's not that it was missing, it's just that it was
12 all over the ground, just -- since the stalls
13 weren't, like, built up high, like the walls to
14 them, people would just grab the toilet paper and
15 they would just throw it places. And then the
16 janitors wouldn't get to it until later because they
17 wouldn't clean that bathroom every day.

18 Q. Do you know how often they clean that
19 bathroom?

20 A. Probably twice a week.

21 Q. And I just want to make sure with respect
22 to the last question, when you answer "twice a week"
23 about how often they clean that, are you -- are you
24 making a reasonable estimate, or do you feel like
25 you're speculating on that one?

1 break we had.

2 Q. When is the first break?

3 A. It's between our first period and our
4 second period.

5 Q. How long is that break?

6 A. Fifteen minutes.

7 Q. Do you know on how many occasions you've
8 had to wait in line during that break?

9 A. A couple times. Usually I don't go in
10 during break, but when I do go, it's usually a lot
11 of people there.

12 Because teachers don't like to let students
13 go during class, so that's when -- your only chance
14 is to go during break and lunch. And it's -- since
15 the other bathroom is locked and there's another one
16 by the 500s which is hard to get to, because
17 security stops you because they don't know where
18 you're going, it's -- everybody goes to that one.

19 Q. And you -- you can recall a couple times --
20 does -- that you've had to wait in line there?

21 A. Yeah. Because I usually don't go, I just
22 wait until lunch when I can go home.

23 Q. And that couple times, does that refer to
24 just this year, the twelfth grade, or does that
25 refer to since you've been at Santa Paula.

1 A. I think it's an estimate.

2 Q. Okay.

3 A. Because whenever people would go in there,
4 they would always complain that that bathroom was
5 really dirty.

6 Q. Okay. And is your estimate based on more
7 what you've heard about the -- the cleanliness of
8 that bathroom in general? Is that -- is that based
9 on what you -- is that what you're basing your
10 estimate on?

11 A. Yeah. Students don't want to use the dirty
12 restroom, so after a while people stop using it,
13 they start using the other one, and it's got to be
14 for a reason.

15 Q. Okay. Do you ever use the -- have you ever
16 used the bathroom by the main entrance and found
17 that it lacked paper towels?

18 A. Paper towels, no.

19 Q. How about when -- when you used the
20 bathroom by the lockers on the one occasion, do you
21 recall whether there were paper towels or not?

22 A. I don't remember.

23 Q. Have you ever had to wait in line to use
24 the restroom at school?

25 A. Yeah, during a break, during the first

1 A. That's just this year.

2 Q. About how many times do you think since
3 you've been at Santa Paula have you had to wait in a
4 line to use a restroom?

5 A. I'm not too sure. I would be guessing if I
6 said a number.

7 Q. Okay. Have you ever been late to class
8 because you had to wait in line to use the restroom?

9 A. No, I've never been late to class because
10 of that.

11 MR. SIMMONS: Could we mark this as
12 Exhibit 3.

13 (The document referred to was marked by the
14 Reporter as Deposition Exhibit 3 for identification
15 and is attached hereto.)

16 BY MR. SIMMONS:

17 Q. Take a couple seconds to look through that,
18 if you would.

19 A. (Examining document.)

20 Q. Do you recognize the document?

21 A. Yeah.

22 Q. Can you tell me what Exhibit 3 is?

23 A. It's my declaration.

24 Q. And have -- you've read this document
25 relatively recently; isn't that correct?

1 A. Yes.

2 Q. As -- as you read through it again, did you
3 find any inaccuracies in this document at all?

4 A. No, not really. It all seems pretty
5 accurate.

6 Q. Were there any parts that seemed less
7 accurate than others?

8 A. Not really.

9 The only thing that was different is when I
10 gave the declaration, there were three counselors at
11 my school and right now there actually -- there are
12 only two.

13 Q. If you look at the first page of the
14 declaration marked Exhibit 3, and you'll see that in
15 paragraph four the first sentence says:

16 "There are classes that only have
17 a class set of books and this is also
18 a problem."

19 And in your declaration you refer to your
20 English class for the 2000/2001 school year. It
21 looks like there's an extra zero in there that we
22 can take out, huh?

23 A. Yeah.

24 Q. It's just a typo.

25 Now, you've also identified some other

1 agricultural classes, and most of those only have
2 class sets.

3 Q. Any other classes that you can think of?

4 A. That I can think of right now, not really.

5 Q. And can you describe -- or explain to me
6 what the agricultural classes are?

7 A. It's like a program that students can take,
8 like if they're like -- if they're involved with all
9 the farming that goes around, raising animals at
10 school. Things like that.

11 Q. Now, if you'll turn to page two, and you'll
12 see at line five, still in paragraph four, it says,
13 "Many books are also from the mid 1980s."

14 I believe -- do you recall which textbooks
15 you identified earlier today as being from the
16 1980s?

17 A. I don't know which ones.

18 Q. Okay. As you sit here right now, can you
19 think of -- when it says there, it says, "Many books
20 are also from the mid 1980s," I just kind of want to
21 know which books you're thinking of that make up the
22 1980s that you believe were from the 1980s.

23 A. If I'm not mistaken, I think it was my
24 physical science books and biology books.

25 Q. And are you aware of any other books that

1 classes here today that you took where there was
2 only a class set of textbooks.

3 A. Yes.

4 Q. Are you aware of any other classes where
5 there's only one set of textbooks for the class at
6 Santa Paula High?

7 A. I'd have to think about that, but I'm sure
8 there are. There are lots of classes that only have
9 class sets.

10 Q. As you sit here today, can you recall any
11 of them specifically?

12 A. Do you mean besides the ones -- classes
13 that I took?

14 Q. Exactly. Like we know -- we have the
15 classes that you identified that were a part of your
16 schedule where there were a class set of textbooks.

17 A. Okay.

18 Q. And English I believe was one of the ones
19 you identified in your testimony today --

20 A. Yeah.

21 Q. -- but just in addition to those classes, I
22 wanted to know if you're personally aware of any
23 other classes where they only have a set of
24 textbooks to use in class.

25 A. If I'm not mistaken, I think there's

1 were -- that seemed to be from that time period?

2 A. That time period exactly? Not that I can
3 think of right now.

4 Q. Okay.

5 A. But there might have been.

6 Q. And if you'll look at paragraph five at
7 line 12, and we've talked about your eleventh grade
8 history class already, and you say that it was too
9 crowded with about 40 students. Can you tell me how
10 you knew that there were about 40 students in that
11 class?

12 A. Usually on the first day when someone goes
13 into the class you just kind of look around to see
14 if you know anybody, count, just to see how many
15 people are in there. And then I remember the
16 teacher taking roll and he had to flip the page
17 because there was like five names that he didn't --
18 that couldn't fit on that first page of the
19 attendance sheet.

20 Q. And do you know how many students are -- or
21 how many students would normally be able to fit on
22 the first page of an attendance sheet?

23 A. I think it's 30 to 35. Thirty-five.

24 Q. In that last sentence of paragraph five --
25 and this happens on page two at line 18, you say

1 that:

2 "The class was too big with 40
3 students and I could tell that it was
4 hard for the teacher to manage the
5 class."

6 The number of students in this class was --
7 was reduced after the first two weeks; is that
8 correct?

9 A. Yeah.

10 Q. And do you recall about what number it was
11 reduced to?

12 A. Between 30 and 35. Probably 35.

13 Q. Now, at that size, was the class still hard
14 for the teacher to manage?

15 A. Yeah, because all the seats were still
16 taken. And since he was the new teacher, he still
17 wasn't sure how to go about teaching the class.

18 Q. Was this the -- when you say all the seats
19 were taken, do you mean that there were students who
20 didn't have a seat still, or do you just mean that
21 the class was full?

22 A. The class was full and then there was still
23 the three students that had to sit on the -- by the
24 computers.

25 Q. And what things -- what things made you

1 down to make noise, and everybody would get scared
2 and they would pay attention to him. And he would
3 be really, really mad and everybody would finally
4 start to quiet down.

5 Q. And so when you say it was hard for him to
6 manage the class, does that mean it was hard for him
7 to keep the class focused and -- and quiet during
8 class time?

9 A. Yeah.

10 Q. And about how often -- how many times per
11 week would you say that he had problems with that?

12 A. It seemed like almost every day, even if it
13 was, like, maybe not a really big deal -- like a
14 really big thing, but almost every day he'd have to
15 try and, like, control the class because they would
16 start to get out of hand.

17 Q. And how long -- if the class got out of
18 hand, for how long would they stay out of hand?

19 A. Well, if he wasn't paying too much
20 attention to the class, it could go on for 20, 25
21 minutes. But if he was paying attention and it
22 happened, especially if he was trying to teach
23 something, it would take ten minutes to quiet
24 everybody down.

25 Q. And you -- and those just basic -- are

1 feel that it was -- were there specific examples
2 that you can give me that made you think that it was
3 hard for the teacher to manage the class?

4 A. Well, since the class was like so big and
5 with so many students, like whenever he tried to say
6 something, like the students would be talking and it
7 would be hard for him to quiet everybody down. And
8 it was hard for him to get his point across with so
9 many students there.

10 Q. Can you recall any specific instances that
11 you think really will provide an example of what
12 you're telling me about?

13 A. I have to think.

14 I remember him yelling at some students
15 because he had written -- he was trying to help
16 another student while we were doing class work, but
17 since there were so many students everybody was
18 talking and he was trying to get everybody to quiet
19 down and no one would quiet down. And he was on one
20 corner of the classroom and the other people that
21 were talking were on the other side, that were being
22 really loud, and there were so many people that he
23 was yelling at them but they couldn't hear him.

24 And he finally like -- I remember he would
25 pick up the book stop to use and he would throw it

1 those averages?

2 A. Yeah, it's an average.

3 Q. So almost every day there was -- it's your
4 testimony that almost every day there was a
5 disturbance in the class that could last anywhere
6 from ten to 25 minutes?

7 A. Yeah.

8 Q. Now, let's turn to paragraph six. And it
9 says, "There are not enough counselors in
10 Santa Paula High School" in the first sentence of
11 paragraph six.

12 Could you define for me what you mean by
13 the term "counselor" as you use it in that sentence?

14 A. It's the guidance counselors we have.
15 They are just the people that deal with all our
16 schedules and any questions we have.

17 Q. And do they provide any guidance on
18 applying to colleges?

19 A. If we -- yeah, they can.

20 Q. Do you have to schedule an appointment to
21 get that kind of guidance?

22 A. Yeah. You can't just walk in there because
23 they're always so busy.

24 Q. And how do you go about scheduling an
25 appointment with the counselor?

1 A. You just walk into the guidance office and
2 the secretary there, she'll ask you what you need.
3 And if you need to talk to your counselor, she'll
4 give you a slip. You just fill it out and tell her
5 what -- what your classes are, like usually what
6 your second period is, and then during the next days
7 they'll just get you out of class so they can talk
8 to you.

9 Q. How -- and it's generally the second period
10 that they will see students?

11 A. It's usually during the second period,
12 especially during the first two weeks of each
13 class -- of our beginning classes.

14 Q. How about have you ever tried to make an
15 appointment with the guidance counselor outside of
16 those first two weeks?

17 A. Yeah, when I had to talk to her about
18 getting my transfers, actually for my college
19 applications, because I didn't know where I could
20 get them so I wanted to talk to my counselor. And
21 it took about three or four days because nobody was
22 fixing, changing their schedules or anything, so it
23 took about three or four days.

24 Q. So did you go to the guidance counselor
25 office and made an appointment; is that how it

1 hire another guidance counselor?

2 A. No, they're not trying. Even the teachers
3 are complaining about that, that they know we need
4 more counselors but for some reason or another, they
5 don't want to hire anymore. The last -- the last
6 counselor that left, she wanted to stay, but they
7 didn't want to rehire her.

8 Q. And do students ever complain to any -- to
9 the principal or any administrator about the lack of
10 counselors?

11 A. Yeah, all the time, especially when we
12 first start our new classes because it takes so
13 long, it would be -- it would go a lot faster.

14 Q. And do the principals or the administrators
15 have a response?

16 A. They say they're doing what they can.

17 Q. If you look at paragraph seven, it says:

18 "During my eleventh grade cooking
19 class in the 2000/2001 school year I
20 saw a rat and there were rat traps
21 around the classroom." And it says,
22 "Once we were cooking on the stove, a
23 rat came running out from under the
24 stove and past me."

25 Those -- the instance that you're referring

1 worked?

2 A. Yeah.

3 Q. And do they have a calendar that they keep
4 there, or how do you make an appointment?

5 A. I'm assuming they have a calendar because
6 you go in there and drop it in the in-box and as
7 soon as they're done with their appointments, they
8 put them in the out-box and then just throw them
9 away.

10 Q. Do you recall how many guidance counselors
11 there were at Santa Paula during your ninth grade
12 year?

13 A. There were four.

14 Q. And how about during your tenth?

15 A. I think four still. One -- there was one
16 per grade.

17 Q. And in your eleventh grade?

18 A. It got cut down to three.

19 Q. And this year I believe you testified
20 there's two; is that correct?

21 A. Yeah, there's two.

22 Q. And it's been that way for the entire
23 school year this year?

24 A. Yeah.

25 Q. Do you know whether the school is trying to

1 to in the first sentence of paragraph seven and the
2 second sentence of paragraph seven, that's the --
3 that's the same rat; is that correct?

4 A. Yeah.

5 Q. And I think you testified earlier that you
6 had not seen any other rats; is that correct?

7 A. No, I hadn't seen any other ones. I had
8 heard about it, but I hadn't seen them myself.

9 Q. Do you know about how many other times you
10 have heard of a rat on campus?

11 A. Just a couple times around school I have
12 heard it.

13 Q. And when you say "a couple," does that mean
14 about two?

15 A. Yeah, two or three at the most.

16 Q. And if we turn to paragraph eight, you'll
17 see the second sentence says:

18 "Because there is only one open,
19 there are always lines to go to the
20 restroom."

21 A. Yeah.

22 Q. There's two bathrooms open, though; is that
23 right?

24 A. Yeah, but one of them in the 500s and that
25 one you can't get down to unless you have a class

1 down there.

2 Q. And where it says there, it says: "Because
3 there are only one open, there is always lines to go
4 to the restroom." Can you tell me what you mean by
5 always?

6 A. Like during break and lunch, which is when
7 everybody can go, it's -- there's always lines. You
8 always have -- if you want to go, you always have to
9 wait.

10 Q. And that's the case every day of the school
11 year?

12 A. Yeah.

13 Q. And do you know how long you have to wait?

14 A. It's -- it depends. Sometimes it would be
15 like ten minutes if you're waiting there, sometimes
16 it could be less, sometimes it could be more. It
17 all depends on how many people are going.

18 Q. And how long are the lines, generally?

19 A. Usually around six or seven people. The
20 girls' room is always a lot longer, though.

21 Q. How much longer?

22 A. About four or five more girls, at least.
23 Because the guys' line sometimes barely goes out the
24 door, about one or two people, and the girls' goes
25 around the side of it.

1 which a lot of people have their science classes and
2 math classes up there, it takes a long time to walk
3 down to the bottom of the hill and then walk back
4 up.

5 Q. Those classes aren't the 500s up there?

6 A. The 500s are actually below that restroom.

7 Q. Okay. So the main entrance is kind of in
8 the middle of the hill?

9 A. Yeah.

10 Q. And then students who have class there,
11 above -- above the main entrance use the bathroom at
12 the main entrance?

13 A. Yeah.

14 Q. Okay.

15 A. The only people that use the bathroom in
16 the 500s are the people that have classes down
17 there.

18 Q. And when you say "down there," you mean
19 actual classes within the 500s?

20 A. Yeah.

21 Q. Have you ever timed how long it takes to go
22 from the bathroom at the main entrance to the
23 upper -- upper part of campus?

24 A. Oh, yeah. When teachers let you go,
25 they'll say, "You have five minutes" and you get

1 Q. Do you know any students who have been late
2 to class because they had to wait in line to use the
3 restroom?

4 A. Every once in a while some students like --
5 because I have art for second period right now,
6 every once in a while they'll run in late.

7 Q. And when you say "every once in a while,"
8 can you put that in ...

9 A. It's like once a week.

10 Q. Are you comfortable with that estimate?

11 A. Yeah.

12 Q. Okay. If you'll look at this sentence that
13 starts -- at the end of line six, it says:

14 "This is especially true when
15 your class is on the other side of the
16 school from the open bathroom."

17 A. Yeah.

18 Q. Can -- can you explain to me where the
19 other side of the school is -- you're referring to
20 the bathroom at the main entrance here, I would
21 think?

22 A. Yeah.

23 The main entrance is towards the bottom of
24 the school because the school is built on a hill.
25 So if you have a class way at the top of the hill,

1 down there and you'll come back up and if they're
2 paying attention they'll go, "You took more than ten
3 minutes."

4 Q. So you think the average time to go from
5 the top half of campus to use the restroom at the
6 main entrance is probably ten minutes?

7 A. Yeah.

8 Q. Can you tell me what the good qualities are
9 at your high school?

10 A. The good qualities?

11 MR. ENGLISH: Vague.

12 THE WITNESS: Let's see.

13 Well, the teachers that I tended to go in,
14 get into their classes, they're much more outgoing.
15 And like they -- they help the students more, they
16 involve the students more. They -- sometimes they
17 tend to be smaller classes so they can -- you can
18 relate with the teachers more, you can talk to them
19 more.

20 And that's not true like with overcrowded
21 classes, the teacher can't get to you. And whether
22 there is a textbook or not in the class, it gets
23 harder if there's too many people because if you
24 have a question about the book and the teacher can't
25 get to you in time, it makes it harder.

1 BY MR. SIMMONS:

2 Q. We've talked about various conditions at
3 your school relating to textbooks, class size, and
4 facilities. Can -- can you tell me how these
5 conditions affect your educational experience?

6 MR. ENGLISH: Objection. Calls for expert
7 testimony.

8 But answer to the best of your ability or
9 opinion.

10 THE WITNESS: Well, if the class is
11 overcrowded, it's harder to hear the teacher, first
12 of all. It's harder, to, like, pay attention,
13 because there's so many distractions around you.

14 And if there's no textbooks or anything
15 like that, if you have a question, like outside of
16 the class, there's no one to ask. Unless you
17 have -- unless you have your notes and sometimes
18 your notes aren't always correct. And if you had a
19 textbook with you, you could look back into the
20 textbook.

21 And then with the restrooms, sometimes -- I
22 remember being in class just taking a math test and
23 I had to go to the restroom, and the teacher
24 wouldn't let me go until I finished my math test.
25 But I had just started it and it was like an

1 Q. Are there any other ways that your ability
2 to do homework has been affected by the conditions
3 you've identified today?

4 A. Sometimes I can't do my homework,
5 especially when I'm absent, because if they take
6 notes and then they ask you -- they give you work on
7 the notes and you weren't there that day, you can't
8 do the homework. And then when you go back in and
9 ask them what the homework was, they'll tell you but
10 since you didn't have the notes, it's really hard to
11 do that.

12 Q. Can you borrow the notes from anyone?

13 A. You can usually borrow them from a friend,
14 they'll tell you to do that, but then once you do
15 that you're not learning from the teacher at that
16 point, you're learning from your friend who might
17 not have taken good notes.

18 Q. Have any of the conditions affected your
19 ability to concentrate in class?

20 MR. ENGLISH: Objection. Calls for expert
21 opinion and testimony.

22 But go ahead and answer.

23 THE WITNESS: Like, if I ever need to go to
24 the restroom and I know it's going to take a while
25 but I need to do something like considering class

1 hour-long math test. And it was harder to
2 concentrate on the test because I had to go to the
3 restroom.

4 If there were more restrooms around, like
5 really close to where my class was, she might have
6 let me go. Because I had a math class, I would have
7 had to walk all the way down, that would have been
8 taking ten minutes. It would have taken too long.
9 And teachers weren't comfortable with students
10 leaving class for that long especially during a test

11 BY MR. SIMMONS:

12 Q. Have any of the conditions affected your
13 ability to do homework?

14 A. Just the textbooks. Because if we can't
15 check them out because everybody else checked them
16 out, it's too hard -- it's really hard to do your
17 work.

18 Q. Can you tell me how -- in what way it's
19 hard to do your work?

20 A. Well, if we had a reading assignment and we
21 had questions to it and you didn't have time to
22 finish them in class but there's no more books to
23 check out, you can't really answer the questions
24 unless you're doing it by memory, and that's hard to
25 do.

1 work, you either have to hurry up and finish your
2 class work, or not go to the restroom.

3 BY MR. SIMMONS:

4 Q. Can you think of -- strike that.

5 Have any of the conditions that we've
6 talked about here today affected your grades?

7 A. My grades.

8 One thing I can think of was my geometry
9 class. Because I didn't like the way the teacher
10 taught the class. And since there were no
11 textbooks, I couldn't refer to a book to -- and --
12 to ask for help. And whenever I would ask the
13 teacher for help, he would explain it his way and it
14 was just the way I couldn't understand it.

15 Q. Can you think of any other ways in which
16 the conditions we've talked about today have
17 affected your grades?

18 A. Not right know.

19 Q. Did you take the SATs?

20 A. Yes, I did.

21 Q. Have any of the conditions that we've
22 spoken about here today affected your performance on
23 your SATs?

24 A. A little bit on the -- I took them twice.

25 The first time I took them, a lot of it was based on

1 logarithms. And in my math class we hadn't gotten
2 to those yet. And I knew if I would have had a
3 book, I would have just looked over the whole book
4 to see what else, like, Algebra 2 involves, not just
5 what I learned, just to make sure that I knew the
6 basic idea of the math so when I took the SATs.

7 Q. When did you first take the SATs?

8 During -- during what school year?

9 A. At -- it was at the end of my junior year.

10 I think it's in my transcripts, the date.

11 (Examining document.)

12 Yeah, June 1st. That was the first time I
13 took them.

14 Q. Can you tell me where you're looking?

15 A. It's in the very back page, very bottom and
16 on the left. That's the first time I took them.

17 Q. Okay. The date there, the 6/1?

18 A. Yeah.

19 Q. And have you -- did you say you've taken
20 your SATs again?

21 A. Yeah, I took them November 3rd, after.

22 Q. Okay.

23 A. And by that time, I'd already studied all
24 of Algebra 2, so I did a lot better on the test,
25 because I knew more of the math.

1 A. Yes, I am.

2 Q. Have any of the conditions that we've
3 spoken about today affected your ability to get into
4 the school of your choice?

5 MR. ENGLISH: Objection. Calls for expert
6 testimony.

7 THE WITNESS: Well, it's a little hard to
8 explain that, because you never really know until
9 you get accepted to the college.

10 BY MR. SIMMONS:

11 Q. Have you -- have you completed any
12 applications to schools yet?

13 A. Yeah, I already sent all of mine in, all
14 I'm waiting for is the results.

15 Q. And so at this point you haven't heard from
16 any of the schools; is that correct?

17 A. Not yet.

18 Q. Can you tell me the schools that you've
19 applied to?

20 A. It was a lot of the Cal States: Cal State
21 Northridge, Chico, San Diego and Fresno. And what
22 else was it? Bakersfield. And I think there was
23 one more, but I can't -- it doesn't come to my mind
24 right now.

25 Q. Did you apply to any schools outside of the

1 Q. Had you finished your -- your Algebra 2
2 course at the time you took your -- your first set?

3 A. We still had, I think, two and a half weeks
4 and we hadn't gotten into logarithms yet and that
5 was a major part of the SATs the first time I took
6 them.

7 Q. Did you cover logarithms in your math class
8 after you took the SATs?

9 A. Yeah, like two days after I took it.

10 Q. That's convenient.

11 A. Yeah, I know what did I wrong that way.

12 Q. Have you received your -- your scores back
13 for your second --

14 A. Yeah.

15 Q. -- round of SATs?

16 A. I improved actually on both, on the verbal
17 and the math.

18 Q. Do you recall what your verbal score was?

19 A. Let's see -- the first time I got [REDACTED], next
20 time I got [REDACTED]. And on the math I got [REDACTED] and the
21 next time I got, I think, [REDACTED]. So I improved on
22 both.

23 Q. And I think you mentioned earlier that
24 you're applying to college right now; is that
25 correct?

1 CSU system?

2 A. No, I didn't.

3 Q. Now, we've been talking about conditions at
4 your school, and those have centered largely around
5 textbooks and bathrooms, counselors, there is the
6 sighting of the rat and also some discussions about
7 bathrooms.

8 What I would like to do now is just see if
9 there are other conditions at your school that you
10 believe are unsatisfactory that we haven't talked
11 about today and that we don't have in your
12 declaration here.

13 A. There's nothing really that I can think of.

14 Well, the only thing I don't like is -- it
15 has to do a little bit with the counselors -- is
16 that we only have two counselors, but we have a lot
17 of security guards. And it seems like every year
18 our counselors -- like we keep having less
19 counselors but there's more security guards.

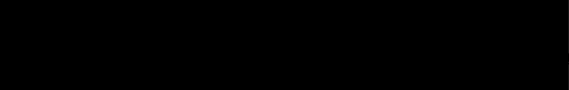
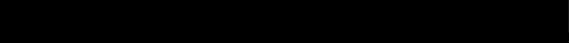
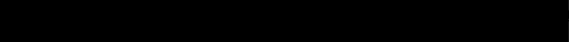
20 Like right now we have at least ten
21 security guards and the only time they're needed is
22 during break and lunch and all the rest of the time
23 they just stand around and guard one gate.

24 Q. Are there any problems with safety at your
25 school?

1 A. Not anymore. There used to be, but right
 2 now, it's actually a real safe school.
 3 Q. When you say there used to be some problems
 4 with safety, when are you referring to?
 5 A. All the teachers, all they say is like
 6 early '80s, all through the '80s, they had a lot of
 7 problems with that. And then early '90s, it just
 8 started to fade away.
 9 Q. So since you've been in attendance at
 10 Santa Paula High School, you feel that it's been a
 11 safe school?
 12 A. Yeah.
 13 Q. What kind of problems are the teachers
 14 referring to when they refer to the '80s?
 15 A. They used to -- they used to talk about a
 16 lot more graffiti everywhere, that's why I'm
 17 assuming the books are like that, because they're
 18 old books anyways. There used to be like fights
 19 every day. There used to be a lot more, like, gangs
 20 in the school. And now, for some reason, there
 21 isn't.
 22 Q. I think you've identified -- with respect
 23 to what we'll call the facilities category, you've
 24 identified, like the band room had a few leaks, and
 25 then you identified some problems with the drains

1 and the gas, and like the lab benches.
 2 Are there any other problems that are
 3 facilities related that you can think of?
 4 A. Not really.
 5 Q. Are there drinking fountains at your
 6 school?
 7 A. Yes, there are.
 8 Q. Do you know about how many there are?
 9 A. I would just have to think about that.
 10 There are about six, that I can think of.
 11 Q. And do those fountains work?
 12 A. Two of them don't work.
 13 MR. SIMMONS: Can we go off for just a
 14 second.
 15 (Pause in the proceedings.)
 16 BY MR. SIMMONS:
 17 Q. To your knowledge, are there any areas
 18 where there's mold or fungus growing on campus?
 19 A. By the auto room, there used to be. I'm
 20 not sure if there is still because I haven't been up
 21 there in a long time, but I remember seeing it
 22 there.
 23 Q. When did you see it there?
 24 A. Last year, earlier in the year.
 25 MR. ENGLISH: Do you mean last school year,

1 or last --
 2 THE WITNESS: Yeah, last school year.
 3 MR. ENGLISH: -- calendar year?
 4 BY MR. SIMMONS:
 5 Q. That was your eleventh grade year?
 6 A. Yeah.
 7 Q. And it was by the auto room. Was it
 8 growing on the auto room or --
 9 A. It was towards the bottom of the walls.
 10 Because you can leave through the auto room to leave
 11 off campus. And I used to park over there so I used
 12 to be able to see it when I would leave. There was
 13 a lot of moss and things growing over there.
 14 Q. And this was on the outside of the wall on
 15 the auto room?
 16 A. Yeah.
 17 Q. And you said that there was moss growing
 18 there, too. I just want to make sure. You're sure
 19 that it was like a mold or a fungus that was growing
 20 on the auto room?
 21 A. Yeah.
 22 Q. And do you know about how big of an area it
 23 took up?
 24 A. I'm not too sure. All I remember, it was
 25 towards where the concrete is and the wall starts.

1 It was just on the bottom.
 2 Q. Can you say -- like if you looked at this
 3 table, could you say what portion of this table
 4 would be covered?
 5 A. Not really. Because I never paid too much
 6 attention to it.
 7 Q. Okay.
 8 A. I would just notice it as I was leaving.
 9 Q. Do you know whether your school is cleaned
 10 regularly?
 11 A. Yeah, the janitors clean the classrooms
 12 every day.
 13 Q. Is your school generally maintained in a
 14 clean fashion?
 15 A. Yeah, it usually is.
 16 Q. All right. Would you just take a look at
 17 your transcript again, which I think is marked as
 18 Exhibit 2.
 19 A. Yeah.
 20 Q. On the right-hand side, we'll look at your
 21 biology class there.
 22 A. Uh-huh.
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Q. And then we'll move on to your eleventh grade year and you see you have your U.S. history, the college prep course there on the first page of Exhibit 2. And that grade there was -- was an [redacted] which, you know, again, you had an [redacted] in band, a [redacted] in English, an [redacted] in computer literacy, and then obviously a very different grade in your U.S. history.

Can you explain what happened with that one?

A. That was when the class had, like, a lot of people in it. And even though -- for the first two weeks, like, it was really, really overcrowded. And even though it's -- they still have to teach that class even though it's overcrowded. And it's harder

1 to pay attention. And that time they just -- it was
2 really hard.

3 Q. What was -- what assignments was -- was
4 your grade based on in that class?

5 A. In that class, I think a lot of it was
6 homework during that first part of it. Because
7 there was so many people in the class it was hard to
8 do class work in there.

9 Q. And did you have problems with getting the
10 homework done in that class?

11 A. Sometimes.

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Q. What did you talk to your teacher about?

20 A. I asked him about if there was any way,
21 like, I could come up. And, you know, since he was
22 new, he didn't know what to do. He said --

23 Because he wouldn't even have things for,
24 like, the next week until he got to the day. Like
25 we would ask him sometimes like what we were going

1 to do, like, the next day and he would say, "Oh, I'm
2 not sure yet." He didn't have a set, like, plan,
3 for us to do.

4 Q. And then if we look at that, the English 11
5 college prep, where I think you have -- which is
6 down at the bottom of the page, which looks like the
7 second term for your eleventh grade year. And
8 that's -- a [REDACTED] on that one as well; is that correct?

9 A. Yes, it is.

10 Q. Were you expecting that one?

11 A. Yes, I was on that one.

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
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7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 Q. And did you have a discussion with your
12 teacher about that grade?

13 A. Yeah. It was more she had a discussion
14 with me.

15 Q. Yeah. What did she have to say?

16 A. She knew I could do the work and she was
17 wondering why I couldn't do it -- why I wasn't doing
18 it.

19 Q. What did you tell her?

20 A. I didn't want to tell her I didn't like the
21 class, so I just -- I remember making up an excuse
22 because she's a really nice person and I didn't want
23 to make her feel bad. Because she would get really
24 emotional especially because of her second period
25 that was always really crazy.

1 Q. And do you recall what you told her?

2 A. Let's see. I don't remember.

3 Q. And is that -- that class that -- that
4 English class there, is that the one that -- the AE
5 English class makes up for?

6 A. Yeah.

7 Q. Okay. And so it looks like you -- you
8 received a [REDACTED] in that this time?

9 A. Yeah.

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 Q. Okay.

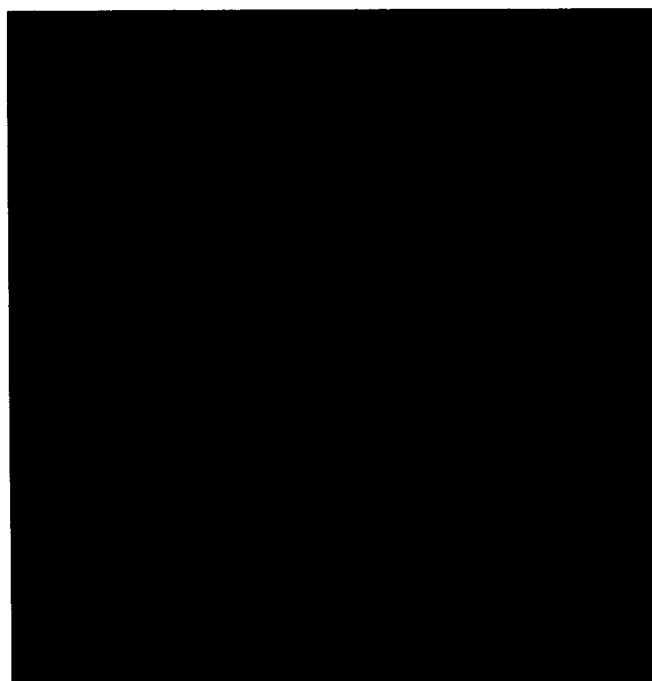
16 Okay. We're one grade away from me
17 stopping asking you about them.

18 And we go to your U.S. history college prep
19 class there at the top. That one was a [REDACTED] and that,
20 again, is not -- you know, that's less than the
21 majority of your grades.

22 A. Uh-huh.

23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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Q. Can you tell me what -- down here at the bottom right, where it says "competency examinations"?

A. It's just the exams that we have to take to

1 When I got my schedule -- I had signed up
2 for the honors class, and when I got my schedule, it
3 didn't say honors or anything on it. But I wasn't
4 sure until I got to the class the first day and I
5 asked her and she said it wasn't an honors class.

6 And so I asked her if I could go to the
7 guidance office to make an appointment to get my
8 classes changed. And it took a really long time
9 because there was so many kids in there that day --
10 those days.

11 Q. And it says here -- in your declaration it
12 says that within about a week you were able to get
13 into the honors class?

14 A. Yeah.

15 Q. Is that correct?

16 A. Yeah.

17 Q. And were there any other classes where --
18 that you needed to switch out of during the time you
19 attended Santa Paula?

20 A. I think -- when I took business
21 fundamentals and keyboarding, they put me in wood
22 shop, and I had never even requested that class.

23 Q. And how long did it take you to transfer
24 out of wood shop?

25 A. That one took about the same time, because

1 graduate high school, besides get our full credits.

2 Q. And what -- do you know who -- who produces
3 those -- are those tests required by the district
4 or -- if you know.

5 A. I think it might be the district, but I'm
6 not sure.

7 Q. And then I'll just make sure. I've been
8 assuming this, where it says "CP" by a class, that
9 means college prep; is that right?

10 A. Yes.

11 Q. And then you -- last question, I think. Is
12 that your English 12 class, that's college prep
13 again, did you decide not to take the honors course?

14 A. Yeah, because that was more, like, again,
15 poetry. And after I didn't take it during my junior
16 year, I didn't want to go back to honors because I
17 would feel like I was even more behind.

18 Q. Okay. I'm sorry. I've got one more,
19 because I missed this one. This just refers --
20 let's pick up, I think it's Exhibit 3, which is your
21 declaration. And you'll see in paragraph six, on
22 page two, and you refer to wanting to take an
23 English honors class in the tenth grade but you were
24 placed into regular English class.

25 A. Yeah.

1 I actually stayed in that class for two days, just
2 two or three days, just to see if I would like it.
3 Because everybody said it was a good class. And I
4 just thought it was a waste of time to take that
5 class after those days and so I went in and
6 transferred.

7 Q. Okay.

8 MR. SIMMONS: All right. I think that's
9 all I have here for today.

10 MR. ENGLISH: I have nothing.

11 MR. SIMMONS: Okay. Have you been
12 subjected to the stipulation yet?

13 MR. ENGLISH: I have.

14 MR. SIMMONS: Okay. I'm just going to read
15 her off here.

16 MR. ENGLISH: Okay.

17 MR. SIMMONS: First, may we stipulate that
18 copies of documents attached to the deposition may
19 be used as originals?

20 MR. ENGLISH: We may.

21 MR. SIMMONS: And then may we stipulate
22 that the original of this deposition be signed under
23 penalty of perjury; that the original be delivered
24 to the office of Morrison & Foerster in
25 San Francisco --

1 MR. ENGLISH: Yes.
 2 MR. SIMMONS: -- to your attention.
 3 That the reporter is relieved of liability
 4 for the original of the deposition; that the witness
 5 will have 30 days from date of the court reporter's
 6 transmittal letter to Mr. English to sign and
 7 correct the deposition; that Mr. English will notify
 8 all parties in writing of any changes in the
 9 deposition; and that if there are no such changes
 10 communicated, or signature within that time, that
 11 any unsigned and uncorrected copy may be used for
 12 all purposes as if signed and corrected.

13 MR. ENGLISH: We so stipulate.

14 MR. SIMMONS: Thank you very much.

15
 16 (Whereupon, at 2:35 p.m.,
 17 the deposition of LUIS MAGDALENO
 18 was concluded.)
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1 STATE OF CALIFORNIA)
 2 COUNTY OF LOS ANGELES) ss.

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I, c. jane harman, C.S.R. No. 5266, in
 and for the State of California, do hereby certify:

That, prior to being examined, the
 witness named in the foregoing deposition, to wit,
 LUIS MAGDALENO, was by me duly sworn to testify to
 the truth, the whole truth and nothing but the
 truth;

That said deposition was taken down by me
 in shorthand at the time and place therein named,
 and thereafter reduced to typewriting under my
 direction, and the same is a true, correct and
 complete transcript of said proceedings;

I further certify that I am not
 interested in the event of the action.

WITNESS MY HAND this 14TH day of JANUARY,
 2001.

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 Certified Shorthand
 Reporter for the
 State of California

1 STATE OF CALIFORNIA)
 2 COUNTY OF LOS ANGELES) ss.

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I, LUIS MAGDALENO, hereby certify declare
 under penalty of perjury under the laws of the State
 of California that the foregoing is true and
 correct.

Executed this day of
 , 2001, at ,
 California.

 LUIS MAGDALENO

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