

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al.,                    )  
  )  
  Plaintiffs,                    )  
  )  
  vs.                                    )    No. 312 236  
  )  
STATE OF CALIFORNIA, DELAINE                )  
EASTIN, State Superintendent                )  
of Public Instruction, STATE                )  
DEPARTMENT OF EDUCATION, STATE            )  
BOARD OF EDUCATION,                        )  
  )  
  Defendants.                    )  
-----) )  
STATE OF CALIFORNIA,                        )  
  )  
  Cross-Complainant,                )  
  )  
  vs.                                    )  
  )  
SAN FRANCISCO UNIFIED SCHOOL                )  
DISTRICT, et al.,                            )  
  )  
  Cross-Defendants.                )  
-----) )

DEPOSITION OF JOHN A. MICHAELSON

San Francisco, California

Wednesday, June 13, 2001

Volume I

Reported by:  
RACHEL FERRIER  
CSR No. 6948  
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2 CITY AND COUNTY OF SAN FRANCISCO

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22 )

23 SAN FRANCISCO UNIFIED SCHOOL )  
24 DISTRICT, et al., )  
25 )  
Cross-Defendants. )

Deposition of JOHN A. MICHAELSON,  
Volume 1, taken on behalf of Defendant State of  
California at 275 Battery Street, San Francisco,  
California, beginning at 9:35 a.m. and ending at  
5:01 p.m., on Wednesday, June 13, 2001, before  
RACHEL FERRIER, Certified Shorthand Reporter  
No. 6948.

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4 Volume 1

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12 EXHIBITS  
13  
14 (None.)

1 APPEARANCES:

2 For Plaintiffs:

3 MORRISON & FOERSTER LLP  
4 BY: LOIS K. PERRIN  
5 Attorney at Law  
6 425 Market Street  
7 San Francisco, California 94105-2482  
8 (415) 268-7000

9 For Defendant State of California:

10 O'MELVENY & MYERS LLP  
11 BY: SHAUN M. SIMMONS  
12 Attorney at Law  
13 400 South Hope Street  
14 Los Angeles, California 90071-2899  
15 (213) 430-7529

16 For the Witness:

17 MILLER BROWN & DANNIS  
18 BY: DANIEL A. OJEDA  
19 Attorney at Law  
20 71 Stevenson Street, 19th Floor  
21 San Francisco, California 94105  
22 (415) 543-4111

23 Also Present:

24 Becca Shults, Summer Associate  
25

1 San Francisco, California; Wednesday, June 13, 2001  
2 9:35 a.m. - 5:01 p.m.

3  
4  
5 JOHN A. MICHAELSON,  
6 being first duly sworn, was examined and testified as  
7 follows:

8 EXAMINATION

9 BY MR. SIMMONS:

10 Q Good morning, Mr. Michaelson. My name is Shaun  
11 Simmons, and I'm an attorney representing the State in  
12 this litigation.

13 Would you state and spell your full name for  
14 the record and the city you live in.

15 A My name is John Alexander Michaelson, J-o-h-n,  
16 A-l-e-x-a-n-d-e-r, M-i-c-h-a-e-l-s-o-n. I live in  
17 San Francisco, California.

18 Q Thank you.

19 Have you ever had your deposition taken before?

20 A Yes.

21 Q When was that?

22 A Last fall.

23 Q And can you tell me the type of case that the  
24 deposition was taken for.  
25

1 A It was a personal injury.

2 Q And are you familiar with the deposition  
3 procedure?

4 A Yes.

5 Q Okay. We will go briefly through the ground  
6 rules one more time.

7 As you know, I will be asking you a series of  
8 questions here today to determine the facts that you  
9 know that relate to this lawsuit.

10 Our reporter, Rachel, will be recording my  
11 questions and your answers, which will be transcribed  
12 into a booklet for your review. You will be able to  
13 make changes in the booklet, but you should know that if  
14 you do make changes, the lawyers in this case will be  
15 able to comment on those changes.

16 Do you understand that?

17 A I do.

18 Q So it's important that you respond to the  
19 questions as fully and fairly as you possibly can.

20 Do you understand that?

21 A I do.

22 Q And when you answer the questions, it's  
23 important that you verbalize your answers, because nods  
24 or shakes of the head can't be recorded by the court  
25 reporter. Do you understand that?

1 A Yes.

2 Q Also, it's difficult for the reporter to get a  
3 clear record of all the testimony when more than one  
4 person is speaking at once. So if you allow me to  
5 finish my question before answering, I will in turn  
6 allow you to finish your answer before I start another  
7 question. Is that okay?

8 A Yes.

9 Q And if at any time you don't understand one of  
10 my questions, please let me know by saying that you  
11 don't understand and I'll attempt to rephrase the  
12 question in a fashion that will make it easier to  
13 understand.

14 And if you don't tell me that you don't  
15 understand the question, we will assume that you did  
16 understand the question. Do you understand that?

17 A Yes.

18 Q You are required to answer the questions that I  
19 ask you to the best of your ability. However, if you  
20 don't know an answer, we don't want you to guess. But  
21 we are entitled to your best estimate. So if you can  
22 give us an estimate, we would appreciate that.

23 Do you understand the difference between a  
24 guess and an estimate?

25 A Yes.

1 Q And because your testimony will be given under  
2 oath here today, it will have the same force and effect  
3 as if you were testifying in a court of law. You are  
4 therefore subject to all the penalties for perjury for  
5 giving false testimony.

6 So even though we are in an informal setting  
7 here today, you are testifying as if you were in a  
8 formal courtroom setting. Do you understand that?

9 A Yes.

10 Q And if you need a break at any time today, just  
11 let me know and I will instruct the court reporter that  
12 we will go off the record. The only thing that we ask  
13 is that if there's a question pending, that you answer  
14 the question before we go off for a break.

15 Is that okay?

16 A That's fine.

17 Q And if at any point during the deposition today  
18 you remember additional information about a previous  
19 question that was asked, just let me know and we will go  
20 back to that information and put it on the record. If  
21 you do not let me know of any additional information, we  
22 will just assume that the answers that you gave today  
23 are full and complete. Do you understand that?

24 A Yes, I do.

25 Q Do you understand the ground rules so far?

1 A I believe so, yes.

2 Q And is there any reason why you might not be  
3 able to give your best testimony today?

4 A No.

5 Q Have you recently consumed any medication or  
6 alcohol or any other substance that might cloud your  
7 ability to give your best testimony today?

8 A No.

9 Q And do you suffer from any disability of any  
10 kind that would affect your ability to give your best  
11 testimony today?

12 A No.

13 Q Could you tell me about your educational  
14 background.

15 A Yes.

16 I attended San Francisco State University and  
17 got a B.A. in English and went on to get my initial  
18 teaching credential, multiple subjects teaching  
19 credential, and then a bilingual credential. And this  
20 was all done at San Francisco State.

21 And I got my master's at Stanford and my  
22 administrative credential at the same time.

23 Q And do you remember the year that you received  
24 your B.A. in English from San Francisco State?

25 A I think it was 1975.

1 Q And did you receive your multiple subjects  
2 credential in that same year?  
3 A No. That requires further study and it was '78  
4 or '79.  
5 Q And how about your bilingual credential, when  
6 did you receive that?  
7 A Probably in 1981.  
8 Q And you received a master's from Stanford that  
9 was in administration; is that correct?  
10 A Master's in education and an administrative  
11 credential, administrative services credential, in 1992.  
12 Q And both the master's in education and the  
13 administration credential were both received in '92?  
14 A It was a simultaneous program.  
15 Q And could you explain what the administration  
16 credential is to me.  
17 A It's a credential that allows you to serve as  
18 an administrator of a school site or in a district  
19 position.  
20 Q And other than the multiple subjects -- well,  
21 do you presently hold any teaching credentials?  
22 A Multiple subjects is a teaching credential. A  
23 life credential.  
24 Q And is that the same with the bilingual  
25 credential?

1 A Yes.  
2 Q And you also presently hold the administration  
3 credential; is that correct?  
4 A I do.  
5 Q And do you have any other education-related  
6 credentials?  
7 A No.  
8 Q What is your current job title?  
9 A I'm a principal of Luther Burbank Middle  
10 School.  
11 Q And when did you start working as principal of  
12 Luther Burbank Middle School?  
13 A August of 2000.  
14 Q And could you describe your responsibilities as  
15 principal at Burbank?  
16 A My responsibilities are to administer the  
17 educational program at the school.  
18 Q And do you have responsibility for ensuring  
19 that students at the school have desks, books, and  
20 instructional materials?  
21 A That's one of my responsibilities, yes.  
22 Q And would one of your responsibilities also be  
23 assuring that the bathroom facilities at Burbank are  
24 maintained in a clean fashion?  
25 A Yes.

1 Q And would one of your responsibilities as  
2 principal of Burbank be to make sure that no health  
3 hazards exist, such as the presence of rats, mice, or  
4 cockroaches?  
5 MS. PERRIN: Objection; vague as to "health  
6 hazards," but --  
7 BY MR. SIMMONS:  
8 Q Just explain. They will be making objections  
9 throughout the course.  
10 A Right. I just didn't hear what she said.  
11 Q And your attorney may instruct you not to  
12 answer at some point. But if he doesn't, you are still  
13 expected to answer the question absent the instruction.  
14 A Right.  
15 Q Do you want me to repeat the question now?  
16 A No.  
17 I have some responsibility in that area.  
18 Q And can you describe what that responsibility  
19 would be?  
20 A My responsibility is to make sure that the firm  
21 that we have a contract with, "we" meaning the district,  
22 has access to the building to maintain their care of the  
23 building in this area and to also alert them if there  
24 are specific issues.  
25 Q And would one of your responsibilities as

1 principal of Burbank be to hire the teachers at the  
2 school?  
3 A I make recommendations to human resources.  
4 Human resources makes recommendations to the  
5 superintendent. The superintendent makes  
6 recommendations to the board. The board hires.  
7 Q And do you ever interview candidates for  
8 teaching positions?  
9 A I do.  
10 Q And do you have responsibility for reviewing  
11 the performance of teachers at Burbank?  
12 A Per the contract, yes.  
13 Q And could you just describe that a little bit  
14 more, what you mean when you say, "per the contract."  
15 A Okay. There's a two-year -- two-year cycle for  
16 evaluation for teachers, and so each year there's a  
17 group that's up for evaluation. So for example, this  
18 year my assistant and I evaluated a portion of the staff  
19 and then the next year the rest are evaluated.  
20 Q And do you have responsibility for ensuring  
21 that the heat at Burbank functions properly?  
22 A No.  
23 Q Who would have responsibility for that?  
24 A The school district.  
25 Q Do you nevertheless make efforts to ensure that

1 the heat at Burbank functions properly?  
 2 A Yes.  
 3 Q Do you know who the principals at Burbank were  
 4 prior to you?  
 5 A Yes.  
 6 Q Who were those individuals?  
 7 A My immediate predecessor was Ron Cabral.  
 8 Q Do you know about how long Mr. Cabral was there  
 9 for?  
 10 A I believe four months.  
 11 Q And could you spell Mr. Cabral's last name for  
 12 the record?  
 13 A C-a-b-r-a-l, I believe.  
 14 Q And do you know who preceded Mr. Cabral?  
 15 A John Rubio, R-u-b-i-o.  
 16 Q And do you know about how long Mr. Rubio was  
 17 principal at Burbank?  
 18 A About a year and a half.  
 19 Q And do you know who preceded Mr. Rubio?  
 20 A Yes.  
 21 Q Who would that be?  
 22 A Gilda Pasqual.  
 23 Q And is that P-a-s-q-u-a-l?  
 24 A I don't know.  
 25 Q And do you know for about how long Ms. Pasqual

1 was principal?  
 2 A No.  
 3 Q And do you know what individual may have  
 4 preceded her as principal at Burbank?  
 5 A No.  
 6 Q Does Burbank have a vice principal?  
 7 A An assistant principal.  
 8 Q And who is the assistant principal presently?  
 9 A Laura Parker.  
 10 Q And do you know how long Ms. Parker has been  
 11 the assistant principal?  
 12 A This was her second year.  
 13 Q And do you know who preceded Ms. Parker as  
 14 assistant principal?  
 15 A No.  
 16 Q Have you ever held any administrative job other  
 17 than principal at Burbank?  
 18 A Yes.  
 19 Q And what was that?  
 20 A I was the principal of Marina Middle School for  
 21 five years, and I was the principal of Miraloma  
 22 Elementary School for two years.  
 23 Q Marina Middle School for five years and  
 24 Miraloma Elementary for how long?  
 25 A For two years.

1 Q And just to make sure, have you ever held any  
 2 administrative position other than principal at Burbank?  
 3 A No.  
 4 Q And were your responsibilities as principal of  
 5 Marina Middle School the same as your responsibilities  
 6 at Burbank?  
 7 A Yes.  
 8 Q And were your responsibilities at Miraloma  
 9 Elementary School the same as your responsibilities at  
 10 Burbank?  
 11 A Yes.  
 12 Q And where is Marina Middle School?  
 13 A 3500 Fillmore.  
 14 Q And that's in San Francisco?  
 15 A In the Marina.  
 16 Q And where is Miraloma Elementary School?  
 17 A Mount Davidson.  
 18 Q Is that also in San Francisco?  
 19 A Yes.  
 20 Q Have you ever worked as a teacher?  
 21 A Yes.  
 22 Q And can you tell me the teaching positions you  
 23 have held before.  
 24 A Yes. I was at Lecont Children's Center for six  
 25 years. And in 1979 I went to Bessie Carmichael

1 Elementary School. In 1986 I went to Martin Luther King  
 2 Middle School. In 1992 I went to Miraloma as an  
 3 administrator.  
 4 Q And Lecont Children's Center, is that a public  
 5 institution?  
 6 A It is.  
 7 Q And is it an elementary school?  
 8 A It's a children's center. It's a child  
 9 development center. It's an after-school program, yes.  
 10 Q And did you have a job title while you were at  
 11 Lecont Children's Center?  
 12 A Teacher.  
 13 Q And did you teach a particular age of student?  
 14 A It was from kindergarten through 5th grade.  
 15 Q Did you work with all students in grades  
 16 kindergarten through 5?  
 17 A Yes.  
 18 Q And do you remember what year you started at  
 19 Lecont Children's Center?  
 20 A 1973.  
 21 Q And do you remember what subjects you taught at  
 22 Lecont Children's Center?  
 23 A It's not a traditional program. It's an  
 24 after-school program, so there's a variety of things  
 25 that I was responsible for that had an educational

1 component in it, but it wasn't strictly defined  
 2 academically.  
 3 Q So there was an academic component to your  
 4 responsibilities there?  
 5 A Yes.  
 6 Q Were there other types of components that --  
 7 A Supervision.  
 8 Q And how about at Bessie Carmichael Elementary,  
 9 did you teach a particular grade while you were there?  
 10 A Taught three grades in one class room, in a  
 11 Spanish bilingual class. Started out teaching 1st, 2nd  
 12 and 3rd; and then the following year 2nd, 3rd, and 4th;  
 13 and the last five years 3rd, 4th, and 5th.  
 14 Q And did you teach the same subjects for --  
 15 A I taught everything.  
 16 Q And what subjects would that be specifically?  
 17 A Reading, math, science, PE, and social science,  
 18 health, language arts.  
 19 Q And how about at Martin Luther King Middle  
 20 School, what --  
 21 A I taught -- sorry.  
 22 Q What subjects did you teach there?  
 23 A I taught language arts, social studies, and  
 24 Latin.  
 25 Q And did you teach language arts for a

1 Q Academically, how does he perform?  
 2 MS. PERRIN: Objection; calls for speculation.  
 3 BY MR. SIMMONS:  
 4 Q Do you know how he performs academically?  
 5 MR. OJEDA: Could we go off the record for one  
 6 moment and talk about this?  
 7 MR. SIMMONS: Sure.  
 8 MS. PERRIN: Sure.  
 9 (Discussion off the record.)  
 10 BY MR. SIMMONS:  
 11 Q Do you know how Silas Moultrie performs  
 12 academically at Burbank?  
 13 A Just general -- in a general sense.  
 14 Q What is your general sense?  
 15 A My general sense is that he's -- he does fairly  
 16 well.  
 17 Q And to your knowledge, has Silas ever been  
 18 disciplined for being absent?  
 19 A Not to my knowledge.  
 20 Q To your knowledge, has Silas ever been  
 21 disciplined for being tardy?  
 22 A Not to my knowledge.  
 23 Q And to your knowledge, has Silas ever been  
 24 disciplined for disrupting class?  
 25 MS. PERRIN: And to the extent the question goes

1 particular grade level?  
 2 A 6th grade.  
 3 Q And did you teach social studies for a  
 4 particular grade level?  
 5 A 6th grade.  
 6 Q And did you teach Latin for the 6th grade as  
 7 well?  
 8 A I did.  
 9 Q Have you received any awards for your work as  
 10 principal at Burbank?  
 11 A Just intrinsic.  
 12 Q And have you received any awards for your work  
 13 as an educator?  
 14 A No.  
 15 Q And do you know Silas Moultrie?  
 16 A I do.  
 17 Q Could you describe your relationship to Silas.  
 18 A I'm his principal.  
 19 Q And do you know what kind of student Silas is?  
 20 MR. OJEDA: Object that it exceeds the scope of the  
 21 Protective Order.  
 22 MS. PERRIN: Objection; vague as to "kind of  
 23 student." Are you asking about grades, behavior? It  
 24 could be a whole number of different things.  
 25 BY MR. SIMMONS:

1 beyond the scope of the Protective Order -- beyond the  
 2 disruption of class, we believe it's beyond the scope of  
 3 the Protective Order.  
 4 MR. OJEDA: The question is limited to the  
 5 classroom, so anything inside the classroom.  
 6 BY MR. SIMMONS:  
 7 Q Would you like me to say the question again?  
 8 A No.  
 9 I'm not aware of that.  
 10 Q Do you interact with Silas at all at school?  
 11 A Daily.  
 12 Q And what kind of interaction do you have with  
 13 Silas?  
 14 A It's pleasant.  
 15 Q So daily greetings?  
 16 A Yes.  
 17 Q Anything else?  
 18 A Sometimes I have to clear my throat a little  
 19 bit and maybe point to his classroom door, things like  
 20 that, but nothing major.  
 21 Q And what grade is Silas in?  
 22 A Just completed the 8th grade.  
 23 Q And do you know what classes Silas takes?  
 24 A He takes the same classes all the 8th graders  
 25 take.

1 Q And what are those classes?  
 2 A Language arts, social studies, science, math,  
 3 PE, and he has an elective.  
 4 Q And do you know whether Silas has been a  
 5 student at Burbank for 6th grade?  
 6 A I don't know.  
 7 Q Do you know whether he was a student at Burbank  
 8 for the seventh grade?  
 9 A I don't know.  
 10 Q And Silas Moultrie is African-American; is that  
 11 correct?  
 12 A Yes.  
 13 MS. PERRIN: The same standing objection as to his  
 14 ethnicity is outside the scope of the Protective Order.  
 15 MR. OJEDA: Join. Same as applied yesterday or the  
 16 day before.  
 17 MR. SIMMONS: Exactly. For the record, I'll state  
 18 that we are asking because we believe that the complaint  
 19 alleges discrimination, and we feel that it's necessary  
 20 to -- the plaintiffs raise their ethnicity in relation  
 21 to that claim.  
 22 Q Do you know Olivia Saunders?  
 23 A Yes.  
 24 Q And could you describe your relationship to  
 25 Ms. Saunders.

1 A It's also a pleasant relationship.  
 2 Q And do you know how Ms. Saunders performs  
 3 academically at Burbank?  
 4 A Just in a general sense.  
 5 Q And what is your general sense?  
 6 A My general sense is that she does -- she does  
 7 just okay.  
 8 Q And to your knowledge, has Olivia ever been  
 9 disciplined for being tardy?  
 10 A Not to my knowledge.  
 11 Q To your knowledge, has Olivia ever been  
 12 disciplined for being absent?  
 13 A Not to my knowledge.  
 14 Q And to your knowledge, has Olivia ever been  
 15 disciplined for disrupting class?  
 16 A Not that I recall.  
 17 Q And how often do you interact with Olivia?  
 18 A Daily.  
 19 Q And can you describe your interactions with  
 20 Olivia.  
 21 A Generally pleasant.  
 22 Q And do your interactions with Olivia consist of  
 23 daily greetings?  
 24 A Yes.  
 25 Q Anything else?

1 A No.  
 2 Q And what grade is Olivia in?  
 3 A She just completed the 8th grade.  
 4 Q And did Olivia take the same classes as all  
 5 other 8th graders at Burbank?  
 6 A Yes.  
 7 Q And do you know whether Olivia attended Burbank  
 8 during the 6th grade?  
 9 A No.  
 10 Q And do you know whether Olivia attended Burbank  
 11 during the 7th grade?  
 12 A No.  
 13 Q And do you know what Olivia's race or ethnicity  
 14 is?  
 15 MR. OJEDA: Same objection.  
 16 MS. PERRIN: Same objections.  
 17 You can answer.  
 18 THE WITNESS: I believe she's African-American.  
 19 BY MR. SIMMONS:  
 20 Q And do you know -- is it Eliezer Williams? Is  
 21 that the correct pronunciation?  
 22 A I don't know if it's the correct pronunciation.  
 23 And, no, I don't know her.  
 24 Q Does she go by Eli Williams?  
 25 A I don't know, because I don't know the person.

1 Q Okay. Do you know Monique Mabutas?  
 2 A No. Oh --  
 3 Q I hope I'm not saying the name wrong.  
 4 Do you know how --  
 5 MS. PERRIN: It is Mabutas.  
 6 THE WITNESS: She just graduated also?  
 7 MS. PERRIN: Yeah, if it helps.  
 8 THE WITNESS: Okay. I know Monique.  
 9 BY MR. SIMMONS:  
 10 Q And could you describe your relationship to  
 11 Monique.  
 12 A Pleasant.  
 13 Q And do you know how Monique performs  
 14 academically at Burbank?  
 15 A No.  
 16 Q And to your knowledge, has Monique ever been  
 17 disciplined for being tardy?  
 18 A Not that I'm aware of.  
 19 Q To your knowledge, has Monique ever been  
 20 disciplined for being absent?  
 21 A We don't discipline students for being absent.  
 22 Q To your knowledge, has Monique ever been  
 23 disciplined for disrupting class?  
 24 A Not that I'm aware of.  
 25 Q And how often do you interact with Monique?

1 A Several times a week.  
 2 Q Is there any reason why you don't interact with  
 3 her on a daily basis that you can think of?  
 4 A She's just a little quieter.  
 5 Q And what type of interactions do you have with  
 6 Monique?  
 7 A Just pleasant greetings.  
 8 Q Anything else?  
 9 A I took her skateboard away last week, but --  
 10 Q Why did you take her skateboard away from her?  
 11 A Some other kid had it. And we don't allow  
 12 skateboards in the building, so I took it. And after  
 13 graduation she came and took her skateboard.  
 14 Q Did that occur in a classroom setting?  
 15 A I don't remember.  
 16 Q And do you know what grade Monique is in?  
 17 A She's completed the 8th grade.  
 18 Q And did Monique also take the same classes that  
 19 all other 8th graders at Luther Burbank take?  
 20 A Yes.  
 21 Q And do you know whether Monique was a student  
 22 at Burbank during the 6th grade?  
 23 A No.  
 24 Q Do you know whether Monique was a student at  
 25 Burbank during the 7th grade?

1 A I do not know.  
 2 Q And do you know what Monique's race or  
 3 ethnicity is?  
 4 A I don't.  
 5 MR. OJEDA: Same objection.  
 6 BY MR. SIMMONS:  
 7 Q What county is Burbank in?  
 8 A San Francisco.  
 9 Q And what school district is Burbank in?  
 10 A San Francisco Unified.  
 11 Q And what area of San Francisco is Burbank  
 12 located in?  
 13 A It's in the Excelsior district.  
 14 Q Do you know what the length of the school term  
 15 at Burbank is?  
 16 MS. PERRIN: Objection; vague as to "length of  
 17 school term." Are you talking about instructional  
 18 minutes or days?  
 19 BY MR. SIMMONS:  
 20 Q When does the school year start at Burbank?  
 21 A August, the end of August.  
 22 Q Is it your understanding that it starts  
 23 somewhere in the 20s of August or --  
 24 A Yes.  
 25 Q And is Burbank still in session?

1 A No.  
 2 Q When was the last day of school?  
 3 A June 8th.  
 4 Q And is Burbank a year-round school?  
 5 A No. We have a summer program that would be  
 6 starting the 18th and lasts for four weeks.  
 7 Q And Burbank isn't on a multitrack system; is  
 8 that correct?  
 9 A Pardon me?  
 10 Q Do you know whether Burbank is on a multitrack  
 11 system?  
 12 A I don't know what a multitrack system is.  
 13 Q What time does school start at Burbank?  
 14 A 9:15.  
 15 Q And what time does school end?  
 16 A 3:35.  
 17 Q And do you know how many -- or do you know the  
 18 number of instructional minutes per day at Burbank?  
 19 A Not specifically at the moment. I can -- get a  
 20 piece of paper and do the math for you. But it's --  
 21 it's like 320 minutes.  
 22 Q And do you know how many students attend  
 23 Burbank?  
 24 A 687.  
 25 Q And Grades 6, 7, and 8 are taught at Burbank;

1 is that correct?  
 2 A Yes.  
 3 Q And do you know about how many students are in  
 4 each grade level?  
 5 MR. OJEDA: Vague as to time.  
 6 BY MR. SIMMONS:  
 7 Q This year?  
 8 A Yes.  
 9 Q About how many students are in the 6th grade  
 10 this year?  
 11 A Two hundred twenty.  
 12 Q And about how many students are in the  
 13 7th grade this year?  
 14 A I don't know, but I know there's 250 in the  
 15 8th, so whatever's left over goes to the 7th.  
 16 Q Fair enough.  
 17 Does the 20 to 1 class size ratio apply to any  
 18 of these classes?  
 19 A This past year we applied it in the 8th grade  
 20 classes for language arts and math.  
 21 Q And were those the only subjects that it was  
 22 applied to?  
 23 A Yes.  
 24 Q And was it only applied in the 8th grade?  
 25 A Yes.



1 Q And does Burbank offer elective courses?  
 2 A It offers music and a few other electives.  
 3 Q Can you tell me what those are.  
 4 A There's -- there are honors reading class,  
 5 honors math, there's a remedial math and a remedial  
 6 reading.  
 7 Q And do you know whether there's a class at  
 8 Burbank known as unified arts?  
 9 A Unified arts is the umbrella term for  
 10 electives.  
 11 Q And so would each student at Burbank have an  
 12 elective class that is either honors reading, honors  
 13 math, remedial reading, remedial math, or music?  
 14 MS. PERRIN: Objection; vague as to grade level.  
 15 THE WITNESS: Yes.  
 16 BY MR. SIMMONS:  
 17 Q And that would -- just to clarify, that would  
 18 be the case for 6th grade?  
 19 A Yes.  
 20 Q And that would be the case for 7th grade?  
 21 A Yes.  
 22 Q And also for 8th grade?  
 23 A Yes.  
 24 Q And to your knowledge, does Burbank offer  
 25 extracurricular activities to students?

1 A Yes.  
 2 Q Can you tell me what those activities are.  
 3 A There's an after-school learning program that  
 4 offers academic support, homework labs, and also  
 5 tae kwon do and drama. And there's some sports  
 6 programs.  
 7 Q And the homework labs, were those the same  
 8 thing as the after-school learning program?  
 9 A It was part of the after-school learning  
 10 program.  
 11 Q And how often is the after-school learning  
 12 program held at Burbank?  
 13 A Monday through Friday.  
 14 Q And what time of the day is the after-school  
 15 learning program held?  
 16 A From dismissal, about 3:35 until 6:00 p.m.  
 17 Q And are services offered to students in the  
 18 after-school learning program?  
 19 A I'm not sure what you mean by "services."  
 20 Q What kinds of things do students who  
 21 participate in the after-school learning program do?  
 22 A Most of the time there's the homework lab, and  
 23 there's opportunity for other activities such as  
 24 tae kwon do and drama.  
 25 Q And does -- the homework lab, does that offer

1 tutorial services?  
 2 A Yes.  
 3 Q And how often is tae kwon do -- well, strike  
 4 that.  
 5 How often has tae kwon do been offered to  
 6 students at Burbank this year?  
 7 MS. PERRIN: Objection; vague as to time of the day  
 8 and calls for speculation.  
 9 MR. OJEDA: You are referring to the after-school  
 10 learning programs specifically?  
 11 MR. SIMMONS: Right.  
 12 Q I guess maybe the better way to put it is, do  
 13 you know how many days of the week tae kwon do has been  
 14 offered to students at Burbank this year?  
 15 MR. OJEDA: During the after-school learning  
 16 program; right, that's what you are referring to?  
 17 BY MR. SIMMONS:  
 18 Q Is that -- okay.  
 19 Is tae kwon do, is that all a part of the  
 20 after-school learning program as well?  
 21 A Yes.  
 22 Q Okay. And is drama part of the after-school  
 23 learning program?  
 24 A Yes.  
 25 Q Okay. And would the sports teams, would they

1 be included in the after-school learning program?  
 2 A No.  
 3 Q Was tae kwon do offered on the same schedule  
 4 this year at Burbank as the after-school learning  
 5 program?  
 6 A It's part of the after-school learning program.  
 7 Q And do you know about how many days a week  
 8 students were able to participate in tae kwon do at  
 9 Burbank this year if they chose to?  
 10 A It was offered once a week at the beginning, I  
 11 believe in March.  
 12 Q And do you know about how long a session would  
 13 go?  
 14 A No.  
 15 Q And how often was the drama segment of the  
 16 after-school learning program offered to students at  
 17 Burbank this year?  
 18 A I believe once a week.  
 19 Q And do you know about how long a drama session  
 20 would last?  
 21 A No.  
 22 Q And who was responsible for teaching the  
 23 tae kwon do session?  
 24 A Somebody that was hired as a consultant with a  
 25 background in tae kwon do.

1 Q Do you know that person's name?  
 2 A No.  
 3 Q And do you know who was responsible for  
 4 teaching the drama section of the after-school learning  
 5 program?  
 6 A Consultants were hired to teach the class who  
 7 had experience with children.  
 8 Q And is there an employee at Burbank who is  
 9 charged with overseeing the after-school learning  
 10 program?  
 11 A My assistant supervises the program, but the  
 12 coordinator is a woman named Teresa Gonzales.  
 13 Q And you said that Burbank has sports teams; is  
 14 that correct?  
 15 A Yes.  
 16 Q What sports teams does the school have?  
 17 A We have the Beavers. There's baseball and  
 18 softball, basketball for boys and girls, volleyball,  
 19 soccer, track.  
 20 Q And do students at Burbank have to tryout for  
 21 those particular teams?  
 22 A Yes.  
 23 MS. PERRIN: Objection; vague as to "tryout."  
 24 THE WITNESS: Yes.  
 25 BY MR. SIMMONS:

1 Q Is there a limit as to the number of students  
 2 who can be on each team?  
 3 A I don't know.  
 4 Q And you said that summer school is taught at  
 5 Burbank?  
 6 A Yes.  
 7 Q And the session will begin on the 18th of this  
 8 month; is that correct?  
 9 A Yes.  
 10 Q And what grade levels will there be summer  
 11 school for?  
 12 A Incoming 6th, 7th, and 8th.  
 13 Q And do you know what classes will be taught to  
 14 the incoming 6th graders?  
 15 A Each student will have a math/science core and  
 16 a language arts/social studies core for each grade  
 17 level.  
 18 Q Do you know about how many students the -- how  
 19 many incoming 6th graders Burbank expects to attend  
 20 summer school?  
 21 A Right now I think we are at about a hundred.  
 22 Q And are there classrooms at Burbank that are  
 23 presently earmarked for the incoming 6th grade students  
 24 to use?  
 25 A For the summer program?

1 Q Yes.  
 2 A Yes.  
 3 Q What classes are those?  
 4 A I don't have the literature.  
 5 Q And what classes will be available to  
 6 7th graders during the summer program?  
 7 MR. OJEDA: Are you talking about classrooms?  
 8 MR. SIMMONS: No, specific subjects.  
 9 Q What subjects?  
 10 MR. OJEDA: Subjects?  
 11 MR. SIMMONS: Yes.  
 12 Q What subjects will be available to 7th graders  
 13 during the summer program at Burbank this year?  
 14 A Language arts, social studies, and science and  
 15 math.  
 16 Q And will that be the same for the 8th graders?  
 17 A Yes.  
 18 Q Do you know how many 7th grade students are  
 19 expected to attend the summer program at Burbank?  
 20 A I believe there are about 80.  
 21 Q And do you know about how many 8th graders are  
 22 expected to attend the summer program?  
 23 A I believe that's also about 80.  
 24 Q Do you know when Burbank was built?  
 25 A The school was built in 1957, replacing the

1 school of the same name that was at an earlier -- at  
 2 another site.  
 3 Q And do you know about how many classrooms are  
 4 on the Burbank campus?  
 5 A I don't know specifically.  
 6 Q Do you have an estimate?  
 7 A I would estimate there are 40 classrooms.  
 8 Q Does Burbank have a library?  
 9 A Yes.  
 10 Q And where is the library located on the Burbank  
 11 campus?  
 12 A It's on the third floor.  
 13 Q Is it next to a classroom?  
 14 A It is next to a classroom, but it's on a --  
 15 it's a wing that's on the way to the gym.  
 16 Q Does Burbank have a cafeteria?  
 17 A Yes.  
 18 Q Do you know about how many students the  
 19 cafeteria can accommodate?  
 20 MS. PERRIN: Maximum occupancy?  
 21 MR. SIMMONS: Yeah.  
 22 THE WITNESS: Seating occupancy?  
 23 BY MR. SIMMONS:  
 24 Q Sure.  
 25 A I don't know specifically.

1 Q Do you have an estimate?  
 2 A Two hundred fifty.  
 3 Q Does Burbank hold more than one lunch period?  
 4 A No.  
 5 Q Do students eat lunch other places than the  
 6 cafeteria?  
 7 A Yes. Students eat in the courtyard.  
 8 Q Does Burbank have any computer labs?  
 9 A Yes.  
 10 Q How many computer labs does the school have?  
 11 A Two at this time.  
 12 MS. PERRIN: Can we go off the record for one  
 13 minute?  
 14 MR. SIMMONS: Sure.  
 15 (Recess taken.)  
 16 BY MR. SIMMONS:  
 17 Q You just testified that there are two computer  
 18 labs at Burbank; is that right?  
 19 A Yes.  
 20 Q Is there a Computer Lab A and Computer Lab B?  
 21 A They are not designated that way.  
 22 Q Are they located next to each other?  
 23 A No. There's one on the second floor and one on  
 24 the third floor.  
 25 Q And do you know about how many computers are in

1 the second-floor computer lab?  
 2 A I don't know specifically.  
 3 Q Do you have an estimate?  
 4 A I would say 30.  
 5 Q And how about the third-floor commuter lab, do  
 6 you have an estimate as to how many computers are in the  
 7 computer lab?  
 8 A Again, I would estimate about 30.  
 9 Q And do you know whether all of the computers in  
 10 the second-floor computer lab have Internet access?  
 11 A My understanding is that they do.  
 12 Q And do you know whether all of the computers in  
 13 the third-floor computer lab have Internet access?  
 14 A I don't know.  
 15 Q Are those computers in the process of being set  
 16 up for Internet access?  
 17 A The whole school was wired for Internet access  
 18 last year, so I believe that there's the potential for  
 19 Internet if it's not actually at the moment.  
 20 MR. OJEDA: Are you referring to the third-floor  
 21 computer lab specifically?  
 22 MR. SIMMONS: Yes, the third floor.  
 23 Q And does Burbank have an auditorium?  
 24 A Yes.  
 25 Q Where is the auditorium located?

1 A It's off of the main lobby as you enter the  
 2 school.  
 3 Q And do you know what the maximum capacity of  
 4 the auditorium is?  
 5 A There are 664 seats.  
 6 Q And do you know what kinds of activities  
 7 Burbank holds in its auditorium?  
 8 MS. PERRIN: Objection; assumes activities are held  
 9 in the auditorium.  
 10 BY MR. SIMMONS:  
 11 Q Are there activities held in the auditorium at  
 12 Burbank?  
 13 A Yes.  
 14 Q What kind of activities are those?  
 15 A The two most recent would be the graduation and  
 16 the spring concert.  
 17 MR. OJEDA: Shaun, I would like to clarify one  
 18 thing.  
 19 MR. SIMMONS: Sure.  
 20 MR. OJEDA: You haven't specified the time element  
 21 of your question.  
 22 MR. SIMMONS: Okay.  
 23 MR. OJEDA: And as you know, Mr. Michaelson's been  
 24 principal for one year. So I don't want to object to  
 25 every question on the basis that it's vague as to time,

1 but I want to point that out, that a lot of these  
 2 questions do have -- are lacking in that element so he  
 3 can only testify as to his knowledge.  
 4 MR. SIMMONS: Right.  
 5 MR. OJEDA: This past year.  
 6 MR. SIMMONS: I definitely understand that. In  
 7 general I've just been forming them in the present  
 8 tense, assuming that he would be testifying to this  
 9 year. But I will do my best to make sure that that's  
 10 clear on the record.  
 11 Q And can you tell me what the spring concert is?  
 12 A It's an evening concert presented by our  
 13 orchestra and band students for students and their  
 14 parents.  
 15 Q And do you know whether that's been a yearly  
 16 tradition at Burbank?  
 17 A I don't know that.  
 18 Q And does Burbank have administrative offices at  
 19 the school this year?  
 20 A Physical offices?  
 21 Q Yes.  
 22 A Yes.  
 23 Q And do those offices -- do you have your own  
 24 principal office within those offices?  
 25 A There's a main office, and then there are

1 offices off of the main office with a secretary where  
 2 the secretary/receptionist sits and greets visitors.  
 3 And then my office is off of that.  
 4 Q Does Burbank have an area that can be used for  
 5 physical education?  
 6 A Yes.  
 7 Q Is there a gymnasium at Burbank?  
 8 A Yes.  
 9 Q Does the gymnasium have basketball hoops?  
 10 A Yes.  
 11 Q Do you know about how many?  
 12 MS. PERRIN: Basketball hoops?  
 13 MR. SIMMONS: Yes.  
 14 THE WITNESS: No.  
 15 BY MR. SIMMONS:  
 16 Q Does the gymnasium have a place to set up posts  
 17 and a net for volleyball?  
 18 A Yes.  
 19 Q Does the school currently have posts and a net  
 20 for volleyball games?  
 21 A They are set up specifically for that when  
 22 there's a volleyball game.  
 23 Q And do you know the square footage of the gym?  
 24 A No.  
 25 Q And does the gym have any maximum occupancy

1 that you are aware of?  
 2 A Not that I'm aware of.  
 3 Q And are there any other playground areas?  
 4 A Yes.  
 5 Q Where are those located?  
 6 A Just south of the gym there's a yard with  
 7 basketball hoops, and south and east of the gym is  
 8 another yard with basketball hoops, and there's an  
 9 abandoned tennis court beyond that.  
 10 Q And you estimated earlier that there are about  
 11 40 classrooms at Burbank; is that correct?  
 12 A I did estimate that.  
 13 Q And are there any portable classrooms at  
 14 Burbank?  
 15 A No.  
 16 Q And do you know what the total classroom space  
 17 at Burbank would be in terms of square feet?  
 18 A No.  
 19 Q And are -- all the classrooms at Burbank, are  
 20 they roughly the same size?  
 21 MS. PERRIN: Physical size?  
 22 BY MR. SIMMONS:  
 23 Q Yeah, in terms of square feet.  
 24 MR. OJEDA: Calls for speculation.  
 25 BY MR. SIMMONS:

1 Q To your knowledge, are all the classrooms at  
 2 Burbank roughly about the same -- have roughly about the  
 3 same square footage?  
 4 A It seems to me there's some variance.  
 5 Q Do you know the square footage of any classroom  
 6 at Burbank?  
 7 A No.  
 8 Q And did Burbank receive an API score for the  
 9 1999-2000 school year?  
 10 A Yes.  
 11 Q And do you know what that score was?  
 12 A I don't remember exactly. It was either 2 or  
 13 1.  
 14 Q And that would be the API rank; is that  
 15 correct?  
 16 A I believe there's a lot of kind of confusing  
 17 terminology involved in that.  
 18 Q Okay. Let's see. And correct me if I'm wrong,  
 19 but I understand that the schools receive a score that  
 20 is somewhere in the hundreds, I think between 2 and 800?  
 21 A Yeah.  
 22 Q And then based on that score --  
 23 A There's a ranking.  
 24 Q There's a ranking?  
 25 A Yeah.

1 Q And so do you think that the API rank for the  
 2 1999-2000 school year would be either 2 or 1?  
 3 A The ranking?  
 4 Q Yes.  
 5 A They give you two numbers, and I think one was  
 6 2 and one was 1. I can't remember -- I need to have it  
 7 in front of me.  
 8 Q Okay. That's correct. Because I think they  
 9 give a statewide API rank and then a similar school's  
 10 rank.  
 11 A Mm-hmm.  
 12 Q Does that sound familiar?  
 13 A Mm-hmm.  
 14 Q And do you know what the school's score was for  
 15 the -- the school's API score was for the 1999-2000  
 16 school year?  
 17 A I don't remember exactly.  
 18 Q And did Burbank students take the Stanford 9  
 19 this year?  
 20 A This year, yes.  
 21 Q And do you know whether the school has received  
 22 any results from those tests yet?  
 23 A No.  
 24 Q When do you expect the school to hear what its  
 25 test results will be from the Stanford 9?

1 A Generally that information comes out in August.  
 2 Q And to your knowledge, has Burbank received any  
 3 awards this year?  
 4 MS. PERRIN: Objection; vague as to types of awards.  
 5 THE WITNESS: Yeah, what kind of awards?  
 6 BY MR. SIMMONS:  
 7 Q Any forms of special recognition.  
 8 A We received a Healthy Start grant.  
 9 Q Has the school received any other grades this  
 10 year?  
 11 A No.  
 12 Q Can you tell me what the Healthy Start grant  
 13 is?  
 14 A The Healthy Start is a \$400,000 grant over  
 15 three years to help facilitate wellness for our students  
 16 in the school. It's a state grant.  
 17 Q And when you say, "facilitate wellness," you  
 18 are speaking in terms of students' individual health?  
 19 A The students and their families, and to  
 20 coordinate services in the community with the needs of  
 21 our students.  
 22 Q And is there currently a plan in place as to  
 23 how the money that is received from the Healthy Start  
 24 grant will be used?  
 25 A Yes. That's part of the grant proposal.

1 Q And is someone responsible for filing the grant  
 2 proposal?  
 3 MR. OJEDA: Objection; vague and ambiguous.  
 4 MS. PERRIN: Join.  
 5 BY MR. SIMMONS:  
 6 Q Does Burbank keep a copy of the grant proposal  
 7 anywhere on campus?  
 8 A Yes.  
 9 Q And where is that?  
 10 A In my file.  
 11 Q Have you ever had any communications concerning  
 12 this lawsuit with any students?  
 13 MS. PERRIN: At Luther Burbank?  
 14 BY MR. SIMMONS:  
 15 Q At Luther Burbank, yes.  
 16 A Yes.  
 17 Q And did those communications occur this year?  
 18 A Yes.  
 19 Q And can you tell me which students you had  
 20 communications with?  
 21 A I had a brief communication with Olivia  
 22 Saunders.  
 23 Q Any other students?  
 24 A No.  
 25 Q Do you know about what time of the school year

1 your communication with Olivia Saunders occurred?  
 2 A I believe it was in the fall.  
 3 Q And did that conversation take place in school?  
 4 A Yes.  
 5 Q Did it occur in a classroom?  
 6 A No.  
 7 Q Where did it occur?  
 8 A In the courtyard.  
 9 Q And do you remember what Ms. Saunders said to  
 10 you?  
 11 A Yes.  
 12 Q What did she say?  
 13 A She replied to something that I said.  
 14 Q And what did you say to her?  
 15 A I said, "I heard you were at a press conference  
 16 this morning."  
 17 And she said, "Yes, but my lawyer said I can't  
 18 talk about it."  
 19 So --  
 20 Q Was that the extent of your conversation?  
 21 A That's all I need to hear.  
 22 Q And have you ever had any communications  
 23 concerning this lawsuit with any parents of students at  
 24 Luther Burbank?  
 25 A No.

1 Q Have you ever had any communications concerning  
 2 this lawsuit with any teachers at Luther Burbank?  
 3 A Yes.  
 4 Q Can you tell me which teachers?  
 5 A No.  
 6 Q You don't recall the specific teachers that you  
 7 had the communications with?  
 8 A I believe it was probably in the context of a  
 9 faculty meeting.  
 10 Q And the communications that you had with  
 11 teachers, do you think it only occurred perhaps one time  
 12 at a faculty meeting?  
 13 A It probably occurred regularly at faculty  
 14 meetings.  
 15 MS. PERRIN: Can we go off record for a minute?  
 16 MR. SIMMONS: Sure.  
 17 (Discussion off the record.)  
 18 BY MR. SIMMONS:  
 19 Q And when I say, "lawsuit," I'm referring to the  
 20 lawsuit that the students brought against the State and  
 21 other entities. Can we agree on that understanding?  
 22 A Yes.  
 23 MR. OJEDA: I would like to interject, too, that as  
 24 we all know, there's a stay issued as to the  
 25 cross-complaint by the State as to -- against the school

1 district. So I just want to assert a standing objection  
2 to any questions that would pertain to that.

3 I'll instruct the witness not to answer -- and  
4 to the extent that that's the intent, I'll instruct the  
5 witness not to answer any questions regarding the  
6 cross-complaint. And there shouldn't be any questions  
7 that go to that case anyway.

8 MR. SIMMONS: Right. Exactly.

9 Q And just to make sure our understanding is  
10 correct, when I refer to the lawsuit, it's limited to  
11 the plaintiffs' suit against the State and other  
12 entities; is that fair?

13 A I don't know that it's fair, but I understand  
14 what its saying.

15 Q And so the communications that we were  
16 discussing earlier that occurred at faculty meetings, do  
17 you have an idea as to whether they were referring to  
18 the lawsuit that we are now -- that we have now agreed  
19 to?

20 A It wasn't them referring to it; it was me  
21 referring to it in the sense that it was an ongoing  
22 theme of mine that we were under scrutiny and pressure  
23 to maintain a strong academic program because of API  
24 scores, this lawsuit, and expectations from the  
25 superintendent and the board.

1 A K-e-l-l.

2 Q And what is your general sense of the  
3 conversations that you had with Ms. Kell?

4 A I think she was just bringing me up to speed.  
5 I had been out of the country for a year. She was just  
6 letting me know this was part of the package.

7 Q Do you remember anything else from those  
8 conversations?

9 A No.

10 Q And have you had any communications concerning  
11 this lawsuit with any State officials?

12 A No.

13 Q To your knowledge, who is responsible for  
14 ordering textbooks and instructional materials at  
15 Burbank?

16 MR. OJEDA: Object; vague and ambiguous as to  
17 "responsible," calls for a legal conclusion. He can  
18 testify as to his experience and knowledge as to who  
19 actually orders textbooks.

20 BY MR. SIMMONS:

21 Q Do you understand the question?

22 A I understand the distinction.

23 Q Okay. I mean, can you answer the question or  
24 do you need me to ask it in another form?

25 A I think you need to refine it.

1 Q And when you said that you felt that the school  
2 was under scrutiny, did you mean scrutiny from the  
3 superintendent?

4 A Scrutiny from the superintendent, yes.

5 Q Anyone else?

6 A The general community.

7 Q Has anyone from the district ever told you that  
8 Burbank was under scrutiny as a result of the lawsuit?

9 MR. OJEDA: I'll object that it could invade  
10 attorney-client privileges in terms of counsel  
11 representing the district.

12 But other than any conversations you may have  
13 had with attorneys, you can answer.

14 THE WITNESS: I don't remember specifically hearing  
15 that.

16 BY MR. SIMMONS:

17 Q Other than conversations that would have  
18 occurred with counsel, can you recall any conversations  
19 with representatives of the district regarding this  
20 lawsuit?

21 A Just in the most general sense, that -- perhaps  
22 with my supervisor.

23 Q And who would your supervisor be?

24 A Judy Kell.

25 Q Could you spell the last name.

1 Q Okay. Do you have anyone who is responsible  
2 for ordering textbooks at Burbank?

3 MR. OJEDA: Same objection.

4 THE WITNESS: It's part of my responsibility.

5 BY MR. SIMMONS:

6 Q Does anybody else have responsibility for  
7 ordering textbooks for Luther Burbank?

8 A The district.

9 MR. OJEDA: Let me just interject.

10 If you are going to continue with this line of  
11 questioning or using the word "responsibility" in other  
12 contexts, then I just have a standing objection that it  
13 does call for a legal conclusion and speculation on his  
14 part as to ultimate responsibility.

15 But you can ask him about his personal  
16 knowledge and experience, and I assume that's what you  
17 are doing.

18 MR. SIMMONS: Yeah. I mean, is there a word you can  
19 think of that would be better than whether he has  
20 responsibility? I would be happy to use it. I mean,  
21 I'm just trying to get an idea if someone is required --  
22 if under school procedures there's someone charged with  
23 the responsibility of ordering textbooks.

24 MR. OJEDA: Perhaps, do one of your job duties  
25 include ordering textbooks, or something of that nature.

1 BY MR. SIMMONS:  
 2 Q Okay. Did you testify earlier that one of your  
 3 responsibilities or duties at Burbank was ordering  
 4 textbooks?  
 5 A Well, I don't do it. I tell somebody to do it.  
 6 Q And who would you tell to order the textbooks?  
 7 A We have a clerk who works in the library and  
 8 she helps with that.  
 9 Q And what's her name?  
 10 A Pilar Bealisi, B-e-a-l-i-s-i.  
 11 Q And it was Pilar, P-i-l-a-r?  
 12 A Right.  
 13 Q And to your knowledge, is there a procedure in  
 14 place at Burbank that's followed when ordering textbooks  
 15 and instructional materials?  
 16 MS. PERRIN: And just for clarification, you mean a  
 17 policy of the school?  
 18 MR. SIMMONS: Just a procedure.  
 19 MS. PERRIN: At the school?  
 20 MR. SIMMONS: Yeah, at the school.  
 21 THE WITNESS: There is now. I can't speak for what  
 22 happened before I got there.  
 23 BY MR. SIMMONS:  
 24 Q Right.  
 25 And what's your understanding of the procedure?

1 A The one now?  
 2 Q Yes.  
 3 A Is that inventory is taken of the textbooks,  
 4 and we are given a limited amount of money each year to  
 5 purchase necessary textbooks to fill up our -- to meet  
 6 our needs.  
 7 Q And were you responsible for establishing the  
 8 procedure this year?  
 9 A I established that procedure this year.  
 10 Q And is the procedure maintained in written  
 11 form?  
 12 A There are forms for inventory, and there's an  
 13 order form that we use to go through the district to  
 14 purchase specific books.  
 15 Q And I guess I'm asking, is there like a set of  
 16 instructions to be followed that are placed in written  
 17 form?  
 18 A Well, no, nothing written.  
 19 Q And you testified that the school takes an  
 20 inventory of their books; is that correct?  
 21 A They did this year, this spring.  
 22 Q And do you know what month that occurred?  
 23 A June.  
 24 Q And can you tell me who is responsible for  
 25 developing the inventory?

1 A Susan Tran, T-r-a-n.  
 2 Q And do you know how she goes about putting the  
 3 inventory together?  
 4 A Not specifically.  
 5 Q Does she enlist the aid of any teachers to put  
 6 together the inventory?  
 7 A Yes.  
 8 Q Do you know which teachers she seeks aid from?  
 9 A I don't recall specifically.  
 10 Q Do you know the type of assistance that  
 11 Ms. Tran seeks from the teachers in putting the  
 12 inventory together?  
 13 A It's "Tran."  
 14 Q Tran, T-r-a-n?  
 15 A I believe it involves requesting them to count  
 16 the books.  
 17 Q So you believe that in the month of June, each  
 18 teacher at Burbank made a count of the books that they  
 19 use in teaching their class?  
 20 A No.  
 21 MS. PERRIN: Objection; slightly misstates his  
 22 testimony. He testified that Ms. Tran was responsible  
 23 for the inventory and she enlisted the aid of several  
 24 teachers to help count books.  
 25 MR. OJEDA: It's also vague as to time.

1 BY MR. SIMMONS:  
 2 Q Do you have an idea as to how many teachers go  
 3 through to count books at Burbank?  
 4 A I don't remember specifically.  
 5 Q Do you have an estimate?  
 6 A I believe she had three or four teachers  
 7 helping her.  
 8 Q And do you know whether these three or four  
 9 teachers and Ms. Tran were charged with counting all the  
 10 books at Luther Burbank that are used in class?  
 11 A All the current textbooks.  
 12 Q And has that inventory been put into written  
 13 form yet?  
 14 A I don't know.  
 15 Q Is it your understanding that at some point the  
 16 inventory will be placed in written form?  
 17 A Yes.  
 18 Q And will the written inventory be used for any  
 19 particular purpose?  
 20 A Yes.  
 21 Q Can you tell me what that purpose is.  
 22 A I think it will let us know how many books we  
 23 have and if we have a sufficient number to meet our  
 24 needs.  
 25 Q Do you know whether a copy of the inventory

1 will be provided to the San Francisco Unified School  
 2 District?  
 3 A I believe it's an internal document.  
 4 Q Who does Burbank order textbooks from?  
 5 A We order them through the school district.  
 6 Q And can you tell me how Burbank goes about  
 7 ordering books through the school district.  
 8 A There's a form that's filled out in which you  
 9 specify what books you want.  
 10 Q And I assume the form also provides a space for  
 11 specifying the quantity of books that you want?  
 12 A Yes.  
 13 Q And do you know specifically who that form is  
 14 sent to at the school district?  
 15 A No.  
 16 Q And do you know who's responsible for filling  
 17 out that form at Burbank this year?  
 18 A Who was responsible?  
 19 Q Yes.  
 20 A I believe that Ms. Bealisi and I filled it out.  
 21 Q And how many occasions -- on how many occasions  
 22 did you fill out this form that we have been speaking  
 23 of?  
 24 A One.  
 25 Q And was the form sent to the school district?

1 A Yes.  
 2 Q And do you recall what books you ordered on  
 3 this form?  
 4 A Yes.  
 5 Q What books were those?  
 6 A McDougall Littell, language arts books.  
 7 Q Were any other books ordered on the form?  
 8 A I don't recall.  
 9 Q And do you remember the number of language arts  
 10 textbooks that were ordered?  
 11 A No.  
 12 MS. PERRIN: I'm sorry. Can we clarify, the number  
 13 of books that were requested?  
 14 MR. SIMMONS: Requested, yes.  
 15 Q Do you remember the number of textbooks that  
 16 were requested by the form?  
 17 A No.  
 18 MR. SIMMONS: Thank you.  
 19 Q And do you know whether Burbank received the  
 20 books that it requested?  
 21 A No.  
 22 Q And just to clarify, was that no, you don't  
 23 know or no, the school didn't receive the books that it  
 24 requested?  
 25 A I don't know.

1 Q After filling out the form, was someone else --  
 2 did you put someone else in charge of following up to  
 3 ensure that the books that were requested were received  
 4 by the school?  
 5 A Well, that's Ms. Bealisi's responsibility.  
 6 Q To your knowledge, does Burbank have a  
 7 procedure in place to determine what specific texts or  
 8 instructional materials will be used in particular  
 9 subjects?  
 10 A Can you clarify that.  
 11 Q I guess I would like to know if Burbank has a  
 12 procedure that it follows for determining whether it's  
 13 going to use Textbook A or Textbook B in English.  
 14 A It's determined at the district level and the  
 15 State level.  
 16 Q And do you have a general understanding as to  
 17 the procedure that's used at the district level?  
 18 MR. OJEDA: Objection; calls for speculation.  
 19 THE WITNESS: Yes, I understand the process.  
 20 BY MR. SIMMONS:  
 21 Q And can you describe the process for me.  
 22 A My understanding of the process is that  
 23 generally they assemble -- they elicit volunteers,  
 24 people willing to sit on a textbook committee, and they  
 25 review different textbooks that have been approved by

1 the State. And from that list they select one to be  
 2 used by the district.  
 3 Q And when you say they elicit volunteers to sit  
 4 on the committee, do you know the kinds of volunteers  
 5 they seek?  
 6 A Teachers and parents.  
 7 Q And do you know whether any teachers from  
 8 Burbank presently sit on a committee of this type?  
 9 A One of our staff was on the science selection  
 10 committee this year.  
 11 Q And what was that person's name?  
 12 A Vic Candia, C-a-n-d-i-a.  
 13 Q And do you know whether there are any parents  
 14 of students at Burbank that sit on a committee of this  
 15 type presently?  
 16 A I'm not aware of any.  
 17 Q And you say that the determination of which  
 18 textbooks will be used for a particular subject also  
 19 occurs at the State level?  
 20 A Right.  
 21 Q Can you describe that process for me.  
 22 MR. OJEDA: Calls for speculation.  
 23 MS. PERRIN: Calls for speculation.  
 24 BY MR. SIMMONS:  
 25 Q Do you have an understanding as to that



1 process?

2 A It's a very limited understanding.

3 Q And what is that understanding?

4 A That they go through a similar process. And  
5 then they choose a specific list of books that are  
6 approved by the State Board of Education, and the  
7 districts can choose from that list.

8 Q And do you know whether -- this approved list,  
9 is that something that comes from the California  
10 Department of Education?

11 A Yes.

12 Q To the best of your knowledge, is there a  
13 procedure in place at Burbank this year for replacing  
14 missing textbooks?

15 A Well, that was the process that I described  
16 earlier.

17 Q So there's a general procedure for obtaining  
18 textbooks that would be used if you needed them at the  
19 beginning of the year?

20 A Can you clarify that.

21 Q Sure.

22 If you needed -- I guess what I'm trying to say  
23 is -- find out is if there's one procedure in place for  
24 obtaining textbooks at Burbank that would be used to  
25 respond to a need for textbooks regardless of what the

1 A No. No, that would -- that's a process that's  
2 in-house, that if I'm a classroom teacher and a child  
3 loses a book, then I would probably put in a request to  
4 Ms. Bealisi to see if there's something to replace it.

5 Q And that would be a request to see if there's  
6 something on site, an additional textbook on site?

7 A Right.

8 Q Do you know if a textbook -- if an additional  
9 copy of the textbook wasn't available on site, do you  
10 know what the next step would be to obtain another  
11 textbook?

12 A It would be determined by a variety of factors,  
13 one of which would be the adoption cycle for textbooks.  
14 There's a -- I believe a seven-year cycle for  
15 adoption -- adopting textbooks.

16 And for example, this year we didn't order any  
17 social studies books to replace lost books because every  
18 six or seven years the district through the State gives  
19 us a complete set of our needs, to meet our needs.

20 MR. OJEDA: I think you are answering a different  
21 question.

22 THE WITNESS: Okay.

23 MR. OJEDA: It's also a narrative at this point, so  
24 can you specify.

25 MR. SIMMONS: Sure. I think that was a reasonable

1 cause of the need was.

2 Did I do any better?

3 A No.

4 MR. OJEDA: Objection; vague and ambiguous.

5 MR. SIMMONS: Okay.

6 MR. OJEDA: Are you asking if there's one policy or  
7 procedure in place to order texts at all, during the  
8 entire year?

9 MR. SIMMONS: Yeah.

10 Q I'm trying to figure out -- seems like there  
11 may be a procedure -- if you find out at the beginning  
12 of the year that you need textbooks, you may use one  
13 procedure. Then if through the middle of the year, is  
14 it the same procedure you would use if you found out a  
15 textbook had been lost?

16 MR. OJEDA: I believe that's been asked and  
17 answered.

18 BY MR. SIMMONS:

19 Q I'll try and rephrase the question one more  
20 time to -- would you use the same procedure to obtain a  
21 book that has been lost as you would to obtain another  
22 copy of a book that has been damaged?

23 A Yes.

24 Q And is that the procedure which entails filling  
25 out the form that will be sent to the district?

1 answer.

2 Q But in any event, there's various factors that  
3 would affect how you would proceed at that next level if  
4 there wasn't a textbook to -- on site to replace a  
5 missing textbook; is that correct?

6 A Yes.

7 Q And one of those factors is the adoption cycle?

8 A Yes.

9 Q And are there other factors that would play in  
10 as to how you would proceed if there wasn't an  
11 additional textbook available on site?

12 A Well, probably the other consideration would be  
13 the time of the year.

14 Q And how would the time of year affect the  
15 efforts that would be used to obtain an additional  
16 textbook?

17 A I think the -- September 15th as opposed to  
18 May 15th, at the end of the year, it would be less of a  
19 pressing need.

20 Q Now, if you go -- if a teacher requests an  
21 additional textbook to replace a damaged textbook and  
22 there isn't one on site, can you request -- can someone  
23 request the district to provide an additional textbook?

24 MR. OJEDA: I object that it lacks foundation, calls  
25 for speculation.

1 BY MR. SIMMONS:  
 2 Q To the best of your knowledge, if a textbook is  
 3 damaged throughout the course of the year and a teacher  
 4 requests an additional textbook and there's no  
 5 additional textbook on site, can someone request that  
 6 the district provide an additional textbook?  
 7 MR. OJEDA: Same objection.  
 8 MS. PERRIN: I join that.  
 9 BY MR. SIMMONS:  
 10 Q Have I still not made myself clear?  
 11 A Well, I mean, it would depend on the book and  
 12 the circumstances and the time of the year.  
 13 Q Have you ever -- has Burbank ever had to go to  
 14 the district to obtain an additional textbook to replace  
 15 a damaged textbook at all this year?  
 16 A No.  
 17 Q And has Burbank ever needed to go to the  
 18 district to replace a textbook that's been lost this  
 19 year?  
 20 A No.  
 21 MR. OJEDA: It's 12:30. So you should think about  
 22 whether this is a good time to stop or whether -- if you  
 23 are in the middle of something, you can wrap it up.  
 24 MR. SIMMONS: No, I can stop here if you guys are  
 25 ready.

1 MS. PERRIN: Off the record.  
 2 (Discussion off the record.)  
 3 (Lunch recess was taken at 12:10 p.m.)  
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1 AFTERNOON SESSION 1:12 P.M.  
 2 EXAMINATION (Resumed)  
 3 BY MR. SIMMONS:  
 4 Q Welcome back, Mr. Michaelson.  
 5 A Thank you.  
 6 Q I just want to remind you that you are still  
 7 under oath. Do you understand that?  
 8 A Yes.  
 9 Q And you didn't take any medication or anything  
 10 that might affect your ability to testify now after  
 11 lunch, did you?  
 12 A No.  
 13 Q And to your knowledge, is there a procedure in  
 14 place at Burbank for obtaining additional books at the  
 15 beginning of the school year if the school finds out  
 16 that it lacks the amount of textbooks it needs?  
 17 MS. PERRIN: Objection; asked and answered.  
 18 MR. OJEDA: Join.  
 19 THE WITNESS: Yes.  
 20 BY MR. SIMMONS:  
 21 Q And what is that procedure?  
 22 A To let the principal know. And then I decide  
 23 on how to handle it and see if I can get some help from  
 24 the district on it or borrow some books.  
 25 Q And I think earlier with respect to missing or

1 damaged textbooks you testified that the decision to  
 2 obtain an additional book from the district could turn  
 3 on the seven-year cycle or the timing of the year; is  
 4 that correct?  
 5 MS. PERRIN: Objection; slightly misstates his  
 6 testimony. He just said that in making a determination  
 7 whether to request textbooks from the district that  
 8 those two factors would come into play.  
 9 MR. OJEDA: Join.  
 10 BY MR. SIMMONS:  
 11 Q Is that correct?  
 12 A Yes.  
 13 Q And would you be the individual who would  
 14 consider those factors and make the final decision as to  
 15 whether or not to order an additional text from the  
 16 district?  
 17 MR. OJEDA: Objection; lacks foundation, calls for  
 18 speculation.  
 19 MS. PERRIN: Join.  
 20 BY MR. SIMMONS:  
 21 Q It's okay to answer.  
 22 A Yes.  
 23 Q To the best of your knowledge, is there a  
 24 policy in place at Burbank relating to how often  
 25 textbooks and instructional materials at Burbank should

1 be updated?  
 2 MS. PERRIN: Objection; vague as to "updated."  
 3 BY MR. SIMMONS:  
 4 Q Do you understand the question?  
 5 A No.  
 6 Q I think earlier one of the things that you  
 7 mentioned was a seven-year cycle upon which textbooks  
 8 are purchased; is that correct?  
 9 A By the district, yes.  
 10 Q And are the books at -- excuse me.  
 11 Are the books at Burbank purchased -- strike  
 12 that.  
 13 Are the books at Burbank to your knowledge  
 14 updated consistent with the seven-year cycle?  
 15 MS. PERRIN: Objection; vague as to "updated."  
 16 MR. OJEDA: Join.  
 17 THE WITNESS: I don't make that determination; it's  
 18 done at the district and State level.  
 19 BY MR. SIMMONS:  
 20 Q To your knowledge, are there any textbooks at  
 21 Burbank that are older than seven years?  
 22 MS. PERRIN: I'm sorry. Can we clarify? Are you  
 23 asking older in physical age, or are you asking about  
 24 copyright dates?  
 25 MR. SIMMONS: Older in physical age.

1 THE WITNESS: Than seven years?  
 2 MR. OJEDA: Another clarification, are you talking  
 3 about texts that are used in classroom instruction,  
 4 texts in libraries? What textbooks are you talking  
 5 about?  
 6 BY MR. SIMMONS:  
 7 Q Okay. Let's -- are there any textbooks used  
 8 for -- first of all, do you have an understanding as to  
 9 what the term "core academic subjects" means?  
 10 A Yes.  
 11 Q And what is your understanding of that?  
 12 A That it basically relates to language arts,  
 13 math, science, and social science.  
 14 Q And to the best of your knowledge, are any  
 15 textbooks that are used at Burbank for core academic  
 16 subjects older than seven years?  
 17 A I think you need to clarify that.  
 18 MR. OJEDA: Are you asking, Shaun, whether there are  
 19 any books that are outside the seven-year cycle that you  
 20 discussed earlier?  
 21 MR. SIMMONS: Yeah. I mean, that's what I'm trying  
 22 to get at.  
 23 Q Is that -- would that question make more sense  
 24 to you or --  
 25 MS. PERRIN: Can we go off record for a second?

1 MR. SIMMONS: Sure.  
 2 (Discussion off the record.)  
 3 BY MR. SIMMONS:  
 4 Q Mr. Michaelson, I'm just asking if you  
 5 personally know whether any of the textbooks that are  
 6 used for core academic subjects at Burbank are  
 7 physically older than seven years.  
 8 MR. OJEDA: Object; it's vague and ambiguous and  
 9 overbroad.  
 10 BY MR. SIMMONS:  
 11 Q Can you answer the question?  
 12 A Do I know, yes.  
 13 Q And are there any textbooks used in core  
 14 academic subjects that are older than seven years?  
 15 THE WITNESS: Could we take a minute?  
 16 MR. OJEDA: Yeah, sure.  
 17 (Recess taken.)  
 18 BY MR. SIMMONS:  
 19 Q To your knowledge, are there textbooks for core  
 20 academic subjects at Burbank available which are all  
 21 less than seven years old?  
 22 A Yes.  
 23 Q To the best of your knowledge, is there a  
 24 policy in place requiring that each student at Burbank  
 25 be provided with a textbook or instructional materials

1 to use in class?  
 2 A As needed.  
 3 Q And could you explain to me what you mean by  
 4 "as needed."  
 5 A It's a lot of latitude on the part of the  
 6 teachers, how they use textbooks. The way we encourage  
 7 them to be used is as a resource, not a script.  
 8 Q So teachers are encouraged to use a variety of  
 9 instructional materials at Burbank?  
 10 A Yes.  
 11 Q And do you know why they are encouraged to do  
 12 so?  
 13 A Because it's good teaching and promotion  
 14 instruction.  
 15 Q To the best of your knowledge, is there a  
 16 policy in place requiring that each student at Burbank  
 17 be provided with his or her own textbook or  
 18 instructional material to take home for purposes of  
 19 doing homework?  
 20 A Again, that's determined by the teacher.  
 21 Q And do you know what kind of factors would go  
 22 into the teacher's determination with respect to that  
 23 policy?  
 24 A Yes.  
 25 Q Can you tell me what those are.

1 A Perhaps the teacher's philosophy about homework  
2 as an extension of the lessons during the day. Even  
3 something as mundane as the weight of the book, because  
4 it -- students are required to take home several books.  
5 It's really asking the student a lot.

6 Q So would it be fair to say that in each core  
7 subject at Burbank, each student has a textbook to take  
8 home and do homework, but the teacher may choose to  
9 assign a different type of homework that doesn't require  
10 a text?

11 MR. OJEDA: Objection; compound, vague and  
12 ambiguous.

13 MS. PERRIN: And I think misstates his testimony.

14 BY MR. SIMMONS:

15 Q Just trying to ask the question, not  
16 characterize your testimony.

17 Can you answer the question as phrased?

18 A Which of your questions?

19 Q Would you read back --

20 A You asked me two questions right now.

21 (The record was read as follows:

22 "Question: So would it be fair to say that in  
23 each core subject at Burbank, each student has  
24 a textbook to take home and do homework, but  
25 the teacher may choose to assign a different

1 that correct?

2 A Which they may take home.

3 Q To the best of your knowledge, is there a  
4 procedure in place at Burbank for reporting complaints  
5 about textbooks or instructional materials?

6 MS. PERRIN: Vague, objection as to "complaints."

7 MR. OJEDA: Join.

8 MR. SIMMONS: I'll rephrase.

9 Q To the best of your knowledge, is there a  
10 procedure in place at Burbank for reporting complaints  
11 about the condition of textbooks or instructional  
12 materials?

13 MS. PERRIN: Physical condition?

14 MR. SIMMONS: Physical condition.

15 THE WITNESS: I don't believe there's a formal  
16 process.

17 BY MR. SIMMONS:

18 Q Is there an informal process?

19 A Tell the principal.

20 Q And do you know whether the complaint would be  
21 reported by a teacher?

22 MR. OJEDA: Calls for speculation.

23 THE WITNESS: More likely the teacher than a  
24 student.

25 BY MR. SIMMONS:

1 type of homework that doesn't require a text?")

2 BY MR. SIMMONS:

3 Q Would it be fair to say that each student at  
4 Burbank has a textbook to take home for purposes of  
5 homework in all core academic subjects?

6 A That's the goal.

7 Q And is there any subject, core academic subject  
8 in which students -- in which each student at Burbank  
9 doesn't have his own or her own textbook to take home  
10 for purposes of homework?

11 MS. PERRIN: Objection; calls for speculation.

12 THE WITNESS: I believe there was a deficit this  
13 year in the social studies books.

14 BY MR. SIMMONS:

15 Q Now, excluding social studies, does each -- do  
16 you know whether each student at Burbank has a textbook  
17 for each core academic subject which they can take home  
18 for purposes of doing homework?

19 A No.

20 Q And again, I'm sorry, I have to clarify, but  
21 was that no, you don't know --

22 A I don't know.

23 Q Okay. But the goal at Burbank is to provide  
24 each student in each core academic subject a textbook  
25 which they can take home to do homework if needed; is

1 Q To the best of your knowledge, is there a  
2 procedure or some form of communication by which you  
3 inform the district as to the number of textbooks  
4 available at Burbank?

5 MS. PERRIN: Outside of the inventory?

6 MR. SIMMONS: Yes.

7 MS. PERRIN: Okay.

8 MR. SIMMONS: Well, the inventory --

9 Q Correct me if I'm wrong, but I believe you  
10 previously testified that the inventory is considered an  
11 internal document for the benefit of the school; is that  
12 correct?

13 A Yes.

14 Q And so I'm just trying to find out if -- to  
15 your knowledge whether there's a procedure or some form  
16 of communication by which Burbank would inform the  
17 district as to the number of textbooks at the school?

18 A No.

19 Q I think earlier you testified that each student  
20 was not provided with a textbook for use in class at  
21 Burbank in social studies; is that correct?

22 MR. OJEDA: Objection; misstates his testimony.

23 BY MR. SIMMONS:

24 Q Is that --

25 A Can you restate that one.

1 Q Sure.  
 2 I think -- well, we will do it this way.  
 3 Is it your understanding that each student at  
 4 Burbank was not provided with his or her own copy of the  
 5 required social studies texts to use in class at  
 6 Burbank?  
 7 MR. OJEDA: Objection; vague and ambiguous.  
 8 THE WITNESS: Yes, I said that.  
 9 BY MR. SIMMONS:  
 10 Q And did this occur in a particular -- in a  
 11 particular grade level of social studies?  
 12 A No, I believe it was across the grades.  
 13 Q And were efforts made to order additional  
 14 social studies texts?  
 15 A This year?  
 16 Q This year, I'm sorry.  
 17 A No.  
 18 Q And can you tell me why that was?  
 19 A Yes. Because we are at the end of our cycle,  
 20 and the district was ordering a brand-new text for all  
 21 of our students.  
 22 Q So was it your expectation that next year each  
 23 student at Burbank will be provided with his or her own  
 24 copy of a new social studies text?  
 25 A The books have arrived and that will be the

1 case.  
 2 Q Were materials -- were instructional materials  
 3 other than textbooks used during this past year?  
 4 MS. PERRIN: Objection; vague as to in which class  
 5 and it calls for speculation.  
 6 BY MR. SIMMONS:  
 7 Q Do you know whether instructional materials  
 8 other than textbooks were available to teach social  
 9 studies this year?  
 10 A Yes.  
 11 Q And can you tell me what kinds of materials  
 12 those were.  
 13 A Primarily we encourage the teachers to use  
 14 History Alive, which is an interactive project-based  
 15 curriculum to supplement the regular.  
 16 Q And did the school make use of any handouts to  
 17 teach social studies?  
 18 A I can't say that one way or the other.  
 19 Q I'm sorry?  
 20 A I can't say one way or the other.  
 21 Q Could you tell me a little bit more about what  
 22 History Alive consists of.  
 23 A Yes.  
 24 It's a curriculum developed by teachers that  
 25 involves kids into thinking about the issues that come

1 in in social studies. Rather than just reading a dry  
 2 textbook, they, through a variety of activities, learn  
 3 social studies concepts at a deeper level.  
 4 Q And can you tell me just what one type of  
 5 activity might be used under the History Alive  
 6 curriculum.  
 7 A It's such a broad number.  
 8 One that I observed this year was something  
 9 related to the Constitution and the Bill of Rights, and  
 10 kids were working in groups. And the scenario would be  
 11 presented, and they had to determine which right was  
 12 connected to it.  
 13 Q Are you aware of any other core subjects at  
 14 Burbank in which each student was not provided with a  
 15 textbook to use in class this year?  
 16 A Due to a lack of textbooks or by design of the  
 17 teacher?  
 18 Q Due to a lack of textbooks.  
 19 A No.  
 20 Q And are you aware of any other core subjects at  
 21 Burbank in which each student was not provided with a  
 22 textbook to take home for purposes of homework due to a  
 23 lack of textbooks?  
 24 A Not that I'm aware of.  
 25 Q And do you know whether there are any core

1 subject courses at Burbank in which teachers have made  
 2 the choice not to use textbooks?  
 3 A I can't speak for them, no.  
 4 Q Do you know any of the kinds of homework that  
 5 were assigned for students in social studies classes?  
 6 MS. PERRIN: Objection; assumes that homework was  
 7 assigned in social studies classes.  
 8 MR. OJEDA: Vague and ambiguous, overbroad.  
 9 BY MR. SIMMONS:  
 10 Q Do you know whether homework was assigned in  
 11 social studies classes this year?  
 12 A I don't know.  
 13 Q Are teachers at Burbank encouraged to assign  
 14 homework in core subjects that does not require the use  
 15 of a textbook?  
 16 A Specifically that doesn't require a textbook?  
 17 No.  
 18 Q Are they encouraged to use -- strike that.  
 19 Are teachers encouraged to assign homework that  
 20 makes use -- strike that.  
 21 Are teachers at Burbank encouraged to assign  
 22 homework in core subjects that makes use of other  
 23 materials than textbooks?  
 24 MR. OJEDA: Object; it's overbroad because it speaks  
 25 to anyone and everyone that might speak to teachers or

1 encourage them to do something, and it's beyond the  
2 deponent's knowledge.  
3 BY MR. SIMMONS:  
4 Q Do you know whether teachers at Burbank are  
5 ever encouraged to assign homework in core subjects that  
6 makes use of other materials than textbooks?  
7 MR. OJEDA: Same objection.  
8 THE WITNESS: That would really probably cross the  
9 line. Teachers are given a fair amount of latitude in  
10 how they teach the course.  
11 BY MR. SIMMONS:  
12 Q But for example, are teachers encouraged to  
13 assign current event-type homework?  
14 MR. OJEDA: Same objection.  
15 THE WITNESS: It just depends on the teacher. Have  
16 I encouraged them specifically?  
17 BY MR. SIMMONS:  
18 Q Yes.  
19 A No.  
20 Q Have there been any complaints about textbooks  
21 or instructional materials ever at Burbank this year?  
22 MS. PERRIN: Objection as to what types of  
23 complaints.  
24 MR. SIMMONS: I'll rephrase.  
25 Q Are you aware of any complaints about the

1 physical condition of textbooks or instructional  
2 materials at Burbank this year?  
3 A Other than my own? I mean, I've complained  
4 about it, but I can't recall any specific complaints.  
5 But it's been an area of concern.  
6 Q And what were your own complaints?  
7 A Well, No. 1, I don't like the book. I mean,  
8 even in pristine condition, the book is not a good  
9 textbook.  
10 No. 2, the condition of the books, part of it  
11 is being used for six or seven years, and they do get --  
12 end up looking a little sad. And I was concerned about  
13 the number of textbooks because I knew it was an issue.  
14 Q And your complaints that you have just listed  
15 for me, did those relate to the social studies  
16 textbooks?  
17 A I've got general concerns about all textbooks;  
18 many of them philosophical, some of them practical.  
19 Q And can you describe for me some of your  
20 philosophical complaints about the textbooks.  
21 MR. OJEDA: Objection; calls for a narrative. If  
22 you can be more specific.  
23 BY MR. SIMMONS:  
24 Q I think you can answer the question.  
25 A It's just the quality of the book.

1 Q And are these -- can you tell me a little bit  
2 more about what you mean by the quality of the book.  
3 A Textbooks are written for a very broad market,  
4 and I don't think they often meet the specific needs of  
5 urban schools.  
6 Q To the best of your knowledge, have any core  
7 subjects at Burbank been taught this year using books  
8 that are nine or more years out of date?  
9 MS. PERRIN: Objection; vague as to "out of date."  
10 THE WITNESS: None were assigned that were out of  
11 date.  
12 BY MR. SIMMONS:  
13 Q Did some teachers individually choose to use  
14 the textbook that was a textbook that was nine or more  
15 years out of date?  
16 A I was aware of a couple of instances where that  
17 happened.  
18 Q Can you tell me who those teachers were?  
19 A One teacher was -- one was Rebecca Castillias.  
20 And I know that she was using a language arts book from  
21 the previous adoption.  
22 Q And who was the other teacher?  
23 A Lou Geller, social studies teacher, was using a  
24 book from a previous adoption.  
25 Q And do you know why Ms. Castillias chose to use

1 a book from a previous adoption?  
2 MR. OJEDA: Calls for speculation.  
3 THE WITNESS: I think she was more comfortable using  
4 it.  
5 BY MR. SIMMONS:  
6 Q And did you ever ask her to use a more recent  
7 text?  
8 A Yes.  
9 Q And Mr. Geller, do you know why he chose to use  
10 a textbook from a previous adoption?  
11 MR. OJEDA: Same objection.  
12 THE WITNESS: I can't remember what the reason was.  
13 BY MR. SIMMONS:  
14 Q And did you ask him to use a more recent text?  
15 A I encouraged him to use History Alive.  
16 Q To your knowledge, does Burbank currently  
17 impose a limit on the number of photocopies a teacher  
18 can make of materials that will be used for homework?  
19 A They do not.  
20 Q Has Burbank imposed such a limit at any time  
21 during the school year?  
22 A No, not during my tenure there.  
23 Q And to your knowledge, does Burbank currently  
24 impose a limit on the number of photocopies a teacher  
25 can make of materials that will be used for

1 instructional purposes in class?  
 2 A No.  
 3 Q And has Burbank imposed such a limit at any  
 4 time this school year?  
 5 A No.  
 6 Q Do you have an understanding as to the  
 7 historical time period that 6th grade social studies is  
 8 supposed to cover?  
 9 A Yes.  
 10 Q Is there a better word to use than "historical  
 11 time period"?  
 12 A No.  
 13 Q What is your understanding of that historical  
 14 time period?  
 15 MR. OJEDA: Object that it's vague and ambiguous.  
 16 Are you talking about what time periods are covered at  
 17 Luther Burbank?  
 18 THE WITNESS: Yeah, I guess I'm -- yeah, that's  
 19 right. And I guess I'm just saying the 6th grade social  
 20 studies expected to focus on the Middle Ages as opposed  
 21 to focusing on the Renaissance, is what I'm trying to  
 22 get at.  
 23 BY MR. SIMMONS:  
 24 Q Do you have an understanding as to the  
 25 historical time period that students in 6th grade social

1 studies at Burbank are supposed to learn about?  
 2 A I know what the State framework suggests.  
 3 Q And can you tell me what that is.  
 4 A It's a public document, sure. It's from  
 5 prehistory to the Fall of Rome.  
 6 Q And do you know whether the district-mandated  
 7 materials are tailored to this historical time period?  
 8 A Yes, they are.  
 9 Q To your knowledge, are 6th grade students at  
 10 Burbank expected to learn about the rise and fall of the  
 11 former Soviet Union in their social studies course?  
 12 A That would be after the Fall of Rome, so, no.  
 13 Q And do you have an understanding as to the  
 14 historical time period which students in 7th grade at  
 15 Luther Burbank are expected to learn about?  
 16 A Based on the State framework, it's from the  
 17 Fall of Rome to the French Revolution.  
 18 Q And do you know whether the textbooks that are  
 19 used to teach -- strike that.  
 20 Are the textbooks which the district mandates  
 21 be used for teaching 7th grade social studies tailored  
 22 to this historical time period?  
 23 A Yes.  
 24 Q And do you know whether 7th grade students are  
 25 expected -- strike that.

1 Do you know whether 7th grade students at  
 2 Luther Burbank are expected to learn about the rise and  
 3 fall of the former Soviet Union in their social studies  
 4 class?  
 5 A I want to be specific. It's not part of the  
 6 curriculum, but the social studies teachers will make  
 7 connections that go beyond the actual limits of the  
 8 framework.  
 9 Q And do you have an understanding as to the  
 10 historical time period that students in 8th grade at  
 11 Burbank are supposed to learn about?  
 12 A It's the same throughout the state. And it's  
 13 the American Revolution to World War I.  
 14 Q And do you know whether the textbooks that the  
 15 district mandates to be used for 8th grade social  
 16 studies instruction are tailored to this historical time  
 17 period?  
 18 A Yes.  
 19 Q And are they?  
 20 A Yes.  
 21 Q And notwithstanding that a good social studies  
 22 teacher should make connections between differing  
 23 historical time periods, are 8th grade students at  
 24 Burbank expected to learn about the rise and fall of the  
 25 former Soviet Union in their social studies class?

1 A No.  
 2 Q And just returning to 7th grade briefly,  
 3 notwithstanding that a good social studies teacher can  
 4 make connections between differing historical periods,  
 5 when teaching class are 7th grade students expected to  
 6 learn about the rise and fall of the former Soviet Union  
 7 in their social studies class?  
 8 A No.  
 9 Q Just to make you aware of a shift focus to  
 10 bathrooms now.  
 11 MR. OJEDA: Take a short break.  
 12 (Recess taken.)  
 13 BY MR. SIMMONS:  
 14 Q To your knowledge, is there a procedure in  
 15 place at Burbank for cleaning the school's bathrooms?  
 16 A Yes.  
 17 Q Could you tell me your understanding of that  
 18 procedure.  
 19 A It's part of the regular routine for custodial  
 20 staff.  
 21 Q And to your knowledge, are the bathrooms at  
 22 Luther Burbank expected to be cleaned on a daily basis?  
 23 A Yes.  
 24 Q And to the best of your knowledge, are the  
 25 bathrooms at Luther Burbank cleaned on a daily basis?

1 A Yes.  
 2 Q And is there anyone at Burbank who is supposed  
 3 to make sure that bathrooms at the school are cleaned on  
 4 a daily basis?  
 5 A My assistant supervises the custodians.  
 6 Q And do you know whether the bathrooms at  
 7 Burbank ever receive a more thorough cleaning in  
 8 addition to the daily cleanings?  
 9 MR. OJEDA: Vague as to time.  
 10 THE WITNESS: During the summer we do a lot of  
 11 catchup maintenance, where we go into more thorough  
 12 cleaning.  
 13 MS. PERRIN: Just for the record, when you referred  
 14 to your assistant, is that Laura Parker?  
 15 THE WITNESS: Yes.  
 16 BY MR. SIMMONS:  
 17 Q And do you have any understanding personally as  
 18 to what the more thorough cleaning in the summer would  
 19 consist of?  
 20 A I think it involves a high-pressure hose, but I  
 21 don't know.  
 22 Q And do you know how many custodians Burbank  
 23 has?  
 24 A Three and a half custodial positions.  
 25 MS. PERRIN: And a half?

1 THE WITNESS: (Witness nodded head.)  
 2 BY MR. SIMMONS:  
 3 Q Can you explain what it means to have a half  
 4 custodial position?  
 5 A Guy just doesn't work as fast. A person works  
 6 four hours at our school and four hours at another  
 7 school, so there's some sort of formula to determine  
 8 that.  
 9 Q And does Burbank have daytime custodians and  
 10 nighttime custodians?  
 11 A One custodian works during the day, and the  
 12 others come on at 2:30.  
 13 Q And to your knowledge, are custodians at  
 14 Burbank expected to ensure that the school's restrooms  
 15 are stocked with toilet paper on a daily basis?  
 16 A Yes.  
 17 Q And to your knowledge, do the custodians at  
 18 Burbank fulfill that responsibility?  
 19 A Generally, I believe so, yes.  
 20 Q To your knowledge, are the custodians at  
 21 Burbank expected to ensure that the school's restrooms  
 22 are stocked with paper towels on a daily basis?  
 23 A Yes.  
 24 Q And to your knowledge, do the custodians  
 25 generally fulfill that responsibility?

1 A I believe so.  
 2 Q To your knowledge, are the custodians at  
 3 Burbank expected to ensure that the school's restrooms  
 4 are stocked with soap on a daily basis?  
 5 A I don't know.  
 6 Q Do you know whether a custodian is available  
 7 throughout the day at Burbank to restock the bathrooms  
 8 with toilet paper if the need arises?  
 9 A Yes.  
 10 Q And is a custodian available for that purpose?  
 11 A Not exclusively that purpose, but, yes, in an  
 12 emergency, yes.  
 13 Q And to your knowledge, is a custodian available  
 14 throughout the day at Burbank to restock bathrooms with  
 15 paper towels if the need arises?  
 16 A Yes.  
 17 Q To your knowledge, do any of the toilets at  
 18 Burbank ever get clogged up?  
 19 MR. OJEDA: Overbroad.  
 20 MR. SIMMONS: Yeah, let me rephrase that.  
 21 Q To your knowledge, have any of the toilets at  
 22 Burbank ever clogged up this year?  
 23 A I can't answer that.  
 24 Q Not to your knowledge?  
 25 A With any certainty, yeah.

1 Q Do you know whether there's a procedure in  
 2 place at Burbank for dealing with a clogged toilet?  
 3 A Yes, tell Laura Parker and she communicates  
 4 with central services plumbing.  
 5 Q Central services is the plumber who would be  
 6 called out to fix the problem?  
 7 A Yeah, we call it a work order.  
 8 Q And does the -- is central services a private  
 9 vendor?  
 10 A No. Central service -- I don't want to mislead  
 11 you. It's just a phrase that I put together right now.  
 12 We call it buildings and grounds. It's part of the  
 13 school district.  
 14 Q And so a request to fix a clogged toilet would  
 15 be sent to buildings and grounds?  
 16 A Yes.  
 17 Q And that would go via a work order?  
 18 A Either on a computer or via telephone.  
 19 Q Do you know whether -- strike that.  
 20 To your knowledge, do the toilets at Burbank  
 21 ever overflow?  
 22 MR. OJEDA: Objection other broad.  
 23 MR. SIMMONS: Sorry about that. I'll rephrase.  
 24 Q To your knowledge, have the toilets at Burbank  
 25 ever overflowed this year?



1 A I don't know.  
 2 Q And would the procedure for reporting a clogged  
 3 toilet be the same procedure as that which would be used  
 4 to report an overflowing toilet?  
 5 A Yes. It gets tricky when it's the same thing  
 6 or, you know, when it's clogged and overflowing.  
 7 Q Do you fill out two work orders for that or  
 8 just one?  
 9 A Just one.  
 10 Q Do you ever inspect the bathrooms at Burbank?  
 11 A Mm-hmm. The boys'. And at times the girls' on  
 12 weekends.  
 13 MS. PERRIN: You work weekends too?  
 14 THE WITNESS: Should have been a lawyer, huh?  
 15 MS. PERRIN: Exactly.  
 16 BY MR. SIMMONS:  
 17 Q Do you know about how often you inspect the  
 18 boys' bathroom?  
 19 A It depends on the bathroom, the location, and  
 20 my schedule, but often.  
 21 Q And yeah, I recognize that there's more than  
 22 one bathroom at the school.  
 23 Would you say that you inspect at least one  
 24 bathroom at the school per day?  
 25 A Yes.

1 Q And what kinds of things do you look for when  
 2 you go into the bathrooms?  
 3 A Well, I'm often using the bathroom, and so I  
 4 just give it a once-over and note the general condition,  
 5 is there things I need to pass on to Laura.  
 6 Q Not to be too graphic, but you use the  
 7 students' bathrooms?  
 8 A Yes.  
 9 Q Is there a faculty bathroom available at the  
 10 school?  
 11 A There are bathrooms available to the faculty  
 12 and I have my own as well, but I don't always plan that  
 13 far ahead.  
 14 Q Do you have an estimate as to how often you  
 15 would use a students' bathroom at Burbank?  
 16 A I don't think there's a regular pattern.  
 17 Q Have you used a students' bathroom at all this  
 18 last month -- this month of June?  
 19 A I can't give you time and dates, but I believe  
 20 so. It's something I do regularly.  
 21 Q Would you say you use the students' bathroom  
 22 about once a week?  
 23 A I think I already said that I inspect it every  
 24 day; right?  
 25 Q Right.

1 A Often it's the same thing.  
 2 Q In any event, you use the students' bathroom at  
 3 Burbank, would you say, frequently?  
 4 A Mm-hmm. It's a big building.  
 5 Q And when you use the students' bathrooms at  
 6 Burbank, are they generally clean?  
 7 A Generally.  
 8 Q Can you remember a time when you used a  
 9 students' bathroom this year and it wasn't clean?  
 10 A Not specifically.  
 11 Q Can you estimate a number of times that you  
 12 used a students' bathroom at Burbank and the restroom  
 13 was not clean?  
 14 MR. OJEDA: Objection; he just testified that he  
 15 couldn't remember -- could not recall an instance when  
 16 it was not clean. You are asking him to estimate the  
 17 number of times it wasn't clean following that?  
 18 MS. PERRIN: I actually thought you asked if  
 19 Mr. Michaelson can remember a specific instance where it  
 20 was not clean, and I thought you could remember one  
 21 instance.  
 22 MR. SIMMONS: That was my understanding.  
 23 Q And then I thought I was trying to elicit  
 24 whether it's -- and if it's not possible, you can say  
 25 that. I'm just trying to figure out if you have an

1 estimate as to the number of times you have used a  
 2 students' bathroom at Burbank and felt that the restroom  
 3 wasn't clean.  
 4 MS. PERRIN: If any.  
 5 BY MR. SIMMONS:  
 6 Q And again, if this is something that you can't  
 7 answer, that's fine, just --  
 8 A I really can't answer that.  
 9 Q And when you inspect or use the students'  
 10 bathroom, do you generally find that there's toilet  
 11 paper in the bathroom?  
 12 A I don't usually check for that.  
 13 Q And when you inspect or use a students'  
 14 bathroom at Burbank, do you generally find that there's  
 15 paper towels in the bathroom?  
 16 A Not always.  
 17 Q And if you use a bathroom and observe that  
 18 there are no paper towels, do you do anything to remedy  
 19 the problem?  
 20 A I tell Laura Parker.  
 21 Q And what does Ms. Parker do?  
 22 A Encourages the custodian to remedy that.  
 23 Q To your knowledge, do students ever vandalize  
 24 bathrooms at Burbank?  
 25 MS. PERRIN: Objection as to "vandalize."

1 THE WITNESS: Ever?  
 2 BY MR. SIMMONS:  
 3 Q This -- okay, let me rephrase. I'm sorry.  
 4 To your knowledge, have students ever  
 5 vandalized the bathrooms at Burbank this year?  
 6 A Yes.  
 7 Q And can you remember any specific instance when  
 8 the bathrooms were vandalized?  
 9 A Yes.  
 10 Q Do you know about when that was?  
 11 A No.  
 12 Q Can you say whether it was in the fall or the  
 13 spring semester?  
 14 A I believe it was in the fall.  
 15 Q And when you learned that the bathroom had been  
 16 vandalized, were you making one of your routine  
 17 inspections of the bathroom?  
 18 A No, this was in the girls' bathroom.  
 19 Q And how was the bathroom vandalized?  
 20 A You mean in what manner?  
 21 Q Yes.  
 22 A Or who did it or what was the effect?  
 23 Q Yes.  
 24 A Okay. Some very unhappy people, assuming  
 25 girls, wrote all over the walls some very bad things

1 about people.  
 2 MS. PERRIN: Very bad things about what?  
 3 THE WITNESS: About people. Not about me.  
 4 BY MR. SIMMONS:  
 5 Q About teachers?  
 6 A No, actually, about other girls.  
 7 Q Were there any other forms of vandalism in that  
 8 bathroom on that occasion?  
 9 A No.  
 10 Q Was there anything done to remedy the  
 11 vandalism?  
 12 A I believe I painted the bathroom.  
 13 Q You personally painted the bathroom?  
 14 A Yes.  
 15 Q Can you remember any other specific instances  
 16 of vandalism of the bathrooms at Burbank this year?  
 17 A Graffiti has been an ongoing problem in the  
 18 bathrooms.  
 19 Q Can you explain a little bit more about what  
 20 you mean by "an ongoing problem."  
 21 A It's been a consistent concern.  
 22 Q Do students -- do you know whether it's  
 23 students who graffiti the bathroom?  
 24 A I assume it was the students.  
 25 Q And do you know how often the bathrooms are

1 graffitied?  
 2 A How often are they graffitied?  
 3 Q Yes.  
 4 A I don't know.  
 5 Q During the course of the year, has the school  
 6 taken steps to remedy any of the problems with graffiti?  
 7 A We look for consistency in things like tags and  
 8 investigate and round up the usual suspects.  
 9 Q Does the school ever try and paint over  
 10 existing graffiti, other than the occasion you have  
 11 already identified?  
 12 A Yes.  
 13 Q Do you know about how many times the school has  
 14 undertaken that effort this year?  
 15 A No.  
 16 Q Can you provide an estimate?  
 17 A Painting, maybe 10 times; cleaning, maybe 20  
 18 times.  
 19 Q To your knowledge, do students ever do anything  
 20 throughout the course of the day at Burbank that makes  
 21 the restrooms dirty?  
 22 MR. OJEDA: Object that it's vague and ambiguous,  
 23 overbroad.  
 24 MS. PERRIN: Join.  
 25 BY MR. SIMMONS:

1 Q I'll limit that question by saying other than  
 2 using the toilets and urinals in any regular fashion.  
 3 A Well, I think that whenever you have 700 people  
 4 in a building, there's going to be a lot of wear and  
 5 tear and then sometimes there's mischief.  
 6 Q What?  
 7 A Such as graffiti.  
 8 Q Do students ever throw trash on the floor of  
 9 the bathroom?  
 10 A Yes.  
 11 Q To your knowledge, do students ever  
 12 intentionally clog toilets?  
 13 A Not to my knowledge.  
 14 Q Do you know whether any of the bathrooms at  
 15 Burbank have been locked this year while school is in  
 16 session?  
 17 A Yes.  
 18 Q Have any of the bathrooms been locked?  
 19 A Yes.  
 20 Q Which ones?  
 21 A On the rare occasion when there's a clog or an  
 22 overflow or on that day when the graffiti was discovered  
 23 in the girls' bathroom, those bathrooms were temporarily  
 24 locked until the plumber can get there or the -- in the  
 25 case of the graffiti, until we can investigate.

1 The graffiti was racial, and it was very ugly,  
2 so we wanted to close off -- we didn't want kids to see  
3 it.

4 Q Other than for the purposes that you have just  
5 identified, are the bathrooms at Burbank -- or have the  
6 bathrooms at Burbank ever been locked this year?

7 A No, with the exception of a set of bathrooms up  
8 by the gym that are in a part of the building that is  
9 not used regularly and would be very difficult to  
10 supervise, but it's quite off the beaten path.

11 Q Do students at -- have students at Burbank this  
12 year had to have a bathroom pass to use the restroom  
13 during class time?

14 A Absolutely.

15 Q Have you ever observed any students this year  
16 having to wait in line to use a bathroom at Burbank?

17 A No.

18 Q To your knowledge, can students at Burbank  
19 request a pass from the school that allows them to use  
20 their restroom at home instead of the school restroom?

21 A Could you try that again.

22 Q And again I'm just asking to your knowledge,  
23 whether students at Burbank can request a pass from the  
24 school that would allow them to use the restroom at  
25 their home instead of the school restroom.

1 complained to you this year about there being an  
2 insufficient number of bathrooms at school?

3 A No.

4 Q Has any parent of a student at Burbank ever  
5 complained to you this year about students having to  
6 wait in long lines to use the bathroom?

7 A No.

8 Q Has any parent of a student at Burbank ever  
9 complained to you about a lack of toilet paper in the  
10 bathrooms at Burbank?

11 A No.

12 Q Has any parent of a student at Burbank ever  
13 complained to you this year about a lack of paper towels  
14 in the bathroom?

15 A No.

16 Q Has any teacher at Burbank ever complained to  
17 you about there being an insufficient number of  
18 bathrooms at Burbank?

19 A No.

20 Q Has any teacher ever complained to you this  
21 year about there being long lines to use a bathroom at  
22 Burbank?

23 A You mean student bathrooms?

24 Q Yes.

25 A No.

1 A No.

2 Q Has any student ever complained to you during  
3 the course of this year about the number of bathrooms at  
4 Burbank?

5 A No.

6 Q Has any student at Burbank complained to the --  
7 complained to you this year about there being long lines  
8 to get into a bathroom?

9 A No.

10 Q Has any student ever complained to you this  
11 year about a lack of paper towels in the bathrooms?

12 A No.

13 Q Has any student ever complained to you this  
14 year about a lack of toilet paper in the bathrooms?

15 A Yes.

16 Q Do you know which student or --

17 A No.

18 Q Do you recall only one such complaint?

19 A I recall one.

20 Q And do you remember what you did in response to  
21 that complaint?

22 A I believe I either mentioned it directly to the  
23 custodian myself or mentioned it to Laura to ask her to  
24 let the custodian know.

25 Q And has any parent of a student at Burbank ever

1 Q Has any teacher at Burbank complained to you  
2 about there being a lack of toilet paper in the student  
3 bathrooms?

4 A No.

5 Q Has any teacher at Burbank ever complained to  
6 you about there being a lack of paper towels in the  
7 students' bathrooms?

8 A No.

9 Q To your knowledge, is there a procedure in  
10 place at Burbank for exterminating pests, such as mice,  
11 rats, or cockroaches?

12 A Yes.

13 MR. OJEDA: Before we move on, can we take a short  
14 break?

15 MR. SIMMONS: Sure.

16 (Recess taken.)

17 BY MR. SIMMONS:

18 Q To your knowledge, is there a procedure in  
19 place at Burbank for exterminating pests, such as mice,  
20 rats, or cockroaches?

21 A Yes.

22 Q And what is your understanding of that  
23 procedure?

24 A The procedure is the school district has a  
25 contract with an exterminating company, and they make

1 regular visits to the school. And they are also  
 2 available on call for particular situations.  
 3 Q Do you know the name of the exterminator with  
 4 whom the district has a contract?  
 5 A I can't remember the name of the company.  
 6 Q And you say that the exterminator makes regular  
 7 visits. Do you have an understanding as to how regular  
 8 those visits are?  
 9 A I believe it's monthly.  
 10 Q What do the exterminators do during those  
 11 visits?  
 12 MS. PERRIN: Objection; calls for speculation.  
 13 BY MR. SIMMONS:  
 14 Q Do you know what the exterminators do when they  
 15 make those visits?  
 16 MR. OJEDA: Object; vague as to time. Just I want  
 17 to continue the objection regarding the time frame that  
 18 we are talking about. Will we assume that we are  
 19 talking about this past year only, unless you specify  
 20 otherwise?  
 21 MR. SIMMONS: I think that's fair, yeah. Because I  
 22 don't think I really asked any questions relating --  
 23 where I was intentionally aiming at information that was  
 24 from a previous year unless I specified that.  
 25 MR. OJEDA: Okay.

1 THE WITNESS: I have never followed them. I don't  
 2 know exactly what they do.  
 3 BY MR. SIMMONS:  
 4 Q Do you have any knowledge as to whether they  
 5 make an inspection to see whether pests exist at the  
 6 school?  
 7 A I don't know.  
 8 Q And the exterminator is also available for  
 9 on-call visits; is that correct?  
 10 A That's correct.  
 11 Q When does the exterminator come out and make an  
 12 on-call visit -- I'll rephrase that.  
 13 Under what circumstances does the exterminator  
 14 make an on-call visit?  
 15 A Generally in response to a sighting of a mouse  
 16 or something like that.  
 17 Q To your knowledge, is there a procedure in  
 18 place at Burbank for reporting the sighting of a pest  
 19 such as a mouse, rat, or cockroach?  
 20 A Yes, the procedure is usually to tell Laura  
 21 Parker.  
 22 Q Is the report of the sighting put in written  
 23 form?  
 24 MR. OJEDA: Calls for speculation.  
 25 BY MR. SIMMONS:

1 Q To your knowledge, is the report of the  
 2 sighting put in written form?  
 3 MR. OJEDA: Also lacks foundation.  
 4 THE WITNESS: We usually encourage written reports  
 5 to Laura.  
 6 BY MR. SIMMONS:  
 7 Q Do you know whether the school keeps those  
 8 reports anywhere?  
 9 A I think they are informal reports, just a brief  
 10 note. I don't believe she keeps them.  
 11 Q Does this -- do you know whether the school  
 12 keeps any records relating to the number of pest  
 13 sightings at the school?  
 14 A No.  
 15 Q When a sighting is reported to Ms. Parker, do  
 16 you know what she does in response?  
 17 MR. OJEDA: Calls for speculation.  
 18 THE WITNESS: Usually starts out like, "Jesus  
 19 Christ," and she calls the pest company or asks the  
 20 secretary to call the pest company.  
 21 BY MR. SIMMONS:  
 22 Q Do you know on average how long it takes the  
 23 pest company to respond to a report of a sighting?  
 24 A I don't know precisely.  
 25 Q Do you have an estimate?

1 A I would say within 24 hours.  
 2 Q And do you know when was the last time an  
 3 exterminator came to Burbank as a result of a sighting  
 4 of a pest at school?  
 5 A I don't know precisely.  
 6 Q Do you know about how many times an  
 7 exterminator had to come to Burbank this year as a  
 8 result of a sighting on campus?  
 9 A I can't say specifically.  
 10 Q Do you have an estimate?  
 11 A I would say maybe half a dozen times.  
 12 Q And do you know whether -- approximately these  
 13 six times, whether it was for a mouse or for a rat? Do  
 14 you have any understanding as to what sighting -- what  
 15 type of sighting was responded to?  
 16 A I've never seen anything -- I've only seen mice  
 17 at Burbank. The rats must go somewhere else.  
 18 Q How about cockroaches, have you ever seen any  
 19 cockroaches at the school?  
 20 A I've never seen a cockroach there.  
 21 Q Have any teachers ever complained to you about  
 22 the presence of pests such as rats, mice, or cockroaches  
 23 at Burbank?  
 24 A Not that I recall.  
 25 Q Have any students ever complained to you this

1 year about the presence of pests such as rats, mice, or  
 2 cockroaches at Burbank?  
 3 A No.  
 4 Q Have any parents of students at Burbank ever  
 5 complained to you about the presence of pests such as  
 6 rats, mice, or cockroaches at Burbank?  
 7 A No.  
 8 Q To your knowledge, is Burbank presently  
 9 infested with vermin and roaches?  
 10 A No.  
 11 Q To your knowledge, has Burbank at any point  
 12 during this year been infested with vermin and roaches?  
 13 A No. What are vermin? Isn't that kind of a  
 14 catchall?  
 15 Q I was using it to include the rats and mice,  
 16 but we can go back through just quickly.  
 17 A No, that's -- that's generally what I thought  
 18 you were talking about, yes. My answers are the same.  
 19 Q Okay. Are you familiar with the term "fully  
 20 credentialed teacher"?  
 21 A Yes.  
 22 Q And what do you understand that term to mean?  
 23 A This is a new subject?  
 24 Q Yes.  
 25 A Somebody who's met all the requirements for the

1 California State credential.  
 2 Q And to your knowledge, what percentage of  
 3 teachers at Burbank are fully credentialed at this time?  
 4 A I don't know about the percentage, but I can  
 5 give you numbers.  
 6 Q Okay.  
 7 MR. OJEDA: Are you talking about the end of this  
 8 past school year, how many teachers were fully  
 9 credentialed as of the end of this school year?  
 10 MR. SIMMONS: I'm just thinking as of today.  
 11 MR. OJEDA: As of today, during the summer break?  
 12 THE WITNESS: As of last Friday when school ended?  
 13 BY MR. SIMMONS:  
 14 Q Yes. I guess maybe I'd better ask another  
 15 question that will be on the record for you to respond  
 16 to.  
 17 MR. OJEDA: Specify the timing; it would be helpful.  
 18 MR. SIMMONS: Right.  
 19 Q As of the end of this school year, do you know  
 20 how many teachers at Burbank were fully credentialed?  
 21 A I know how many weren't.  
 22 Q Can you tell me that?  
 23 A I know two did not possess a credential and  
 24 were on an emergency credential. Two were credentialed  
 25 in other states and were just pulling together their

1 last odds and ends to become California credentialed.  
 2 And one had done all of the course work and was just  
 3 waiting to be credentialed, to finish his credential  
 4 through a new college.  
 5 Q And do you know what the total number of  
 6 teachers at Burbank was at the end of the school year?  
 7 A My estimate would be 35.  
 8 Q Do you know how many years of teaching  
 9 experience the average teacher at Burbank possessed at  
 10 the end of this school year?  
 11 MS. PERRIN: Excluding student teaching or including  
 12 student teaching?  
 13 MR. OJEDA: I object on the grounds it's vague and  
 14 ambiguous. I believe you inferred average teacher,  
 15 unless I misheard you, which I find vague.  
 16 BY MR. SIMMONS:  
 17 Q Does the school ever have to report the number  
 18 of years of teaching experience that the average teacher  
 19 at Burbank possesses?  
 20 MR. OJEDA: Same objection.  
 21 THE WITNESS: No.  
 22 BY MR. SIMMONS:  
 23 Q During the course of this last school year, did  
 24 Burbank make any efforts to increase the number of  
 25 teachers at Burbank who were fully credentialed?

1 A That's always our goal.  
 2 Q What kinds of efforts did the school make to  
 3 achieve that goal?  
 4 A Well, it was a primary consideration during the  
 5 interview process.  
 6 Q Does Burbank ever participate in any job fairs?  
 7 A Yes, we participated in two this spring.  
 8 Q Do you know the names of those job fairs?  
 9 A They are through the school district, so they  
 10 didn't have names, just job fairs.  
 11 Q Does Burbank participate in a preintern program  
 12 at all?  
 13 A Yes.  
 14 Q And could you tell me your understanding of  
 15 what a preintern program is.  
 16 A My understanding is it's for teachers who are  
 17 on an emergency credential who are preparing to initiate  
 18 their student -- their teacher training.  
 19 Q And correct me if I'm wrong, but did you  
 20 earlier identify two teachers at the end of this school  
 21 year who possessed an emergency credential; is that  
 22 correct?  
 23 A Yes. Yes.  
 24 Q Did those teachers participate at a preintern  
 25 program?

1 A I believe that one of the teachers was  
2 identified as a preintern and the other wasn't. And to  
3 be honest, I don't really understand the distinction.

4 Q Can you think of any other efforts that have  
5 been made at Burbank during the past school year to  
6 increase the number of fully credentialed students at  
7 the school -- I'm sorry. I need to rephrase that  
8 because I said, "students" instead of "teachers."

9 Are there any other efforts made at Burbank to  
10 increase the number of fully credentialed teachers at  
11 the school?

12 A Frequent contacts with our central human  
13 resources office.

14 Q Can you think of anything else?

15 A Informal networking.

16 Q Sorry, but I have to keep asking that question  
17 until I exhaust anything else that you can think of.

18 A No.

19 Q And what type of contacts do you make with the  
20 central processing for human resources?

21 A It's the human resources office.

22 MR. OJEDA: Objection; it lacks foundation.

23 Are you referring to personnel -- you didn't  
24 specify which personnel within the school makes the  
25 contacts.

1 A P-A-R.

2 Q And can you describe that program.

3 A Yes.

4 It's a program that connects a veteran teacher  
5 with a -- a new teacher or a struggling teacher, and  
6 they work closely together to improve teaching and  
7 learning.

8 Q Do you know which teachers at Burbank  
9 participated in the PAR program?

10 A Yes.

11 Q Can you tell me who those are.

12 MR. OJEDA: Objection; it involves person- --  
13 confidential personnel information. The PAR program  
14 usually is mandated by the collective bargaining  
15 agreement between the teachers union and the particular  
16 school district and often contains a confidentiality  
17 provision.

18 So for that purpose, I'm going to instruct the  
19 witness not to answer or provide any names of teachers  
20 that participated in the PAR program.

21 You can describe the number of PAR participants  
22 and whether they are voluntarily participating, but not  
23 beyond that.

24 BY MR. SIMMONS:

25 Q Do you know the number of teachers at Burbank

1 BY MR. SIMMONS:

2 Q Do you make any of the contacts with human  
3 resources?

4 A Yes.

5 Q And can you tell me what your contacts with  
6 human resources consists of insofar as they relate to  
7 obtaining or increasing the number of fully credentialed  
8 teachers at Burbank.

9 A Well, applicants go through their office, and  
10 so I often call and ask them who's in the bullpen, you  
11 know.

12 Q Do any other individuals at Burbank make  
13 similar contacts with human resources?

14 A Laura Parker would also be involved in that.

15 Q To your knowledge, do teachers at Burbank  
16 receive any form of training or professional  
17 development?

18 A Yes.

19 Q Are you familiar with the PAR program?

20 A I am.

21 Q PAR is an acronym; is that correct?

22 A Yes.

23 Q And what does it stand for?

24 A I believe it stands for peer assistant review.

25 Q Is it P-A-A-R or P-A-R?

1 that participate in the PAR program?

2 A I don't know precisely.

3 Q Do you have an estimate?

4 A I would say seven.

5 Q And do those seven participate voluntarily?

6 A Yes.

7 Q And are those seven all veteran teachers?

8 A No.

9 Q Are those seven all new teachers?

10 A Yes.

11 Q And do you know about how long the PAR program  
12 has been in place at Burbank?

13 A I can only speak to this year.

14 Q Has the PAR program been in place since the  
15 beginning of this year at Burbank?

16 A Yes.

17 Q Are there any other forms of training or  
18 professional support available to teachers at Burbank?

19 A There's the BITSA program.

20 MS. PERRIN: I'm sorry, the BITSA program?

21 BY MR. SIMMONS:

22 Q B-T-S-A?

23 A I think it's B-I-T-S-A. It's an acronym for  
24 beginning teachers something. It's a State program that  
25 offers similar types of supports.

1 Q Do you have an understanding as to the  
2 differences between BITSA and the PAR program?  
3 A No.  
4 Q Are both programs aimed at offering  
5 professional support to beginning teachers?  
6 A Yes.  
7 Q Other than the PAR program and BITSA, are you  
8 aware of any other forms of training or professional  
9 support that are available to teachers at Burbank?  
10 A Yes.  
11 Q Can you tell me what those are.  
12 A There's a variety of opportunities both  
13 in-house and districtwide that teachers are eligible to  
14 participate in.  
15 Q And can you tell me about the in-house  
16 opportunities for training.  
17 A Yes.  
18 We scheduled three Saturday meetings that were  
19 voluntary and teachers were paid to attend. One was  
20 about class management, one was about assessment, and  
21 the third I think was about planning.  
22 Q And are there any other types of in-house  
23 training available?  
24 A I think that's it.  
25 Q And you identified that there were other

1 districtwide programs for training or professional  
2 support?  
3 A There's a very broad spectrum of opportunities  
4 available.  
5 Q Can you place the opportunities into categories  
6 at all?  
7 A There's a whole district office that that's  
8 their only function, to service science, social studies.  
9 Breaks down that way mostly.  
10 Q To your knowledge, does Burbank have a heating  
11 system at the school?  
12 A Yes.  
13 Q And do you have an understanding as to the type  
14 of heating system that's at the school?  
15 A Not with any type of expertise. I mean, I know  
16 that there's heaters and there's a boiler.  
17 Q Is there a central heating unit that provides  
18 heat to all of the classrooms at school? I guess I'm  
19 trying to determine whether classrooms have individual  
20 heating units or whether those heat -- whether the  
21 heating units in classrooms function off of a single  
22 heating unit that distributes the heat to their class.  
23 MR. OJEDA: Calls for speculation.  
24 MS. PERRIN: Join.  
25 THE WITNESS: I believe there's individual controls

1 in each classroom. The whole heating unit, it's several  
2 on a computer districtwide.  
3 BY MR. SIMMONS:  
4 Q And do you know whether each classroom at  
5 Burbank has its own set of controls for the heater?  
6 A I believe so.  
7 Q During this past school year, has Burbank ever  
8 experienced any problems with its heating system?  
9 MR. OJEDA: Objection; vague and ambiguous as to  
10 "problems."  
11 MS. PERRIN: Join.  
12 BY MR. SIMMONS:  
13 Q Has the heating system at Burbank ever been  
14 incapable of producing heat this year?  
15 A Other than by design?  
16 Q Yes, other than by design, thank you.  
17 A I don't believe so.  
18 Q Do you ever visit the classrooms at Burbank?  
19 A Yes.  
20 Q And do you visit the classrooms while students  
21 are in attendance?  
22 A Yes.  
23 Q And have you ever observed students at Burbank  
24 wearing mittens in class during this past year?  
25 A Mittens, no.

1 Q Have you ever observed any students at Burbank  
2 wearing coats in class this year?  
3 A Yes.  
4 Q Do you know about how many times you observed  
5 students at Burbank wearing coats in class this year?  
6 A No.  
7 Q When you observed the students in class, did  
8 you find the classroom temperature to be cold?  
9 A No.  
10 Q Were you wearing a coat at the time?  
11 A I wear a coat and tie.  
12 Q A suit coat?  
13 A Sport coat, suit coat, yeah.  
14 Q Have you ever observed students wearing hats in  
15 class this year?  
16 A It's against the school rules to wear hats.  
17 The answer is yes, but, you know, not very often.  
18 Q And those hats, are they ball caps or are they  
19 like a snow cap?  
20 A It's just a matter of individual style.  
21 Q Have you ever observed students wearing a snow  
22 cap in class?  
23 MR. OJEDA: Objection; vague. What's a snow cap?  
24 MS. PERRIN: You mean like a woolen, knit cap.  
25 THE WITNESS: A watch cap?

1 BY MR. SIMMONS:  
 2 Q What is it?  
 3 A Called a watch cap, it's a Navy name or  
 4 something.  
 5 Q Okay.  
 6 A I don't know.  
 7 Q Okay. Have you ever -- strike that.  
 8 Were you ever in a classroom at Burbank during  
 9 this past year where you personally found the  
 10 temperature in the classroom to be cold?  
 11 A Not that I recall.  
 12 Q And do you visit a classroom at the school, not  
 13 any particular classroom, but any classroom at the  
 14 school on a daily basis?  
 15 A Yes, I do.  
 16 Q Have any students ever complained to you about  
 17 a lack of heat at Burbank during this year?  
 18 A The one day I remember it being cold was the  
 19 day right after Christmas break, at the holiday break.  
 20 And the heat's not on during the holidays, and so that's  
 21 always a day that takes a while to kick in. I believe  
 22 there were complaints that day.  
 23 Q And throughout the course of the day, did the  
 24 classrooms warm up?  
 25 A Mm-hmm. Yes.

1 Q And during the course of this year, did any of  
 2 the students at Burbank complain to you about a lack of  
 3 heat?  
 4 A No.  
 5 Q During the course of this last year, did any  
 6 parents of students at Burbank complain to you about a  
 7 lack of heat in the classrooms?  
 8 A No.  
 9 Q And do the classrooms at Burbank have  
 10 air-conditioning?  
 11 A No.  
 12 Q Have any teachers -- strike that.  
 13 Did any teachers complain to you during the  
 14 course of this last school year that the temperature in  
 15 their classrooms was too warm as a result of the lack of  
 16 air-conditioning?  
 17 A Yes.  
 18 Q Do you know which teachers?  
 19 A No.  
 20 Q Do you know about how many times you received a  
 21 complaint from a teacher regarding a lack of  
 22 air-conditioning?  
 23 A I don't know.  
 24 Q Do you think it would be less than five times?  
 25 A I don't believe anybody ever complained about

1 not having air-conditioning. I think people complained  
 2 about it being hot and, you know, it was hot.  
 3 Q And do you think that there were more than five  
 4 complaints about the temperatures in the classrooms?  
 5 A There were about five hot days. It's probably  
 6 about five times.  
 7 Q And that's during the course of the entire  
 8 school year?  
 9 A Yes.  
 10 Q Did you visit the classrooms on any of the  
 11 occasions when a teacher complained about the  
 12 temperature?  
 13 A I believe that's when the complaint took place,  
 14 was when I was visiting.  
 15 Q And do you have any knowledge as to what the  
 16 temperature in that classroom might have been?  
 17 A I don't have a specific number.  
 18 Q Do any of the classrooms at Burbank have  
 19 freestanding fans?  
 20 A No.  
 21 Q Do any of the classrooms at Burbank have  
 22 ceiling fans?  
 23 A No.  
 24 Q Do any classrooms at Burbank have items other  
 25 than freestanding or ceiling fans which can be used to

1 cool the temperature in class?  
 2 A Shades.  
 3 Q And do all classrooms have shades?  
 4 A No.  
 5 Q Do you know about how many classrooms have  
 6 shades?  
 7 A No.  
 8 Q Can you estimate?  
 9 A No.  
 10 Q And you testified earlier that you have an  
 11 office at Burbank; is that correct?  
 12 A Yes.  
 13 Q Does your office have air-conditioning?  
 14 A No.  
 15 Q Does the temperature in your office ever become  
 16 warmer than you would like as a result of lack of  
 17 air-conditioning?  
 18 A Occasionally.  
 19 Q And when you say, "occasionally," can you put  
 20 that in terms of a number of times.  
 21 A Well, as the daylight has extended just lately,  
 22 like between 4:30 and 5:30 the sun shines right in on my  
 23 desk, and it just gets a little uncomfortable. I  
 24 realize I could move, but it's not a major problem; it's  
 25 just a little uncomfortable.



1 Q So the lack of air-conditioning in your office  
2 doesn't strike you as a major problem?  
3 A No.  
4 Q And you said between 4:30 and 5:00 your office  
5 tends to get hot?  
6 A Well, no, the sun is shining. My desk is in a  
7 specific place in my office, and it's just where the sun  
8 is now it's just hot.  
9 Can we take a break?  
10 (Recess taken.)  
11 BY MR. SIMMONS:  
12 Q Are you personally aware of any days during the  
13 last school year where the ability of students at  
14 Burbank was affected because -- to concentrate was  
15 affected because of the temperature in the classroom?  
16 A Not any significantly.  
17 Q And you testified earlier today that Burbank  
18 has a library; is that correct?  
19 A That's correct.  
20 Q And it's located on the third floor; is that  
21 correct?  
22 A That's correct.  
23 Q Is the library open to students -- strike that.  
24 Was the library available to students at  
25 Burbank at the end of the school year?

1 A Yes.  
2 Q And could students visit the library on their  
3 own time -- strike that.  
4 At the end of the school year, did the -- was  
5 the library staffed with a librarian?  
6 A Yes.  
7 Q And at the end of the school year, did the  
8 library have normal operating hours?  
9 MS. PERRIN: Objection; vague as to "normal  
10 operating hours."  
11 THE WITNESS: I'm not sure what you mean.  
12 BY MR. SIMMONS:  
13 Q Was there a time -- did the library have  
14 regular hours when it was open for students to come in  
15 and use it?  
16 A Generally the library is used when -- we design  
17 the schedule so kids don't have a lot of downtime during  
18 the day, they are occupied, so you couldn't just get up  
19 and go to the library on your own.  
20 Q Is the library open after school at all?  
21 A For a short while.  
22 Q Does -- a short while, does that mean like 30  
23 minutes?  
24 A I can't say for sure. I would speculate maybe  
25 15, 20 minutes or something.

1 Q Can students check books out of the library?  
2 A Yes.  
3 Q And if a student wanted to check out a book, is  
4 there a process for how that student would go about  
5 doing that?  
6 A Yes.  
7 Q What's your understanding of it?  
8 A Fill out a card, leave the card, and take the  
9 book and bring back the book, and the card goes back to  
10 the book, in the book.  
11 Q And if a student wanted to check out a library  
12 book, would the student need to be accompanied by a  
13 teacher to do so?  
14 A It would depend on the circumstances. If they  
15 were in the library, a teacher may send a particular  
16 student to the library with a pass for a specific  
17 reason. So it's kind of wide open.  
18 Q If a student at Burbank were to ask a teacher  
19 if they could check out a book, would they be allowed  
20 to, would the student be allowed to?  
21 A I couldn't say.  
22 Q Is there anything that prevents students at  
23 Burbank from being able to check out library books?  
24 A No.  
25 Q Are there any student clubs at Burbank?

1 A There was the beginnings of a Polynesian Club  
2 and a Black Student Union and a Lazara Group,  
3 L-a-z-a-r-a.  
4 Q Do any of these -- have any of these groups  
5 held meetings in the library during the course of the  
6 year?  
7 A Not that I'm aware.  
8 Q Are any meetings held -- have any meetings been  
9 held during the course of this year in the library of  
10 Luther Burbank?  
11 A Not that I'm aware of.  
12 Q And has the librarian at the school been at the  
13 school for the whole year?  
14 A No.  
15 Q When was she -- was this librarian a he or a  
16 she?  
17 A She.  
18 Q When was she hired?  
19 A She came on as librarian in, I believe, March.  
20 Q And what's the librarian's name?  
21 A Rochelle Resnick, R-e-s-n-i-c-k.  
22 Q Does she possess any type of credential?  
23 A She's got a librarian credential along with a  
24 teaching credential.  
25 Q Thank you for your time. I may have some brief

1 follow-up after Lois concludes, but --

2 MS. PERRIN: Off the record.

3 (Discussion off the record.)

4 (Recess taken.)

5 EXAMINATION

6 BY MS. PERRIN:

7 Q As you know, my name is Lois Perrin, and I'm  
8 one of the attorneys for the plaintiffs in this action.

9 And as we talked about a little bit earlier off  
10 the record, plaintiffs have sued the State, the State  
11 Board of Education, the State Department of Education,  
12 and the State Superintendent of Public Instruction. We  
13 have not sued the schools and school districts, so I  
14 just wanted to make that clear before we start.

15 And like Shaun, we are just here to try and  
16 ascertain what knowledge you have about certain facts.  
17 And I understand that your knowledge is limited to the  
18 past year that you have been at Luther Burbank. To the  
19 extent I ask questions that go beyond this past school  
20 year, I will certainly let you know. If you have the  
21 knowledge, it would be great if you can answer; and if  
22 you don't, let me know and I can move on from there.

23 So you are still under oath and all the general  
24 ground rules still apply.

25 A Okay.

1 BY MS. PERRIN:

2 Q Do you understand the question?

3 A Yes.

4 Challenging.

5 Q Why was it challenging?

6 A I believe the school had suffered, having gone  
7 through several administrations in the course of a few  
8 years.

9 Q And did you first become aware of the -- I'll  
10 term that as high administrative turnover, if that's  
11 okay with you.

12 Were you aware of that prior to accepting the  
13 appointment at Luther Burbank?

14 A In a general sense.

15 Q Were you given any reasons for why the  
16 administrative turnover had been so high?

17 MR. OJEDA: I'll object, to the extent it involves  
18 confidential personnel information if you are getting  
19 into reasons of turnover or changes and it calls for  
20 speculation. If it's an issue involving a prior  
21 principal or prior administrator, I'll instruct him not  
22 to answer any specifics regarding the reasons for  
23 someone leaving.

24 MS. PERRIN: Okay.

25 Q But I was just asking a "Yes" or "No" question,

1 Q When did you first hear about the job opening  
2 for principal at Luther Burbank?

3 A I was appointed to Luther Burbank. It wasn't  
4 an open -- I was in Mexico, and I got an e-mail that  
5 said that would be my next assignment.

6 Q And from whom?

7 A Judy Kell, my supervisor.

8 Q At the San Francisco Unified School District?

9 A Yes.

10 Q Were you on leave of absence during the year  
11 you were in Guadalajara?

12 A Sabbatical.

13 Q Were you teaching at Marina Middle School?

14 A I was the principal.

15 Q For five years?

16 A Yes.

17 Q How would you describe your general experience  
18 as principal at Marina Middle School?

19 MR. OJEDA: Objection; vague and ambiguous.

20 BY MS. PERRIN:

21 Q Was it a positive experience for you?

22 A Yes.

23 Q How would you describe this past year at Luther  
24 Burbank as principal?

25 MR. OJEDA: Same objection.

1 which was, were you informed of the reasons for the high  
2 administrative turnover?

3 MR. OJEDA: Object to the characterization of  
4 "turnover" as high turnover; vague and ambiguous.

5 MS. PERRIN: Okay. I'll lay the foundation on that.

6 Q Your immediate predecessor was Ron Cabral?

7 A Yes.

8 Q He was at Luther Burbank for four months?

9 A Yes, I believe so.

10 Q Do you consider that to be a short period of  
11 time for tenure as principal?

12 A Yes.

13 Q And the principal prior to Ron Cabral was John  
14 Rubio?

15 A Yes.

16 Q And he was at Luther Burbank for approximately  
17 one and a half years; is that correct?

18 A Yes.

19 Q Do you consider that to be a short amount of  
20 time for a principal?

21 A Yes.

22 Q Would you consider three principals in a  
23 two-year period to be high administrative turnover?

24 A Yes.

25 Q Were you given any reasons for why Luther

1 Burbank had suffered high administrative turnover prior  
2 to accepting your position as principal?

3 A I wasn't in a position to accept or reject the  
4 position. I was appointed there. I was given some  
5 general reasons and I purposely didn't go into specifics  
6 because I felt it would not be -- it would not serve me,  
7 nor the school.

8 Q Prior to accepting your appointment at Luther  
9 Burbank, what were some of the problems, if any, that  
10 were described to you at Luther Burbank other than the  
11 high administrative turnover?

12 A Staff turnover, I believe, was an issue that  
13 was brought up.

14 Q When you refer to "staff turnover," is that  
15 teacher turnover?

16 A Yes.

17 Q Just teacher turnover?

18 A Yes.

19 Q Other than staff turnover and administrative  
20 turnover, were there any other problems that were  
21 identified to you at Luther Burbank?

22 A Not in a specific way.

23 Q Are there any other reasons that you believe  
24 this past year at Luther Burbank was challenging?

25 A That's -- can you rephrase that. It seems very

1 turnover?

2 A Yes.

3 Q And for the same reasons?

4 A Yes.

5 Q And do you feel that those things have  
6 improved, that the feeling of the student body has  
7 improved this year?

8 A Yes.

9 Q And do you know why?

10 A There's been stable leadership and the staff  
11 has been more stable.

12 Q And has any teacher left Luther Burbank during  
13 this past school year?

14 A Yes.

15 Q How many teachers left?

16 A I don't know if I can say exactly.

17 Q Your best estimate would be great.

18 A Five or six.

19 Q And they left permanently?

20 A Yes.

21 MS. PERRIN: I assume you would instruct not to  
22 answer if we went into the reasons for why; is that  
23 correct?

24 MR. OJEDA: That's correct.

25 MS. PERRIN: Then I shan't go there.

1 broad.

2 Q Sure.

3 You said one of the reasons this past year was  
4 challenging, if I understood you correctly, is the --  
5 dealing with the aftermath of high administrative  
6 turnover and perhaps staff turnover.

7 Are there any other reasons that you believe --  
8 any other problems you face this year that you would  
9 consider to be challenging?

10 A I would say those would be the major ones.

11 Q What effect, if any, do you think that high  
12 administrative turnover has on the student population?

13 MR. OJEDA: Objection; vague and ambiguous, calls  
14 for speculation.

15 THE WITNESS: I think that with any organization,  
16 there's just sometimes lack of consistency in  
17 organizational stability.

18 BY MS. PERRIN:

19 Q And do you think that affects the student  
20 population in a negative way?

21 MR. OJEDA: Same objection.

22 THE WITNESS: I think it does create a sense of  
23 instability among the students.

24 BY MS. PERRIN:

25 Q Would you say the same is true for high teacher

1 Q Were you able to find replacements for all  
2 those five or six teachers that left this year?

3 A Not immediately, but ultimately.

4 MS. PERRIN: Okay. Would you object to names as  
5 well?

6 MR. OJEDA: Names of?

7 MS. PERRIN: Names of teachers that left.

8 MR. OJEDA: I won't object to names of teachers that  
9 left, just the circumstances.

10 BY MS. PERRIN:

11 Q Could you name to the best of your recollection  
12 the names of the five or six teachers that left and what  
13 grades they taught?

14 A Some guy named Peterson left on the second day.

15 Q That you were there?

16 A That school opened, his second day.

17 Q His second day, okay.

18 A One of my assistant principals left on the  
19 second day he was there in August before school opened.  
20 Another assistant left and retired in October.

21 Q Another assistant principal?

22 A Right. They -- I had one and they gave me two  
23 more and they didn't last. They gave me two more over  
24 and above. It's a little complicated.

25 A teacher left in November. A language arts

1 8th grade language arts/social studies teacher left in  
 2 November. An 8th and 7th grade math teacher left in  
 3 March, and a 7th grade math teacher left -- science/math  
 4 teacher left in March.  
 5 Q I'm sorry. The last one was a 7th grade  
 6 science teacher?  
 7 A Science and math.  
 8 Those are the ones that come to mind.  
 9 Q Nobody, to the best of your recollection, has  
 10 left since March of this year?  
 11 A A teacher died at the end of March.  
 12 Q Okay. Sorry.  
 13 What was Mr. Peterson slated to teach?  
 14 A He taught one day of math and science,  
 15 7th grade.  
 16 Q After Mr. Peterson left, did you find a  
 17 substitute teacher for the class?  
 18 A Ultimately. Not right away.  
 19 Q What did you do the next day after Mr. Peterson  
 20 left?  
 21 A Had a day-to-day sub in there.  
 22 Q Do you recall for how long you had a day-to-day  
 23 sub?  
 24 A Weeks.  
 25 Q Do you know if the day-to-day subs were

1 provided with a course outline to teach the students?  
 2 A We try to give them that as they came in.  
 3 Sometimes it was difficult because some of them were  
 4 just there for a day or couple of days, but we tried to  
 5 give them work and course outlines and things like that.  
 6 Q Were the students in these science and math  
 7 classes assigned textbooks, if you know, at the  
 8 beginning of the year, in Mr. Peterson's classes?  
 9 A I can't say for sure.  
 10 Q And after how many weeks were you able to find  
 11 a permanent substitute?  
 12 A I think it was late in the fall.  
 13 Q And by "late in the fall," October, November?  
 14 A November.  
 15 Q How did you go about finding a permanent  
 16 substitute?  
 17 A I dealt with human resources.  
 18 Q Do you deal with human resources for all  
 19 substitute assignments?  
 20 A For all open assignments.  
 21 Q And open assignments meaning that the position  
 22 is open?  
 23 A Unfilled, right.  
 24 Q With whom do you deal to get a day substitute?  
 25 A To get a day-to-day substitute, we deal with

1 the machine and then a person who runs the machine. You  
 2 put in a job code, and then they map you up with  
 3 somebody.  
 4 Q So it's computerized?  
 5 A It's computerized.  
 6 Q Have you ever requested a day substitute  
 7 through the machine and not have a substitute appear?  
 8 A Yes.  
 9 Q Do you know on how many occasions this year?  
 10 A I can't say exactly.  
 11 Q Was it more than five?  
 12 A Yes.  
 13 Q More than 10?  
 14 A Yes.  
 15 Q More than 15?  
 16 A Yes.  
 17 Q More than 20?  
 18 A Yes.  
 19 Q More than 30?  
 20 A I -- those big numbers. I -- it was regular.  
 21 Q When a day substitute doesn't appear at the  
 22 school, what, if anything, do you do to staff that  
 23 class?  
 24 A We do one of two things: We either pull  
 25 somebody from their regular job, like a counselor or the

1 librarian or a tech teacher, put them in there; or we  
 2 ask people to give up their preps and we pay them at the  
 3 district rate. They get like \$25 to cover, so we get  
 4 like five different people in their prep periods to come  
 5 in.  
 6 Q How many class periods are there per day at  
 7 Luther Burbank?  
 8 A There's six, but each teacher teaches five.  
 9 Q So there's one -- so one prep period per  
 10 teacher per day; is that accurate?  
 11 A Yes.  
 12 Q Was there ever a time when you did not receive  
 13 a day sub that you were unable to either pull someone  
 14 from their regularly assigned job or convince somebody  
 15 to give up their prep man a class for that period?  
 16 A There were a couple of days.  
 17 Q And what, if anything, would you do on those  
 18 occasions?  
 19 A I know I covered one day, and I know Laura  
 20 Parker's covered a couple of days.  
 21 Q What class did you cover?  
 22 A I covered the language arts/social studies  
 23 8th grade class that the woman left.  
 24 Q And what, if anything, did you teach during  
 25 that class period?

1 A I taught language arts and social studies.  
 2 Q So you were on the -- you were trying to keep  
 3 in line with what the students were learning in a  
 4 general sense?  
 5 A I had no warning. I didn't have time to  
 6 prepare specific lessons, but I'm fully licensed and I  
 7 did the job.  
 8 Q And were the kids generally well-behaved while  
 9 you were in there?  
 10 A Yes.  
 11 Q I suspect they were.  
 12 A They weren't perfect, but they were generally  
 13 well-behaved.  
 14 Q And do you -- is Ms. Parker fully credentialed  
 15 as well?  
 16 A She is.  
 17 Q Do you have a sense as to what Ms. Parker's job  
 18 responsibilities are, generally?  
 19 A Yes.  
 20 Q Can you tell me what those are.  
 21 A She's in charge of -- she's in charge of  
 22 patient outreach, in charge of coordinating all  
 23 after-school activities, in charge of the building. She  
 24 supervises the counseling office. There's a dean, but  
 25 she's kind of the next line over that.

1 Q Can you tell me what the parent outreach  
 2 program is.  
 3 A It's not a program; it's a posture.  
 4 Q Okay.  
 5 A Getting parents involved in middle school is a  
 6 challenge. Most middle school students don't always  
 7 have families, so we need the families -- it has to be a  
 8 team, so this is to draw them in. This year she  
 9 resuscitated the PTA which had been dormant for many  
 10 years. She helped us get the school site council up and  
 11 going and other outreach activities.  
 12 Q And what is the school site council?  
 13 A School site council is the policy-setting  
 14 governing board mandated by state law and federal  
 15 regulations that focuses on expending school budgets,  
 16 but also assists in setting policy.  
 17 Q And how many members are there on this school  
 18 site council?  
 19 A There's 17 on our school site council. There  
 20 are eight staff members and nine nonstaff members.  
 21 Q For the nine nonstaff members, are they all  
 22 parents?  
 23 A Five parents, four students.  
 24 Q How are the parents selected to be on the  
 25 school site council?

1 A Each group selects/elects from within their  
 2 own.  
 3 Q So parents?  
 4 A Parents pick parents, students pick students,  
 5 staff pick staff, principal is on -- that's the only  
 6 nonelected.  
 7 Q Is there a particular number of years that one  
 8 can serve on the school site council?  
 9 A It's a two-year term except for the principal.  
 10 Q You are permanent?  
 11 A Life.  
 12 Q How often, if you know, does the school council  
 13 meet?  
 14 A This year we met twice a month. Sometimes more  
 15 often because we are more involved in the IUSP process,  
 16 which requires a lot of extra work.  
 17 Q Would you say on average, if you were not  
 18 involved in the IUSP process, that would be twice a  
 19 month is when it would meet?  
 20 A Once or twice a month.  
 21 Q You stated Ms. Parker resuscitated PTA which  
 22 had laid dormant for a long time. Do you know why it  
 23 had laid dormant for a long time?  
 24 A Couldn't begin to speculate. I wasn't there.  
 25 Q Do you know what reaction, if any, parents had

1 to resuscitating the PTA?  
 2 A Positive.  
 3 Q How often does the PTA meet?  
 4 A They meet once a month, and the executive board  
 5 meets also once a month, so every two weeks there's a  
 6 meeting.  
 7 Q Back to Mr. Peterson's open position. Did you  
 8 interview potential candidates to fill that position on  
 9 a permanent basis?  
 10 A Actually, the way I handled that was the --  
 11 there was a substitute who was coming to Burbank fairly  
 12 regularly. And I approached her and asked if she would  
 13 be interested in taking the job, seeing how it worked  
 14 out.  
 15 Q Was this particular substitute credentialed,  
 16 fully credentialed?  
 17 A No.  
 18 Q What kind of credential, if any, did the  
 19 teacher have?  
 20 A Well, I know she taught English in China for 20  
 21 years or something like that. But as far as a  
 22 credential here, I believe she has an emergency  
 23 credential.  
 24 Q And do you know if this teacher still has an  
 25 emergency credential, to the best of your knowledge?

1 A I couldn't speculate.  
 2 Q And what was that teacher's name, the  
 3 substitute?  
 4 A Helen Sun, S-u-n.  
 5 Q And did Ms. Sun stay at Luther Burbank through  
 6 the end of the school year?  
 7 A No.  
 8 Q When did Ms. Sun leave?  
 9 A I believe it was in March.  
 10 Q And when Ms. Sun left, were you able to find a  
 11 permanent substitute for that class immediately?  
 12 A Yeah. I had somebody in the wings and brought  
 13 them on board.  
 14 Q And who was that person?  
 15 A Actually, let me clarify that.  
 16 There were two situations like that, and I  
 17 don't believe I had somebody in the wings. I had a  
 18 day-to-day sub in there for a short time and then was  
 19 able to get a credentialed person through human  
 20 resources named Phil Naranjo, N-a-r-a-n-j-o, and he  
 21 served through the rest of the year.  
 22 Q Do you recall for what period of time you had  
 23 day-to-day subs after Ms. Sun left?  
 24 A Maybe three weeks.  
 25 Q When a day sub comes to Luther Burbank, do they

1 check in at the office?  
 2 A Yes.  
 3 Q Do they meet with you?  
 4 A No.  
 5 Q With whom do they meet?  
 6 A They meet initially with Wanda Lee, she's the  
 7 clerk. And she checks the machine in the morning and  
 8 lists the positions and who's filling them. And we have  
 9 a folder that we set up that has the basic information,  
 10 and they get keys to the classroom and the bathroom and  
 11 things like that.  
 12 Q Who compiles the folder for each substitute?  
 13 A It's a generic folder. And I believe Laura  
 14 Parker put that together at my direction.  
 15 Q Do you know what the contents of the folder  
 16 are?  
 17 A I think there's a schedule. There's kind of a  
 18 welcoming letter which gives our perspective on how they  
 19 should behave during the course of the day.  
 20 Q How is the substituting informed about which  
 21 class to go to?  
 22 A Wanda does that. Actually, the machine does it  
 23 initially and then Wanda -- sometimes we have to rob  
 24 Peter to pay Paul and make some changes, and so Wanda  
 25 does that.

1 Q Have you ever had a day substitute leave in the  
 2 middle of the day?  
 3 A I think -- I can't remember exactly, but I  
 4 think it happened. I have this vague sense that it  
 5 happened, yes. I don't remember exactly when.  
 6 Q And is it correct to say that if a day  
 7 substitute leaves in the middle of the day, that you  
 8 would then revert back to pulling somebody from their  
 9 normal job or getting somebody to man that class?  
 10 A Yes.  
 11 Q Are you aware of any classes starting this past  
 12 year that have not been supervised by an adult?  
 13 A No.  
 14 Q The assistant principal that left on his second  
 15 day, what was his name?  
 16 A Brian Lee.  
 17 Q And was Brian Lee ever replaced?  
 18 A No.  
 19 Q Did you ever attempt to replace Mr. Lee?  
 20 A Actually, his replacement was the person -- he  
 21 wasn't replaced as an assistant principal, but his  
 22 position was what became the dean of people services.  
 23 And that person took over that job in October. His name  
 24 is Peter Vancourt, V-a-n-c-o-u-r-t.  
 25 Q Was anybody in the position of assistant

1 principal or dean of pupil services from that second day  
 2 in August through October?  
 3 A No. My other temporary assistant, Renee  
 4 French, handled those responsibilities for about a month  
 5 from about the middle of September to middle of October,  
 6 shortly before her retirement.  
 7 Q And when you say, "those responsibilities,"  
 8 could you specify what kind of responsibilities.  
 9 A Yes.  
 10 That office handles scheduling, counseling,  
 11 deals a lot with parents, discipline, school records,  
 12 suspensions, expulsions.  
 13 Q When you say, "counseling," are we referring to  
 14 psychological counseling?  
 15 A No. It's kinds of small "c" counseling. It's  
 16 like, are you having a hard time getting along with this  
 17 student or this teacher or something and what can we do  
 18 about it.  
 19 Q And how many people are in the people services  
 20 office, to the best of your knowledge?  
 21 MR. OJEDA: Vague and ambiguous.  
 22 BY MS. PERRIN:  
 23 Q Okay. How many people are permanently assigned  
 24 to the people services office during this past school  
 25 year?

1 A The last day of school there was a -- there was  
2 a dean, there was a secretary, there's another secretary  
3 technically that falls under there -- she's part-time  
4 and handles attendance. There were two counselors and a  
5 third person, who really served as a counselor that we  
6 funded as a parent liaison.

7 Q And who was that third person?

8 A Her name is Isabelle Fructosa, F-r-u-c-t-o-s-a,  
9 maybe. And she stepped in when a counselor resigned  
10 suddenly on October 18th, 2000.

11 Q And Ms. Fructosa is a parent?

12 A No, she was a parent liaison. She is actually  
13 a security guard that we moved from security into that.  
14 She's got excellent connections with parents in the  
15 neighborhood and the kids, and so she stepped in and did  
16 us really a big favor. She did very well. She's not  
17 trained, not credentialed.

18 Q And was Ms. Fructosa at the school in the  
19 people services office at the end of the year?

20 A Yes.

21 Q And do you expect that she will return in that  
22 position next year?

23 A She will be back as security.

24 Q Are you currently looking for a replacement for  
25 Ms. Fructosa in that position?

1 A Yes, Romana Anderson.

2 Q Were you able to find a permanent substitute  
3 for Ms. Anderson immediately after her departure?

4 A I don't believe it was immediately, but I think  
5 within a couple of weeks.

6 Q And during that couple of weeks, did you have  
7 one substitute manning that class?

8 A To be honest, I don't remember.

9 Q And who replaced her?

10 A A gentleman by the name of Andrei, A-n-d-r-e-i,  
11 Fentescu, F-e-n-t-e-s-c-u.

12 Q And was Mr. Fentescu at Luther Burbank at the  
13 end of the school year?

14 A Yes.

15 Q So he finished out the school year?

16 A Yes.

17 Q There was another 7th or 8th -- 7th and 8th  
18 grade math teacher who left in March?

19 A Yes.

20 Q Who was that?

21 A Walid, W-a-l-i-d, Habo, H-a-b-o.

22 Q And after Mr. Habo left, were you able to find  
23 a permanent substitute for his class?

24 A Yes.

25 Q Was it immediate?

1 A Well, we are actually allocated to have two  
2 counselors. So somebody does 6th and half of 7th, and  
3 then half of 7th and 8th. So we will be back to that  
4 formation for the year to come.

5 Q And are -- both counselors other than Ms.  
6 Fructosa this past year, were they fully credentialed?

7 A No. One has a degree in counseling, but does  
8 not have a credential. And the other one is fully  
9 credentialed, she has a PPS, people personnel services  
10 credential.

11 Q Wanda Lee was the assistant principal that  
12 retired in October?

13 A That was Renee French. Wanda Lee is the clerk.

14 Q And were you able to replace Ms. French after  
15 she left?

16 A At the end of January, they allowed us to bring  
17 somebody in also, not as an administrator. She became  
18 the dean of curriculum, her name is Susan Tran. I  
19 mentioned her before.

20 Q And do you have a general sense as to what  
21 Susan's duties are?

22 A Yeah. She's in charge of textbooks, curriculum  
23 issues, testing. Those are the general areas.

24 Q There was an 8th grade teacher that left in  
25 November; is that correct?

1 A Yes. Matter of fact, I waited until I had that  
2 person before Mr. Habo left. His replacement's name is  
3 Juan Perez, P-e-r-e-z.

4 Q And was Mr. Perez at Luther Burbank at the  
5 close of the school year?

6 A Indeed.

7 Q And there was another 7th grade science and  
8 math teacher that left?

9 A No. You have covered them.

10 Q That was the teacher that died at the end of  
11 March?

12 A Yes.

13 Q And who was that?

14 A Her name is Castavia Garb.

15 Q And were you able to find a permanent  
16 substitute for that class?

17 A She was out for several weeks before she died,  
18 and it was a succession of substitutes in there. And  
19 finally, for the last maybe three or four weeks of  
20 school, we did have a permanent sub by the name of Gene  
21 Womack, W-o-m-a-c-k.

22 Q When did Ms. Garb leave Luther Burbank on sick  
23 leave, do you recall?

24 A I believe it was -- she got jury duty just  
25 before that, so I think it was the latter part of

1 February.  
 2 Q And she was on jury duty before that?  
 3 A I think that was -- she was on jury duty and  
 4 then she became ill.  
 5 Q So is it fair to say that from the end of  
 6 February through May, Ms. Garb's class was manned by a  
 7 series of substitute teachers?  
 8 A Yes. What they usually try to do is assign it  
 9 for at least a week at a time. But it was unclear how  
 10 long Ms. Garb would be out, and so we kind of did it at  
 11 a week at a time, and it was a different person.  
 12 Q Did you ever receive any complaints from the  
 13 students about the number of substitute teachers in his  
 14 or her class?  
 15 A Yes.  
 16 Q Do you know how many?  
 17 A I couldn't give you a number.  
 18 Q When students complained to you, what did they  
 19 generally say?  
 20 A A lot of them would ask is so-and-so going to  
 21 be our regular teacher or, you know, I don't like so and  
 22 so or something like that.  
 23 Q Do you think that substitute teachers or the  
 24 lack of a permanent teacher has an effect on the class?  
 25 MR. OJEDA: Objection; vague and ambiguous.

1 MR. SIMMONS: Join.  
 2 MS. PERRIN: I'll rephrase.  
 3 Q Do you think that the lack of a permanent  
 4 teacher affects a child's ability to learn the subject  
 5 matters of that class?  
 6 MR. OJEDA: I'll object that it calls for an expert  
 7 opinion.  
 8 THE WITNESS: I would speculate. I would say yes.  
 9 BY MS. PERRIN:  
 10 Q And why would you say that?  
 11 MR. OJEDA: Well, we don't want you to speculate.  
 12 THE WITNESS: That's why I said, "yes."  
 13 MR. OJEDA: So if you have need to speculate, then  
 14 you shouldn't respond.  
 15 BY MS. PERRIN:  
 16 Q So I'm sorry, you said yes, you believe it has  
 17 an effect. Can you tell me what effect that is.  
 18 MR. OJEDA: Same objections.  
 19 THE WITNESS: Just consistency and organization.  
 20 BY MS. PERRIN:  
 21 Q Do you -- would you say it's better for a  
 22 student to have a permanent teacher, for consistency  
 23 purposes?  
 24 MR. OJEDA: Same objections.  
 25 MR. SIMMONS: Objection; vague and ambiguous.

1 THE WITNESS: Depends who the permanent teacher is.  
 2 BY MS. PERRIN:  
 3 Q Would you say that it's generally better for  
 4 students to be taught by the same person for the  
 5 duration of the school year as opposed to a series of  
 6 substitute teachers?  
 7 MR. OJEDA: Same objections.  
 8 THE WITNESS: Yes.  
 9 BY MS. PERRIN:  
 10 Q You testified earlier -- I'm sorry.  
 11 Were there any complaints that you received  
 12 from parents about the number of substitute teachers at  
 13 Luther Burbank?  
 14 A Yes.  
 15 Q And do you recall how many there were?  
 16 A No.  
 17 Q And what was the general tone of the  
 18 complaints?  
 19 A That we need to have fewer substitutes and more  
 20 permanent staff.  
 21 Q How would these parents complain to you? Were  
 22 they in your office?  
 23 A In my office, might run into them informally.  
 24 We ran a thing called parent institutes, which was a  
 25 forum for parents, and that came up there, PTA, school

1 site council meetings.  
 2 Q Is it fair to say that the concern about the  
 3 number of substitutes -- well, strike that.  
 4 Were you concerned about the number of  
 5 substitute teachers at Luther Burbank this past year?  
 6 A Yes.  
 7 Q Why were you concerned?  
 8 A It made my job of stabilizing the school very  
 9 difficult.  
 10 Q Parent institutes, is that something that you  
 11 started?  
 12 A No. Actually it was started last year.  
 13 Q Can you tell me what it is.  
 14 A Yes.  
 15 It's actually a program that brings parents in  
 16 for nine meetings, nine weeks in a row, and they help  
 17 parents understand how schools work and their rights and  
 18 responsibilities and how to help prepare the students  
 19 for higher education.  
 20 Q At what time do the parents come to the school?  
 21 During regular school hours?  
 22 A No, 6:30. 6:30 to 8:30.  
 23 Q And who, if anyone, from the school  
 24 participates in those?  
 25 A They were designed for parents. They weren't



1 designed for us. And a lot of times, you know, we  
2 didn't want to intrude, although one feature is a  
3 principals forum. I think it was the last week or  
4 second-to-last week, and it's kind of like they prepare  
5 questions for the principal and I answer them.

6 Q And this was this past week?

7 A No, this was in the fall.

8 Q Did you have another one of those principal  
9 forums in the spring?

10 A No. We -- parent institutes is probably  
11 something we always used to do once a year. It's  
12 pretty -- nine weeks is a lot of commitment for people.

13 Q So is it the first nine weeks of the semester,  
14 the fall semester?

15 A Not probably the first nine, but soon after  
16 that.

17 Can we take a quick break?

18 MS. PERRIN: Sure.

19 (Recess taken.)

20 BY MS. PERRIN:

21 Q Who determines the participants of the parent  
22 institutes?

23 MR. SIMMONS: Calls for speculation.

24 BY MS. PERRIN:

25 Q If you know.

1 textbooks?

2 A Some simple things like designating a specific  
3 room for each textbook rather than them all being  
4 jumbled together, organizational things.

5 Q Are there any other policies of any kind that  
6 you have instituted since you started at Luther Burbank?

7 MR. OJEDA: Regarding textbooks?

8 MS. PERRIN: No, generally.

9 Q I can break it down by category, if you prefer.

10 A That's pretty broad.

11 Q Okay. Have you instituted any policies with  
12 respect to teachers since you started at Luther Burbank?

13 A Yes.

14 Q And what kind of policies are those?

15 A You know, I -- it's going to be very hard. I'm  
16 not being difficult. It's difficult. There's a lot of  
17 them when there's a new administrator. It's like  
18 there's a new sheriff in town, and every administrator  
19 likes to do it their way, feeling it's most successful.

20 Q Absolutely.

21 A So I don't have a list right here of specific  
22 things, but I know that they have policies probably in  
23 every area you are going to name.

24 Q Why don't we do it this way.

25 Since you have been at Luther Burbank this past

1 A It's voluntary.

2 Q Do you know if all the parents receive  
3 notification that they can participate in the institute?

4 A Yes.

5 Q And who actually runs the institute, if you  
6 know?

7 A It's what we call a packaged program. They  
8 bring their own people and they work with them, so it's  
9 completely independent, almost completely independent  
10 from the school.

11 Q And other than the principal forum, have you  
12 attended any of the parent institutes?

13 A Just the graduation.

14 Q And I assume the graduation was somewhat of a  
15 festive occasion?

16 A Yes.

17 Q Social occasion?

18 A Yes.

19 Q We talked a little bit earlier -- actually,  
20 talked to Shaun a little bit earlier about the inventory  
21 policy that you instituted when you came to Luther  
22 Burbank.

23 A Yes.

24 Q Are there other policies that you instituted  
25 since you started at Luther Burbank with respect to

1 year, what are the three policies you have instituted  
2 that you feel have been the most successful?

3 A Okay. No. 1, it's a general policy dealing  
4 with discipline. Last year there were 154 suspensions,  
5 and this year there were 60. So it was a whole range of  
6 policies dealing with how we deal with kids and how we  
7 deal with transgressions.

8 The second policy is a very broad policy that  
9 has a lot of subparts to it, but generally is connected  
10 to -- last year there were 55 kids that were not allowed  
11 to cross the stage and graduate, either for academic  
12 reasons or for behavior, and this year it was 15.

13 Another policy is having a school site council  
14 up and running and playing a pivotal role in budget and  
15 policy.

16 Q Decrease of suspension from 154 to 60. What  
17 alternate means of discipline did you employ?

18 MR. OJEDA: I'm going to object that it's  
19 irrelevant.

20 MS. PERRIN: Okay.

21 Q You can still answer.

22 A One thing we did was we set up an opportunity  
23 program which was an in-house form of suspension. Often  
24 suspending the kid, they go home and the kid is upset,  
25 the parent is upset, and they go home and nothing is

1 resolved.

2 This was facilitated by a counselor, and the  
3 kids would do their school work, and they would work  
4 through how they could avoid returning or getting in  
5 trouble again.

6 Q Did they do school work while they were in the  
7 in-house suspension?

8 A Mm-hmm.

9 Q Where did you get the counselor?

10 A The Internet.

11 Q The Internet?

12 A Yeah.

13 Q And was the counselor present every day?

14 A Three days a week. And it's a four-hour-a-day  
15 program. Students would come late and leave early and  
16 be excluded from the general school population and focus  
17 on -- take care of business.

18 Q So for example, they wouldn't be allowed to  
19 have lunch then with the rest of the students?

20 A Oh, no.

21 Q That would be too much fun.

22 Do you have any sense on how many of those four  
23 hours were spent on counseling versus school work?

24 A I think it was integrated.

25 Q And did you get the sense that this program

1 A It was open to teachers, yes.

2 Q How many people are on the appeals committee?

3 A Let's see. It ended up being Laura Parker, the  
4 assistant principal; Peter, the dean; one teacher; and  
5 me.

6 Q And are you going to continue this committee  
7 next year?

8 A I hope so.

9 Q Is there a set term again for membership on the  
10 committee at the school site council?

11 A No, it's an ad hoc.

12 Q And as you said, since you were the new sheriff  
13 in town and there were lots of policies, what I would  
14 like to do is go through general topics and ask you to  
15 pick what policy you think was the most successful in  
16 each of those, which I think narrows it pretty  
17 significantly.

18 So --

19 MR. OJEDA: I'm going to object on the grounds that  
20 it's irrelevant and not calculated to lead to admissible  
21 evidence. I don't know how this pertains to the  
22 allegations in the First Amended Complaint. If you are  
23 talking about policies generally, it could be all over  
24 the board. You would be here for weeks.

25 MS. PERRIN: I'm not intending us to be here for

1 helped the kids understand why they had been  
2 disciplined?

3 A Yes.

4 Q And do you feel that it was successful?

5 A Yes.

6 Q With respect to the general policy about kids  
7 not being able to walk for graduation, did you employ  
8 alternate disciplinary means there as well?

9 A Yes.

10 Q And what kinds of means were those?

11 A There's a process that's outlined in the  
12 student handbook through the district, and there's an  
13 appeal process. We have no leverage when it comes to  
14 academic failures, but for behavior, conduct they can  
15 appeal.

16 And if the appeal committee met and if the  
17 appeal seemed genuine, we would often allow them to  
18 graduate, but not allow them to participate in the  
19 picnic at the end of the year. Or sometimes we would  
20 negotiate beyond that, they would have to do extra  
21 community service, something like that.

22 Q The appeals committee, is that comprised of  
23 people from the school?

24 A Mm-hmm.

25 Q And is it teachers as well as administrators?

1 weeks. The standard for discovery is pretty broad. And  
2 what we are interested in is since Mr. Michaelson came  
3 to the school there's been some improvements at the  
4 school, and we would like to explore that.

5 MR. OJEDA: Can you delineate the areas you are  
6 interested in?

7 MS. PERRIN: Sure. Textbooks, teachers, discipline,  
8 and general facilities. And I won't beat this to death;  
9 I promise.

10 Q Okay. So with respect to teachers, what is the  
11 policy that you think -- that you have instituted that  
12 you think had the most success this past year?

13 A Well, I think that our recommendations to the  
14 board for hiring. I think that we made good investments  
15 in the people we have brought on board, for the most  
16 part, this year.

17 Q And that's in interviewing replacement  
18 teachers, new teachers?

19 A Yes.

20 Q Did any teachers leave Luther Burbank at the  
21 end of this school year?

22 A At this school year?

23 Q Yes.

24 A Some left, but they were mostly the people who  
25 were filling in for short-term positions, yeah. We are

1 reducing the class size in 6th grade to 20, so we have a  
2 lot of openings. And so we -- and previously that had  
3 been in the 8th grade, as I mentioned earlier.

4 So we moved that down and we hired some -- we  
5 have some more positions open. So it's a little fuzzy  
6 on who -- nobody -- well, some left. Sorry.

7 Q How many vacancies are there right now with all  
8 the --

9 A Five.

10 Q And does that include after restructuring with  
11 the class size reduction?

12 A Yes.

13 MR. OJEDA: You have to wait for her to finish, and  
14 she needs to extend you the same courtesy.

15 BY MS. PERRIN:

16 Q As of today, none of those five vacancies have  
17 been filled; is that right?

18 A I haven't been there today.

19 Q Okay.

20 A We are working on them.

21 Q How are you working on it?

22 A We are working with human resources and  
23 networking.

24 Q Do you know if there are any job fairs this  
25 summer?

1 responsibilities are generally?

2 A She coordinates teacher hires, fill in and  
3 supporting.

4 Q Does she do that just for Luther Burbank or all  
5 school in the district?

6 A All schools.

7 Q And you said that you were precluded from  
8 taking out ads in newspapers; is that correct?

9 A Yes.

10 Q And I assume that you would be precluded from  
11 other types of advertisements or publicity about the job  
12 options?

13 MR. SIMMONS: Objection; vague and ambiguous.

14 THE WITNESS: Yeah.

15 BY MR. SIMMONS:

16 Q So all recruiting efforts are conducted by  
17 Ms. Sagastume and her office; is that correct?

18 MR. OJEDA: Overbroad.

19 MS. PERRIN: Let me rephrase.

20 Q Is it a fair characterization to say that  
21 primary responsibility for recruiting replacement  
22 teachers is done by Ms. Sagastume and her staff?

23 A Yes.

24 Q Once Ms. Sagastume identifies a potential  
25 candidate for Luther Burbank, do you then interview that

1 A Not that I'm aware of.

2 Q Do you know how many job fairs there are per  
3 year sponsored by the San Francisco district or another  
4 district in the close vicinity?

5 A I don't know about other districts, but  
6 San Francisco has one.

7 Q Other than networking, what other things are  
8 you doing to recruit teachers to fill these five  
9 positions at the present time? Did you take an ad out  
10 in the paper?

11 A We can't.

12 Q You can't?

13 A We may not.

14 Q Why not?

15 A Because it all has to go through central  
16 office.

17 Q And that's human resources?

18 A Yes.

19 Q Who is your main contact at human resources?

20 A Angie Sagastume, S-a-g-a-s-t-u-m-e.

21 Q I'm sorry.

22 Has Ms. Sagastume been your main contact at  
23 human resources this past year?

24 A Yes.

25 Q Do you know what Ms. Sagastume's job

1 person?

2 A Yes. Actually, there's somebody else who  
3 specifically does recruiting. And Angie oversees  
4 people -- getting people on board. And once they are on  
5 board, she oversees those issues. So there's a guy  
6 named Charlie Castillo.

7 Q Charlie Castillo would be the person with  
8 primary responsibility?

9 A He's the actual recruiter.

10 Q After Mr. Castillo has made initial contact  
11 with somebody and demonstrates an interest in that  
12 person, does he then introduce that person to  
13 Ms. Sagastume, or does he introduce that person to --  
14 I'll just leave it at Ms. Sagastume.

15 MR. OJEDA: Objection; calls for speculation.

16 BY MS. PERRIN:

17 Q You can answer, to the extent you know.

18 A I'm not sure how the process goes, but we get  
19 names from both of them.

20 Q From both Mr. Castillo and Ms. Sagastume?

21 A Yes.

22 Q Have you interviewed any potential candidates  
23 for these few vacancies?

24 A Yeah, three weeks ago there were 12 vacancies,  
25 and we are down to 5, and that was through interview.

1 Q Are you hopeful that the other five will be  
 2 filled over the summer?  
 3 A Always hopeful.  
 4 Q At what point will you make arrangements for a  
 5 permanent substitute for next year if these vacancies  
 6 aren't filled?  
 7 MR. OJEDA: Calls for speculation.  
 8 THE WITNESS: The day before school starts.  
 9 BY MR. SIMMONS:  
 10 Q So you will continue recruiting efforts the day  
 11 before school?  
 12 A Absolutely.  
 13 Q Will you continue them after school starts as  
 14 well? For example, if you put in for a substitute,  
 15 would you continue to interview people until you found a  
 16 permanent replacement?  
 17 A Yes.  
 18 Q And the five vacancies that are there now, what  
 19 grades and subject levels are they?  
 20 A One is a 6th grade math/science. The librarian  
 21 position has been merged with the tech position, so it's  
 22 a librarian tech and that's open. There's a literacy  
 23 specialist position that's open. There's an 8th grade  
 24 science and math position that's open.  
 25 Q That's four.

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 8  
 9 I, JOHN A. MICHAELSON, do hereby declare under  
 10 penalty of perjury that I have read the foregoing  
 11 transcript; that I have made any corrections as appear  
 12 noted, in ink, initialed by me; that my testimony as  
 13 contained herein, as corrected, is true and correct.  
 14 EXECUTED this \_\_\_\_ day of \_\_\_\_\_,  
 15 2001, at \_\_\_\_\_,  
 (City) (State)

16  
 17  
 18 \_\_\_\_\_  
 JOHN A. MICHAELSON  
 Volume 1

1 A I think there's a counseling position open.  
 2 Q And is that counseling -- where is that  
 3 counseling position?  
 4 A It's in the counseling office, with small "c"  
 5 counsel.  
 6 MS. PERRIN: Can we go off the record for a second.  
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 4 I, the undersigned, a Certified Shorthand  
 5 Reporter of the State of California, do hereby  
 6 certify:  
 7 That the foregoing proceedings were taken  
 8 before me at the time and place herein set forth; that  
 9 any witnesses in the foregoing proceedings, prior to  
 10 testifying, were placed under oath; that a verbatim  
 11 record of the proceedings was made by me using machine  
 12 shorthand which was thereafter transcribed under my  
 13 direction; further, that the foregoing is an accurate  
 14 transcription thereof.  
 15 I further certify that I am neither  
 16 financially interested in the action nor a relative or  
 17 employee of any attorney of any of the parties.  
 18 IN WITNESS WHEREOF, I have this date  
 19 subscribed my name.  
 20  
 21 Dated: \_\_\_\_\_  
 22  
 23  
 24 \_\_\_\_\_  
 RACHEL FERRIER  
 CSR No. 6948  
 25