

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 2 CITY AND COUNTY OF SAN FRANCISCO  
 3  
 4 ELIEZER WILLIAMS, et al., )  
 )  
 5 Plaintiffs, )  
 )  
 6 vs. ) No. 312 236  
 )  
 7 STATE OF CALIFORNIA, DELAINE )  
 EASTIN, State Superintendent )  
 of Public Instruction, STATE )  
 DEPARTMENT OF EDUCATION, STATE )  
 BOARD OF EDUCATION, )  
 )  
 8 Defendants. )  
 )  
 9 STATE OF CALIFORNIA, )  
 )  
 10 Cross-Complainant, )  
 )  
 11 vs. )  
 )  
 12 SAN FRANCISCO UNIFIED SCHOOL )  
 DISTRICT, et al., )  
 )  
 13 Cross-Defendants. )  
 )  
 14  
 15 DEPOSITION OF JOHN A. MICHAELSON  
 San Francisco, California  
 Friday, June 22, 2001  
 Volume II  
 16  
 17  
 18 Reported by:  
 19 RACHEL FERRIER  
 20 CSR No. 6948  
 21 JOB No. 849072  
 22  
 23  
 24  
 25

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 22  
 23  
 24  
 25

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 15 Deposition of JOHN A. MICHAELSON,  
 16 Volume 2, taken on behalf of Plaintiffs at 275  
 17 Battery Street, San Francisco, California,  
 18 beginning at 9:22 a.m. and ending at 12:00 p.m.,  
 19 on Friday, June 22, 2001, before RACHEL FERRIER,  
 20 Certified Shorthand Reporter No. 6948.  
 21  
 22  
 23  
 24  
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1 San Francisco, California; Friday, June 22, 2001  
 2 9:22 a.m. - 12:00 p.m.  
 3  
 4  
 5 JOHN A. MICHAELSON,  
 6 having been previously duly sworn, was examined and  
 7 testified further as follows:  
 8  
 9 EXAMINATION  
 10 BY MS. PERRIN:  
 11 Q Good morning, Mr. Michaelson.  
 12 A Good morning.  
 13 Q Thanks for coming back today, and sorry for the  
 14 confusion with the conference rooms.  
 15 The same ground rules that we talked about last  
 16 time apply. Do you want me to go over those again or  
 17 are you comfortable?  
 18 A I'm comfortable.  
 19 Q Is there any reason you can't give your best  
 20 testimony today?  
 21 A No.  
 22 Q Did you do anything to prepare for today's  
 23 deposition?  
 24 A No.  
 25 Q Did you meet with your attorney?

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1 Q Was it offered last summer?  
 2 A I don't know.  
 3 Q For the after-school learning program, I  
 4 believe that you testified that [REDACTED] runs  
 5 that program?  
 6 A Yes.  
 7 Q Do you generally know what her job duties are?  
 8 A Yes.  
 9 Q Could you tell me.  
 10 A To facilitate that program, to develop and  
 11 implement a program that supports academic achievement,  
 12 classroom success through skill development and then  
 13 again through enrichment.  
 14 Q Is [REDACTED] a certificated teacher?  
 15 A No.  
 16 Q Is she an administrator?  
 17 A No.  
 18 Q Does she have any credentials of any kind?  
 19 A Not that I'm aware.  
 20 Q How long has [REDACTED] been at the  
 21 after-school learning program, if you know?  
 22 A I believe she's finished her second year.  
 23 Q With respect to the library, who if anyone  
 24 manned the library before Ms. Resmond joined the library  
 25 in February or March?

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1 A No.  
 2 Q Did you review any documents?  
 3 A No.  
 4 Q I just wanted to ask before I start a couple  
 5 follow-up questions from last session.  
 6 With respect to summer school, is summer school  
 7 required for all the students at Luther Burbank?  
 8 A No.  
 9 Q How is enrollment determined?  
 10 A We offer it to all the students and it's an  
 11 option. We encourage them, but it's an option.  
 12 Q Is there an application process?  
 13 A A simple one, yes.  
 14 Q Just sign up?  
 15 A Name, phone number.  
 16 Q So any student that wants to participate in  
 17 summer school can?  
 18 A Absolutely.  
 19 Q What's the purpose of summer school?  
 20 A It is to promote skill development through  
 21 enrichment at Luther Burbank.  
 22 Q And do you know how long summer school has been  
 23 in session at Luther Burbank, the number of years that  
 24 it's been offered?  
 25 A No.

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1 A We had somebody on staff for two weeks before  
 2 she was reassigned, her name is Carrie Wong.  
 3 Q And was there anybody at the beginning of the  
 4 school year that was manning the library?  
 5 A There was a paraprofessional who works there,  
 6 although the librarian, we weren't making -- I  
 7 redirected her to classrooms shortly after school  
 8 started until Ms. Resmond came on the scene.  
 9 Q There was a period of time where there wasn't a  
 10 formal librarian assigned?  
 11 A Yes.  
 12 Q Do you know if the students had access to the  
 13 library at that time?  
 14 A I believe they had limited access when a  
 15 teacher made a specific visit to the library.  
 16 Q Were students allowed to visit the library  
 17 after school?  
 18 A No.  
 19 Q Do you know if they were allowed to check out  
 20 books during that period there was no librarian?  
 21 A Only under the supervision of their classroom  
 22 teacher.  
 23 Q Do you have any sense of how often classrooms  
 24 would go to the library?  
 25 A No.

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1 Q There was no requirement, you take your  
2 students to the library?  
3 A No.  
4 Q Do you know what kind of general resources are  
5 in the library?  
6 A Yes.  
7 Q Can you tell me.  
8 A Books, encyclopedias, videos, other resource  
9 and reference materials.  
10 Q Are there periodicals?  
11 A Yes.  
12 Q Are there any types of study aids?  
13 A What are study aids?  
14 Q I mean some sort of tutorial books or anything  
15 like that.  
16 A Can you be specific.  
17 Q I thought I was. I assume the answer is  
18 probably no.  
19 A I'm not sure what you are asking.  
20 Q If they have any sort of books that are  
21 specifically geared towards study skills in the library.  
22 A Not that I'm aware of.  
23 Q Do students receive any kind of library  
24 training when they come to the school?  
25 A Often that's done within the language arts

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1 Q Is that something you have ever participated  
2 on?  
3 A No.  
4 Q Is it something that – do you know any  
5 teachers at Luther Burbank that have been participating  
6 on that committee?  
7 A This year Vic Candia was part of the science  
8 adoption committee.  
9 Q And I believe you previously testified that you  
10 had some concerns about the textbooks at Luther Burbank,  
11 both as to physical condition and some philosophical  
12 concerns about the quality of the textbook. Is that  
13 accurate?  
14 A Yes.  
15 Q Did you ever communicate those concerns to  
16 anyone?  
17 A To the staff.  
18 Q And when you say, "staff," to your teachers?  
19 A Yes.  
20 Q Any department in particular?  
21 A I recall it was an issue with – in the social  
22 studies department and we discussed it briefly.  
23 Q Do you have a specific recollection of  
24 discussing it with the social studies department?  
25 A My general recollection of the conversation is

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1 class. I don't know specifically who did it and didn't  
2 do it.  
3 Q And do you know what grade that would typically  
4 be done in?  
5 A Usually it's done in every grade.  
6 Q Do you have any knowledge about limitations on  
7 photocopies prior to your start at Luther Burbank?  
8 A No.  
9 Q And do you have any knowledge about the  
10 conditions of the bathrooms prior to your start at  
11 Luther Burbank?  
12 A No.  
13 Q Did you ever hear any complaints about the  
14 bathrooms from a time period before you started at  
15 Luther Burbank?  
16 A I had been at Luther Burbank once in my life  
17 before, and that was not brought up.  
18 Q And since you have started at the school, have  
19 you heard that there were any complaints about the  
20 bathrooms in prior years?  
21 A Just in relation to this affair.  
22 Q You previously testified that the district  
23 solicits volunteers to participate in a textbook  
24 selection committee?  
25 A Yes.

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1 that there were concerns with materials, and I reminded  
2 the teachers that the textbook was just one resource to  
3 use in teaching.  
4 Q And this is when you suggested that people use  
5 supplemental materials like the History Alive program?  
6 A Yes.  
7 Q Were there any other supplemental materials  
8 that you encouraged teachers to use in the social  
9 studies department?  
10 A I don't remember other specific  
11 recommendations.  
12 Q And do you happen to know if teachers did, in  
13 fact, use History Alive as a supplemental material?  
14 A They did.  
15 Q Do you know if they used any other  
16 supplementary materials?  
17 A I can't say specifically.  
18 Q Did you voice those concerns to anybody at the  
19 district level?  
20 A It's an ongoing theme at principal meetings,  
21 those types of concerns.  
22 Q Principal meetings, are they held every month?  
23 A Twice a month.  
24 Q And is it every principal in San Francisco  
25 Unified?

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1 A Middle school.  
 2 Q Do you happen to know whether they have the  
 3 same types of meetings for elementary and high school?  
 4 A Yes.  
 5 Q And generally what is discussed at the  
 6 principal meetings?  
 7 A Generally it's administrative business and also  
 8 anticipating events that are coming up, like the  
 9 preparation for the annual testing and different types  
 10 of policy issues.  
 11 Q You say, "preparation for annual testing," are  
 12 you referring to the STAR tests?  
 13 A Yes.  
 14 Q And what, if anything, does Luther Burbank do  
 15 to prepare for that test?  
 16 A Well, the first thing is that the daily  
 17 curriculum is in place and that they should reflect that  
 18 kind of teaching and learning. And there's also base --  
 19 some test preparation materials that we encourage  
 20 teachers to use to familiarize students with the format  
 21 and the types of questions that would be asked.  
 22 Q From whom do you receive the test preparation  
 23 materials?  
 24 A Each school purchases their own.  
 25 Q And do you purchase those directly from the

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1 skills?  
 2 A No, but they have specific subject matter.  
 3 Q And did you purchase those materials for the  
 4 STAR test this year?  
 5 A They were purchased last spring.  
 6 Q Are they textbooks?  
 7 A No, they are -- they look like a test on paper.  
 8 Q And does Luther Burbank hold practice tests  
 9 where they use simulated testing conditions?  
 10 A Within the classrooms. Rather than that, we  
 11 encourage teachers to do one or two a day.  
 12 Q For what period of time?  
 13 A Depends on the teacher. 10 minutes.  
 14 Q Do you know if -- do you have a sense as to  
 15 whether all schools purchase these kind of supplemental  
 16 materials for the STAR tests?  
 17 MR. OJEDA: Objection; calls for speculation,  
 18 overbroad.  
 19 MR. SIMMONS: Join.  
 20 BY MS. PERRIN:  
 21 Q I'm just asking if you have a sense from the  
 22 principal meetings whether other schools in  
 23 San Francisco Unified prepare their schools in the same  
 24 way.  
 25 MR. OJEDA: Same objection.

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1 publisher?  
 2 A Yes.  
 3 Q Is there -- like with textbooks, is there a  
 4 list of adopted or approved materials to prepare for the  
 5 standardized testing?  
 6 A There's a list of prohibited materials --  
 7 Q Okay.  
 8 A -- in the legislation. You can't use anything  
 9 that's directly related to the STAR testing.  
 10 Q So what kind of materials does the school  
 11 purchase to prepare the kids for the standardized  
 12 testing?  
 13 A There's a variety of general materials  
 14 available that are not related to the STAR test that  
 15 familiarize students with the format and types of  
 16 questions, even such things as wording your answers.  
 17 Q Are they subject-matter specific?  
 18 A They are general, as the STAR test is.  
 19 Q So are the materials that you are -- are they  
 20 subject-matter specific as to how they administer  
 21 practice tests?  
 22 A They are administered the same way in all  
 23 subjects.  
 24 Q And would you say that the materials are just  
 25 general test-taking -- communicate general test-taking

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1 BY MS. PERRIN:  
 2 Q If you don't know, that's fine.  
 3 A I don't know.  
 4 Q Okay. Other than preparing for annual testing,  
 5 you said that you discuss textbook concerns at the  
 6 principal meetings, that it's a general theme?  
 7 A It comes up from time to time.  
 8 Q And could you tell me generally what the  
 9 sentiment is when it comes up.  
 10 MR. OJEDA: Objection; overbroad.  
 11 THE WITNESS: Depends on the issue.  
 12 BY MS. PERRIN:  
 13 Q Okay. With respect to -- have you discussed  
 14 physical condition of textbooks at the principal  
 15 meetings?  
 16 A Not that I recall.  
 17 Q Have you discussed the content of textbooks at  
 18 these principal meetings?  
 19 MR. OJEDA: Objection; vague.  
 20 MR. SIMMONS: Objection; vague as to "content."  
 21 MR. OJEDA: Join.  
 22 THE WITNESS: I don't recall.  
 23 BY MS. PERRIN:  
 24 Q Do you have any specific recollection of  
 25 discussing textbooks at the principal meetings?

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1 A More often it's a situation where somebody  
 2 needs specific textbooks or specific classes are short,  
 3 do you have extras, can I – you know, that kind of  
 4 bartering.  
 5 Q Bartering between schools?  
 6 A (Witness nodded head.)  
 7 Q Would you say that happens more than five times  
 8 a year?  
 9 A No.  
 10 Q Less than five times a year?  
 11 A Yes.  
 12 Q Does it happen more often at the beginning of  
 13 the school year?  
 14 A Yes.  
 15 Q Have you ever heard of a situation where people  
 16 were unable to get the textbooks that they were  
 17 bartering for?  
 18 A Not specifically.  
 19 Q What other general themes are discussed or  
 20 general agenda items are discussed at the principal  
 21 meetings?  
 22 MR. OJEDA: Objection.  
 23 MR. SIMMONS: Assumes there's an agenda.  
 24 THE WITNESS: There is an agenda.  
 25 MR. OJEDA: Overbroad.

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1 BY MS. PERRIN:  
 2 Q Do you know who prepares the agenda?  
 3 A My supervisor, associate superintendent in  
 4 charge of middle schools, Judy Kelly.  
 5 Q And is the agenda circulated before the  
 6 meeting?  
 7 MR. OJEDA: Objection; irrelevant.  
 8 BY MS. PERRIN:  
 9 Q You can still answer.  
 10 A No, it's not. It's delivered at the meeting.  
 11 Q Do you have any input as to the agenda?  
 12 MR. OJEDA: Same objection.  
 13 THE WITNESS: Sometimes.  
 14 BY MS. PERRIN:  
 15 Q Does Ms. Kelly solicit ideas from middle school  
 16 principals to put on – or subjects from middle school  
 17 principles to put on the agenda?  
 18 MR. OJEDA: Same objection.  
 19 THE WITNESS: Sometimes.  
 20 BY MS. PERRIN:  
 21 Q Have you ever asked Ms. Kelly to put something  
 22 on the agenda?  
 23 MR. OJEDA: Same objection.  
 24 MS. PERRIN: You can just do a standing objection on  
 25 irrelevant if you like; that's the only objection.

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1 MR. OJEDA: If you are going to continue along this  
 2 line, then I will.  
 3 MS. PERRIN: Well, I think that the relationship  
 4 between the principals and the school district and – is  
 5 completely relevant to any issues in this lawsuit.  
 6 MR. OJEDA: Unlimited as to what's on an agenda,  
 7 what issue can come – I mean it's just completely  
 8 unlimited as to scope.  
 9 MS. PERRIN: The standard for discovery is  
 10 reasonably calculated to lead to the discovery; that's  
 11 pretty broad.  
 12 MR. OJEDA: I don't see how that's reasonably  
 13 calculated.  
 14 I will assert a standing objection on that,  
 15 broad.  
 16 MR. SIMMONS: It might help if you try and limit it  
 17 to textbooks, facilities, and the issues that are the  
 18 categories that are essentially raised in the Complaint.  
 19 MS. PERRIN: First I want to figure out if there  
 20 were any agenda items specific to Luther Burbank and go  
 21 into that and that's it. I'm not planning again to beat  
 22 this one to death.  
 23 MR. OJEDA: Okay.  
 24 BY MS. PERRIN:  
 25 Q Do you recall if you ever requested a specific

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1 item to be put on the agenda at the principal meetings?  
 2 A I have, but I don't recall specifically when.  
 3 Q Have you – do you recall ever discussing  
 4 facility-type issues at the principals meetings? And by  
 5 "facility-type issues" I mean something like deferred  
 6 maintenance or needed maintenance.  
 7 A I don't recall discussing that in that group.  
 8 Q Have you ever discussed teacher credentialing  
 9 at these meetings?  
 10 A Yes.  
 11 Q And could you tell me generally what you  
 12 discussed at the meetings about teacher credentialing.  
 13 A Those are mostly informational components of  
 14 the meeting, where State procedures are reviewed for us.  
 15 Q When you say, "State procedures are reviewed,"  
 16 are you referring to – what kind of procedures are you  
 17 referring to?  
 18 A Well, the State has a somewhat complicated  
 19 process for credentialing people, and they also have a  
 20 plan to offer emergency credentials for people that  
 21 don't have credentials. And there are a lot of  
 22 variations on things like that.  
 23 Q I believe that you previously testified that no  
 24 additional books were ordered for the social studies  
 25 department for the 2000-2001 school year.

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1 A Yes.  
 2 Q Is that because the books would have been  
 3 obsolete?  
 4 A Yes.  
 5 Q And why would they have been obsolete?  
 6 A Because, as I previously testified, new  
 7 textbooks, new social studies textbooks were adopted and  
 8 were delivered during the course of this year.  
 9 Q When you say, "new social studies textbooks  
 10 were adopted," they were adopted in alignment with the  
 11 State content standards; is that correct?  
 12 A State and district procedures.  
 13 Q And do you happen to know how long that process  
 14 took, to adopt the social studies textbooks?  
 15 A Not specifically.  
 16 Q You stated earlier that you are on a seven-year  
 17 replacement cycle?  
 18 A I believe it's seven years.  
 19 Q Do you think that seven years is adequate to  
 20 replace textbooks?  
 21 MR. OJEDA: Objection; lacks foundation, calls for  
 22 speculation, calls for an expert opinion.  
 23 MR. SIMMONS: Join.  
 24 THE WITNESS: I don't know.  
 25 BY MS. PERRIN:

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1 Q Have you received any complaints from students?  
 2 A I don't recall any specific complaints.  
 3 Q Or how about from parents?  
 4 A No.  
 5 Q Do you know if any of the teachers use maps as  
 6 a supplemental instructional material?  
 7 A Yes.  
 8 Q And do you know how recent the maps are?  
 9 A I had purchased maps for our teachers this  
 10 year.  
 11 Q And for what department?  
 12 A Social studies. Most of our social studies and  
 13 language arts classes are together, so social  
 14 studies/language arts.  
 15 Q I would like to talk about substitute teachers  
 16 a little bit.  
 17 Do you know if substitute teachers are required  
 18 to be credentialed?  
 19 A They are.  
 20 Q And do you know if every substitute that has  
 21 come to Luther Burbank has been credentialed?  
 22 MR. OJEDA: Objection; overbroad.  
 23 BY MS. PERRIN:  
 24 Q In the past year.  
 25 A I don't know that. That's not my domain.

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1 Q Do you think that textbooks should be replaced  
 2 at an earlier time frame?  
 3 MR. SIMMONS: Same objection.  
 4 MR. OJEDA: Join.  
 5 THE WITNESS: I'm not sure what you mean by  
 6 "replaced." Replaced if lost or adopted anew?  
 7 BY MS. PERRIN:  
 8 Q Adopted anew.  
 9 MR. OJEDA: Same objections.  
 10 THE WITNESS: I think the typical seven years is  
 11 pretty good.  
 12 BY MS. PERRIN:  
 13 Q And why do you think that seven years is pretty  
 14 good?  
 15 MR. OJEDA: Same objections.  
 16 THE WITNESS: Because within seven years it seems  
 17 it's a reasonable time for innovations in teaching and  
 18 learning to be assessed and incorporated into the  
 19 textbook.  
 20 MS. PERRIN: Off the record.  
 21 (Recess taken.)  
 22 BY MS. PERRIN:  
 23 Q Have you received any complaints from teachers  
 24 this year about the physical quality of the textbooks?  
 25 A No.

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1 Q When a teacher is absent from class and there's  
 2 a substitute teacher, will the substitute teacher stay  
 3 after school to participate in any extracurricular  
 4 activities that the teacher was supposed to participate  
 5 in?  
 6 MR. OJEDA: Objection; overbroad, calls for  
 7 speculation.  
 8 MR. SIMMONS: Join.  
 9 THE WITNESS: Can you be more specific.  
 10 BY MS. PERRIN:  
 11 Q Sure.  
 12 If you have a specific teacher that volunteers,  
 13 say, at the after-school learning program and that  
 14 teacher is out sick for the day and you have a  
 15 substitute teacher that comes in, will the substitute  
 16 teacher then report to the after-school learning  
 17 program?  
 18 MR. OJEDA: Same objections.  
 19 THE WITNESS: No.  
 20 BY MS. PERRIN:  
 21 Q So the substitute teacher is limited to the six  
 22 periods during the actual school day at Luther Burbank?  
 23 A Yes.  
 24 Q Do you keep records on how many substitutes  
 25 have come to Luther Burbank during the past year?

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1 A There's a daily sign-in.  
 2 Q And I know you testified earlier that there's a  
 3 machine that you put in a request?  
 4 A It's done centrally.  
 5 Q And do you happen to know if the district keeps  
 6 information about requested substitutes during the  
 7 school year?  
 8 A That's not my domain.  
 9 Q And do you keep those daily sign-in sheets for  
 10 the substitute teachers?  
 11 A Yes.  
 12 Q I believe you also testified earlier that each  
 13 substitute is provided with some sort of folder which  
 14 they check in?  
 15 A Yes.  
 16 Q Are they required to return that folder to you  
 17 prior to leaving?  
 18 A Yes.  
 19 Q And do you keep those folders?  
 20 A We give it to the next person that comes in.  
 21 Q So you – it's a folder filled with general  
 22 information that you provide to substitutes?  
 23 A (Witness nodded head.)  
 24 Q Okay. You mentioned the PAR program?  
 25 A Yes.

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1 Q Can you just tell me your general impressions  
 2 of the PAR program with respect to whether it's been  
 3 successful.  
 4 A Like most things, it depends on the people  
 5 involved. In general I think it's a positive program.  
 6 Q And there are some teachers at your school now  
 7 that are involved in the PAR program?  
 8 A That were this past year.  
 9 Q Did you ever hear any specific feedback from  
 10 them?  
 11 A Yes.  
 12 Q And was it generally positive?  
 13 A Yes.  
 14 Q Did you ever hear any negative feedback about  
 15 it?  
 16 A Yes.  
 17 Q And without going into the specific situations,  
 18 could you generally tell me what was negative.  
 19 A This was a teacher who was with us for a  
 20 limited period of time who didn't see the value of that  
 21 kind of support.  
 22 Q And was that the only time that you heard a  
 23 negative complaint this past year about the PAR program  
 24 from one of the teachers at your school?  
 25 A Yes.

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1 Q Is the PAR program run by the district?  
 2 A It's a State program that's an alliance of the  
 3 district and the union.  
 4 Q And do you know how people are solicited to  
 5 participate?  
 6 A Not specifically.  
 7 Q And can you tell me a little bit more about  
 8 BITSA.  
 9 A It's a similar program, but it's geared for new  
 10 teachers, but I don't know a great deal about it.  
 11 Q And do you know if any of the teachers at your  
 12 school participated in BITSA?  
 13 A I encouraged one teacher to participate, but  
 14 she only participated on a very limited basis.  
 15 Q And did you get any feedback from that teacher?  
 16 A Yes.  
 17 Q And was it positive?  
 18 A Yes.  
 19 Q Are there any other support-type programs for  
 20 new teachers that are offered at Luther Burbank through  
 21 the district or the State?  
 22 A No.  
 23 Q Are there any other teacher support programs  
 24 that are offered by the school directly?  
 25 A The evaluation process could be viewed as a

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1 support mechanism.  
 2 Q Now, for the evaluation process, is it correct  
 3 to say that administrators, long-term substitutes, and  
 4 emergency credentialed teachers are reviewed every year?  
 5 A Yes.  
 6 Q And that tenured teachers are reviewed every  
 7 two years?  
 8 A Generally.  
 9 Q Who is responsible for doing the evaluations?  
 10 A The administration.  
 11 Q And the administration is you?  
 12 A And my assistant.  
 13 Q Laura Parker?  
 14 A Yes.  
 15 Q And did you do any evaluations this past year?  
 16 A Indeed.  
 17 Q And again without going into specifics, did you  
 18 do evaluations for long-term substitute teachers?  
 19 A Depended on the tenure of their long-term  
 20 assignment.  
 21 Q Did you do any evaluations for emergency  
 22 credentialed teachers this past year?  
 23 A Yes.  
 24 Q And did you do any evaluations for what I'll  
 25 call tenured teachers or permanent teachers?

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1 A Yes.  
 2 Q Generally what do you do to prepare for the  
 3 evaluation process?  
 4 A It's outlined in the contract. Do you want me  
 5 to go into the whole thing?  
 6 Q Just a general overview of what you do to  
 7 prepare.  
 8 A Okay. I -- because it's a complicated process,  
 9 okay? Is that okay?  
 10 MR. OJEDA: Can you be more specific. There is a  
 11 provision in the district's collective bargaining  
 12 agreement regarding evaluations. It's also covered  
 13 under the Stoll Act, as you probably know, and the  
 14 Education Code.  
 15 So I guess the question is vague and ambiguous,  
 16 because we don't know what specifically you are asking  
 17 for.  
 18 MS. PERRIN: Okay. A couple responses to that one  
 19 is you haven't provided us with the collective  
 20 bargaining agreement. The second is the statute says  
 21 one thing and I'm more interested in general practice,  
 22 without going into specific detail about any of the  
 23 teachers, just to get an understanding of how it works  
 24 in practice.  
 25 MR. OJEDA: You ask how he prepares for it. Are you

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1 talking about what he does personally to prepare to  
 2 perform an evaluation or generally how the program  
 3 works?  
 4 MS. PERRIN: How the information is collected, how  
 5 Mr. Michaelson collects information, what he does with  
 6 that information, and how the evaluation is conducted.  
 7 MR. OJEDA: Okay.  
 8 MS. PERRIN: And I can rephrase the question if that  
 9 would be easier.  
 10 THE WITNESS: I got it. I just want to make sure I  
 11 was on the right track.  
 12 Principal puts out expectations at the  
 13 beginning of the year, teacher then meets with the  
 14 specific people who are going to be evaluated that year.  
 15 And then I allow teachers to take specifics weeks that  
 16 they would like to be evaluated in, so it's a sign-up  
 17 process.  
 18 Then there's a preconference in which they  
 19 bring in things such as lesson plans for the week and  
 20 attendance and grades and things like that, and we have  
 21 a brief 15 or 20, 30-minute meeting anticipating the  
 22 formal class visit.  
 23 Then there's the classroom observation, and  
 24 then there's a postconference, which is optional, but  
 25 which I always do.

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1 BY MS. PERRIN:  
 2 Q How many formal classroom observations are  
 3 there if it's more than one per teacher?  
 4 A Permanent staff, it's one a semester.  
 5 Probationary and emergency people, there are two a  
 6 semester. So it's four. Then there's a summary  
 7 evaluation that's a compilation of classroom visits and  
 8 general performance during the year at the end of the  
 9 year.  
 10 Q And who actually goes into the classroom for  
 11 the observation?  
 12 A Either I or Laura.  
 13 Q And do you have a specific set of criteria that  
 14 you are looking for when you are observing the class?  
 15 A It's based on the expectations that are  
 16 outlined at the beginning of the year.  
 17 Q The expectations that are outlined at the  
 18 beginning of the year, is that something that you draft?  
 19 A Yes, although I lean heavily on standards for  
 20 teaching that the State has and the district has.  
 21 Q And are the expectations in written form?  
 22 A Yes.  
 23 Q And they are distributed to the teachers?  
 24 A Yes.  
 25 Q Do you keep copies of those expectations?

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1 A Somewhere.  
 2 Q There's a sign-up process for the formal  
 3 evaluation. At what time in the year --  
 4 A I do it that way. Not everybody is as  
 5 generous.  
 6 Q At what time of the year do you typically  
 7 conduct the formal evaluation?  
 8 A Well, they are scheduled throughout the year,  
 9 so you are not doing, you know, everybody one week.  
 10 It's -- particularly if there's more than one, you know,  
 11 I don't like to see somebody two weeks in a row. I like  
 12 to see them, you know, maybe a month apart so I could  
 13 see some development or changes.  
 14 Q So how many formal evaluations are there per  
 15 year, per teacher, just the one?  
 16 MR. SIMMONS: Objection; asked and answered.  
 17 THE WITNESS: Permanent staff, tenure staff, there's  
 18 one semester, so that's two. And the others it's four.  
 19 BY MS. PERRIN:  
 20 Q Do you ever have any informal meetings with the  
 21 teachers that are being evaluated that semester?  
 22 A I did this year with people who are  
 23 participating in PAR, because PAR is actually the formal  
 24 evaluation. And -- but I felt it was my obligation to  
 25 go in and to be seeing these people, and so we kind of

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1 shadowed the formal process with the informal process  
 2 with people who participated in PAR.  
 3 Q And did you receive any feedback from teachers  
 4 about that?  
 5 A Nothing specific. They -- no.  
 6 Q Do you feel that doing the informal shadowing  
 7 of the PAR program was a benefit to the teachers?  
 8 A You would have to ask them. I think it was a  
 9 benefit to me.  
 10 Q Why was it a benefit to you?  
 11 A Because it gave me a chance to see staff and  
 12 how they are working, and the principal needs to know  
 13 that. It also gave us the -- a chance to have  
 14 conversations about teaching and learning, which are  
 15 important.  
 16 Q When you say, "conversations about teaching and  
 17 learning," what do you mean by that?  
 18 A Within the evaluation process, specific  
 19 incidents that I saw in the classroom, you know,  
 20 expulsions and things -- areas of are concern.  
 21 Q What kind of areas of concern did you note,  
 22 say, in the spring semester? And I don't want you to  
 23 identify particular teachers, just in general terms.  
 24 A That's a very broad question. Can you be more  
 25 specific.

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1 Q In the science department?  
 2 A No.  
 3 Q How about in any department?  
 4 A Just the one that I mentioned earlier.  
 5 Q Have you been to the school gym in the last  
 6 month?  
 7 A I've been to the school gym many times. I  
 8 don't -- I can't say within the last month. Within the  
 9 last six weeks probably, yeah.  
 10 Q So is it fair to --  
 11 A Today is the --  
 12 Q Is it fair to say that you are familiar with  
 13 the physical condition of the gym?  
 14 A Yes.  
 15 Q And could you describe the physical condition  
 16 of the gym.  
 17 A It's a --  
 18 MR. SIMMONS: Objection; that's a little broad for  
 19 him to answer, I think, a little vague.  
 20 MR. OJEDA: Join. Are you referring to the  
 21 structure as a whole, the interior?  
 22 MS. PERRIN: Okay. We can ask it both ways.  
 23 Q Can you generally describe the condition of the  
 24 building.  
 25 A It was part of the school building. The gym

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1 Q Sure.  
 2 You say that there are some areas of concern  
 3 that you noted in doing the evaluation process. Would  
 4 you like me to go by department? Would you like me to  
 5 go by --  
 6 A You know, I think I evaluated 17 people and,  
 7 you know, do the math. I was in classrooms a lot. So  
 8 it's really hard for me to, you know, compress that  
 9 into -- and I don't have a recollection of everything  
 10 that I saw.  
 11 Q Do you remember one concern that was present  
 12 during all the evaluations?  
 13 A Yes. A concern was that it's a very general  
 14 and it's probably universal education, that we can do  
 15 better.  
 16 Q That's pretty general.  
 17 A General question, you get a general answer.  
 18 Q Do you recall any specific concerns in the  
 19 social studies department?  
 20 A No.  
 21 Q Or any specific concerns in the language arts  
 22 department?  
 23 A No.  
 24 Q In the math department?  
 25 A No.

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1 is -- it's in okay condition. It's -- doesn't have  
 2 ceiling tiles, but that doesn't really interfere with  
 3 the function of the gym.  
 4 Q Why do you say it doesn't interfere with the  
 5 function of the gym?  
 6 A The ceiling is 50 feet high, and so the kids  
 7 aren't like -- they don't have access to the ceiling.  
 8 Q Hopefully.  
 9 A So it's an aesthetic concern, but I believe  
 10 that's all.  
 11 Q Have any of the ceiling tiles -- are all the  
 12 ceiling tiles missing?  
 13 A They were removed.  
 14 Q When were they removed, if you know?  
 15 A I think I mentioned that they were removed  
 16 about the time I came on board in August.  
 17 Q Did you ask for them to be removed?  
 18 A It was something that had been in the works.  
 19 Nothing happens fast, so apparently it had been  
 20 something that had been addressed probably in the  
 21 spring.  
 22 Q Do you know if the floors have been replaced in  
 23 the last year?  
 24 A In the last year, I don't think so.  
 25 Q Do you know if they have been cleaned?

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1 A Yeah, they are cleaned daily.  
 2 Q Has there been a more thorough cleaning at any  
 3 time during the past year?  
 4 A As part of the summer cleaning, gym floors are  
 5 always stripped and then resealed and then waxed.  
 6 Q Do you know how frequently kids have PE class?  
 7 A Daily.  
 8 Q And do you know what sports teams meet in the  
 9 gym, if any, after school?  
 10 A Yes.  
 11 Q Which ones are those?  
 12 A Volleyball, basketball. Baseball doesn't meet  
 13 very often. That's it.  
 14 Q When do students have access to the gym outside  
 15 of their PE class or scheduled after-school activity?  
 16 A On rainy days, but that's an option for kids.  
 17 Q Why on rainy days?  
 18 A Because it's raining outside, they come inside  
 19 and go to the gym.  
 20 Q Is that just to give them extra space?  
 21 A Well, it's a necessity. I mean if you have 700  
 22 people and it's raining, and we don't want them  
 23 filtering through the building unsupervised, and so we  
 24 have areas of supervision, the cafeteria and the gym.  
 25 Q So they can eat lunch there or have recess

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1 there, that sort of thing?  
 2 A They can't eat lunch there. They go to the  
 3 cafeteria and they go up and they can play.  
 4 Q Why can't they eat lunch in the gym during  
 5 rainy days?  
 6 A Because we want to keep all the food in the  
 7 cafeteria because we had to limit vermin.  
 8 Q Are there bleachers in the gym?  
 9 A Yes.  
 10 Q Do you happen to know how old they are?  
 11 A Probably as old as the building, 1957.  
 12 Q Are they in fairly good condition?  
 13 A Yes. Some gravity, but structurally they are  
 14 sound.  
 15 Q Have you ever been in the locker rooms?  
 16 A I was in the girls' locker room, and I can't  
 17 remember if I was in the boys' locker room or not.  
 18 Q And generally what's in the locker room?  
 19 A Lockers and an office for the teachers, that's  
 20 about it. I don't remember specifically. I was in  
 21 there just briefly.  
 22 Q Do you recall if there are bathrooms in the  
 23 locker room?  
 24 A I don't recall.  
 25 Q Or showers?

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1 A I don't recall.  
 2 Q Do you have a general sense from your visit to  
 3 the girls' locker room whether it was clean?  
 4 A It seemed okay.  
 5 Q Have you ever received any complaints about the  
 6 cleanliness of either the boys' or girls' locker rooms?  
 7 A No.  
 8 Q Have you ever heard that bathrooms were locked  
 9 in the locker rooms?  
 10 A Never heard that.  
 11 Q Is there an outdoor yard area at the school?  
 12 A Yes.  
 13 Q And are there basketball courts outside?  
 14 A Yes.  
 15 Q And are there water fountains outside?  
 16 A I don't remember.  
 17 Q And what's the general -- do you call it the  
 18 yard?  
 19 A Yes.  
 20 Q And is the yard generally in good condition?  
 21 A Generally.  
 22 Q What's in the yard, other than the basketball  
 23 courts?  
 24 A Some benches, some garbage cans.  
 25 Q Is there a fence?

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1 A There's a fence around it, yes.  
 2 Q How old is the fence, if you know?  
 3 A I don't know.  
 4 Q Is it in good condition?  
 5 A Mostly. Presently there's a hole in one area  
 6 that we are trying to get fixed.  
 7 Q And how long has the hole been there?  
 8 A I don't know.  
 9 Q Has it been there since you started at the  
 10 school?  
 11 A I don't know.  
 12 Q Is the fence rusty?  
 13 A There are parts that are rusty.  
 14 Q Have you ever received any complaints from  
 15 parents about the condition of the yard?  
 16 A No.  
 17 Q Or students?  
 18 A No.  
 19 Q Or teachers?  
 20 A No.  
 21 Q And when are children allowed to use the yard?  
 22 A Often their PE classes take place out there and  
 23 at lunchtime before school and at lunchtime.  
 24 Q And is it supervised then?  
 25 A Yes.

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1 Q Have you -- strike that.  
 2 With respect to classrooms, I believe you  
 3 testified earlier there was some variance in the  
 4 physical size of classrooms. Do you take steps to  
 5 ensure that larger classes are placed in larger physical  
 6 size classrooms?  
 7 A Yes.  
 8 Q And do you have a sense as to whether there are  
 9 more large classrooms versus small classrooms?  
 10 A I don't know.  
 11 Q Do you know why there was a variance as to the  
 12 size of the classrooms?  
 13 A You have to ask the architect.  
 14 Q But there hasn't been any structural -- strike  
 15 that.  
 16 There haven't been any efforts to, say, divide  
 17 classrooms since you have been there?  
 18 MR. OJEDA: Objection; vague and ambiguous.  
 19 MR. SIMMONS: Objection; vague.  
 20 BY MS. PERRIN:  
 21 Q By "divide classrooms" I mean put up a  
 22 partition to make one classroom into two.  
 23 A No.  
 24 Q Are there windows in every classroom, if you  
 25 know?

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1 Q And how did you become aware that windows were  
 2 broken in the classrooms?  
 3 A Students or the staff tell me.  
 4 Q And would you then request that it be fixed?  
 5 A Yes.  
 6 Q And do you happen to recall what the average  
 7 turnaround time was to have it fixed?  
 8 A In most cases it's pretty good, within 24  
 9 hours. Sometimes there are like structural issues that  
 10 come up. And I know there's one window that's been  
 11 boarded up all year. For some reason they can't replace  
 12 the glass.  
 13 Q In the past year, other than that one window,  
 14 were there any other windows that were boarded up for a  
 15 period of time?  
 16 A Not that I recall.  
 17 Q Are the hallways in the school generally clean?  
 18 A They start the day clean. And there's a lot of  
 19 people in the building.  
 20 Q And are they cleaned every day after school?  
 21 A Yes.  
 22 Q You mentioned the Healthy Start grant?  
 23 A Yes.  
 24 Q Which I believe -- was it \$400,000 over four  
 25 years, three years, to facilitate student wellness; is

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1 A All but one, and it's not an actively used one.  
 2 Q And which one is that?  
 3 A It's 216.  
 4 Q And why isn't it actively used?  
 5 A Probably because it doesn't have windows. It's  
 6 way off in the corner of the building in kind of an  
 7 unused little hallway.  
 8 Q Is it used for anything now?  
 9 A No.  
 10 Q Do you know if students can open the windows?  
 11 A To 216?  
 12 Q No, I'm sorry, to classrooms generally.  
 13 A From the inside?  
 14 Q Mm-hmm.  
 15 MR. OJEDA: Objection; overbroad, calls for  
 16 speculation.  
 17 THE WITNESS: I believe so.  
 18 BY MS. PERRIN:  
 19 Q So the windows aren't sealed or anything?  
 20 A No. They are operable.  
 21 Q Have you ever seen any broken windows at the  
 22 school in the classrooms?  
 23 A Yes.  
 24 Q How many times in the last year?  
 25 A I can't recall.

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1 that right?  
 2 A Yes.  
 3 Q Did you prepare the grant proposal?  
 4 A I facilitated the process.  
 5 Q Do you know who was involved in preparing the  
 6 grant proposal?  
 7 A The whole staffing community, but primarily it  
 8 ended up being Arline Silverman, who is a grant writer,  
 9 and Kate Henway, who is a counselor, and me, with  
 10 Ms. Parker probably involved.  
 11 Q And Arline Silverman, is she an employee of the  
 12 school?  
 13 A No, we hired her as a consultant.  
 14 Q So she's a professional grant writer?  
 15 A She's a retired teacher who writes grants and  
 16 we give her money, so I guess she's a professional grant  
 17 writer now.  
 18 Q Okay.  
 19 A And we got the grant, so I guess she was.  
 20 Q She did a pretty good job.  
 21 Do you recall to whom you have submitted the  
 22 proposal?  
 23 A It goes to the district health and then to the  
 24 State.  
 25 Q And do you recall when it was submitted?

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1 A February 15.  
 2 Q Of 2001?  
 3 A Yes.  
 4 Q Is it fair to say that you started working on  
 5 the Healthy Start grant proposal when you began your  
 6 tenure at Luther Burbank?  
 7 A Yes.  
 8 Q So the project was not already in progress?  
 9 A The school was given a planning grant of  
 10 \$50,000 four or five years ago, and they submitted a  
 11 proposal that was rejected. You can't get another  
 12 planning grant, so -- we wanted the program, so we did  
 13 it on our own.  
 14 Q Do you happen to know when the plan was  
 15 originally rejected?  
 16 A No.  
 17 Q And do you know if Luther Burbank had spent the  
 18 \$50,000 that was originally allocated for it five years  
 19 ago?  
 20 A I would assume so.  
 21 Q And when you say that you did it on your own,  
 22 what did you do to prepare for the grant?  
 23 MR. OJEDA: Objection; overbroad.  
 24 THE WITNESS: We surveyed the staff and compiled  
 25 data, looked at the old grant, looked at some of the

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1 models.  
 2 BY MS. PERRIN:  
 3 Q When you say, "some of the models" --  
 4 A Some other models.  
 5 Q What other models?  
 6 A From schools that had submitted grants.  
 7 Q Were they schools in San Francisco Unified?  
 8 A Yes.  
 9 Q And were there schools outside San Francisco  
 10 Unified as well?  
 11 A I don't believe so, no.  
 12 Q And where did you get the models, the Healthy  
 13 Start grant proposal models?  
 14 A Connections. They are public documents. And  
 15 when I was at Marina, we did one at Marina and  
 16 Francisco.  
 17 Q Have you received any of the \$400,000 yet?  
 18 A We are waiting for the official award grant  
 19 letter which should be -- was promised us June 15th.  
 20 Q So how did you hear that you had been approved  
 21 for the grant?  
 22 A Through our school health office, the district  
 23 school health office called.  
 24 Q Did you communicate with anybody in the  
 25 community? And by "the community" I mean anybody

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1 outside the school about the Healthy Start proposal.  
 2 MR. OJEDA: Objection; overbroad.  
 3 THE WITNESS: Yes.  
 4 BY MS. PERRIN:  
 5 Q And did you hold meetings at the school to  
 6 discuss the grant proposal?  
 7 A It was discussed at various meetings we had  
 8 during the year. We didn't meet specifically for that.  
 9 Q What kind of input did you solicit from parents  
 10 and other community members about the Healthy Start  
 11 program?  
 12 A I believe there's a staff survey, a student  
 13 survey, and a community -- parent community survey.  
 14 Q And generally what kind of things did you ask  
 15 about?  
 16 MR. SIMMONS: Which survey?  
 17 MS. PERRIN: For the Healthy Start.  
 18 MR. SIMMONS: I'm just wondering. They may be  
 19 different between the teacher/student community.  
 20 BY MS. PERRIN:  
 21 Q Okay. Were they different or were they the  
 22 same?  
 23 A I believe they were different.  
 24 Q So as to the student survey, what kind of  
 25 things did you ask about?

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1 A You know, I know a general sense. I don't know  
 2 specifically. Just issues about wellness and safety and  
 3 things like that.  
 4 Q When you say, "wellness," are you referring to  
 5 health, physical health?  
 6 A Well, physical health, mental health. Wellness  
 7 is a broad term. Academic achievement, success, things  
 8 like that.  
 9 Q And did you generally ask the same kinds of  
 10 things in each of the surveys?  
 11 A Generally.  
 12 Q And do you recall what kind of feedback you  
 13 got, in general terms?  
 14 A I would have to look at the proposal. I mean,  
 15 I could only guess.  
 16 Q What are your plans for the next school year  
 17 with the Healthy Start money?  
 18 MR. OJEDA: Objection; calls for speculation,  
 19 irrelevant, not calculated -- reasonably calculated to  
 20 lead to the discovery of admissible evidence.  
 21 MS. PERRIN: I don't think that calls for  
 22 speculation because Mr. Michaelson prepared the grant  
 23 proposal, and there was an action plan in the grant  
 24 proposal.  
 25 THE WITNESS: We have identified a coordinator and

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1 outlined how she will work with different components of  
 2 the school community, with the parents, and the  
 3 staffing, with the kids, and how we can make the best  
 4 use of the grant.  
 5 BY MS. PERRIN:  
 6 Q And is the coordinator somebody that was  
 7 previously employed by the school?  
 8 A Yes.  
 9 Q And who was that?  
 10 A Kate Hanrihan.  
 11 Q Does Ms. Hanrihan have a teaching credential?  
 12 A Yes.  
 13 Q Do you know what kind, by any chance?  
 14 A People personnel services.  
 15 Q And will she be working full-time, then, as a  
 16 Healthy Start coordinator?  
 17 A Yes.  
 18 Q And do you know if she will employ any  
 19 assistants?  
 20 A There will be a parent liaison, as outlined in  
 21 the grant.  
 22 Q And have you identified that parent liaison?  
 23 A No.  
 24 Q How will you go about identifying the parent  
 25 liaison?

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1 A We will probably distribute in one of our  
 2 newsletters the information that we are looking for  
 3 somebody formally and informally, network.  
 4 Q So is it fair to say you will solicit parents  
 5 to volunteer to be the liaison?  
 6 A It's not voluntary.  
 7 Q It's a paid position?  
 8 A Yes.  
 9 Q And do you happen to know if the parent liaison  
 10 position is a full-time position?  
 11 A I don't remember.  
 12 Q And do you recall whether there's a set term  
 13 for the parent liaison for employment?  
 14 A It would be year to year.  
 15 Q And would you be required to replace the parent  
 16 liaison year to year?  
 17 A There's some flexibility within the grant.  
 18 Adapted as needed.  
 19 Q You said that -- and correct me if I'm  
 20 mischaracterizing your testimony, that the plan \$50,000,  
 21 they had submitted a plan and it was rejected, and you  
 22 felt that you needed the Healthy Start grant. Can you  
 23 tell me why you needed the Healthy Start grant?  
 24 A I think every school can benefit from a Healthy  
 25 Start grant, and I saw the potential when we received it

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1 at Marina. And I think that particularly middle school  
 2 age is a difficult age and kids benefit from all the  
 3 support we can give them.  
 4 Q So is there anything specific that you are  
 5 looking for, any specific results that you are hoping  
 6 for with the Healthy Start grant?  
 7 A Yeah.  
 8 Q And what are those?  
 9 A Well, I want it to be linked to academic  
 10 achievement, because it doesn't serve us to have healthy  
 11 kids who are not able to participate in society. So  
 12 academic achievement, emotional wellness as well,  
 13 stronger links at home and school.  
 14 The grant serves as a -- not really a broker,  
 15 but more of kind of a middleman for linking up community  
 16 services, so stronger relationships with the community  
 17 as well.  
 18 Q And these are all the kinds of things you saw  
 19 at Marina Middle School?  
 20 A I saw the potential at Marina Middle School.  
 21 Q And you are hopeful that the same sort of  
 22 things will happen at Luther Burbank?  
 23 A My money is they will happen better than at  
 24 Marina.  
 25 Q Why?

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1 A Because I was disappointed with the way that it  
 2 was implemented. I left after one year, and I thought  
 3 we could have done better.  
 4 Q Other than hiring Ms. Hanrihan as counselor,  
 5 had any other specific steps been taken to implement the  
 6 Healthy Start action plan?  
 7 A We just got the grant the latter part of May.  
 8 Q And will Ms. Hanrihan be working on specific  
 9 action plans to implement -- I'm sorry, strike that.  
 10 Will Ms. Hanrihan be responsible for drafting a  
 11 more detailed action plan?  
 12 A Yes.  
 13 Q And are there any deadlines set for that?  
 14 A Well, she's technically not working during the  
 15 summer. But we met a day or two ago and exerted a  
 16 little pressure to at least -- we want to hit the ground  
 17 running in August.  
 18 MS. PERRIN: Okay. Can we take a break.  
 19 (Recess taken.)  
 20 BY MS. PERRIN:  
 21 Q Are you familiar with school accountability  
 22 report cards?  
 23 A Yes.  
 24 MS. PERRIN: I would like to mark this as Exhibit 3.  
 25 (Plaintiffs' Exhibit 3 was marked for

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1 identification by the court reporter.)  
 2 BY MS. PERRIN:  
 3 Q Do you now who drafted this document?  
 4 A Some of it is done by the district, a lot of  
 5 the data and some of the district information. And then  
 6 I did some of it last fall.  
 7 Q Can you identify which sections of this you  
 8 personally wrote.  
 9 MR. OJEDA: Can you give us a moment to review the  
 10 document.  
 11 MS. PERRIN: Oh, sure. Go ahead.  
 12 Ready?  
 13 MR. OJEDA: Yeah.  
 14 BY MS. PERRIN:  
 15 Q Can you identify for me the portions of this  
 16 document that you personally drafted.  
 17 A They are the ones that are well written. It's  
 18 stuff that's school-specific. The school description  
 19 and the school priorities come from our school, Site  
 20 Plans A, B, and C.  
 21 The district does the next two sections.  
 22 MR. OJEDA: She just asked what sections you  
 23 drafted.  
 24 THE WITNESS: Well, I have to go through it because  
 25 they are not -- okay.

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1 BY MS. PERRIN:  
 2 Q My next question was going to be which one was  
 3 the district drafting, so if you want to do it in  
 4 summary fashion.  
 5 MR. OJEDA: Okay.  
 6 THE WITNESS: The student behavior on the third  
 7 page.  
 8 BY MS. PERRIN:  
 9 Q I'm sorry. That's one you drafted?  
 10 A Yes. Not the data, but the content. The  
 11 professional development part right under there. Again  
 12 not the data, but the content. The quality of school  
 13 instruction leadership. Textbook and instructional  
 14 materials on the fourth page. Facilities and safety.  
 15 And patient community involvement.  
 16 Q And do you recall when you drafted it?  
 17 A It says fall 2000. I believe it was probably  
 18 October.  
 19 Q Do you know if the rest of the sections were  
 20 drafted by somebody at the district?  
 21 A Yeah.  
 22 Q Is -- are you required to draft this full  
 23 accountability report card?  
 24 A Every school in the state of California is  
 25 required to have a school accountability report card.

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1 Q And do you know how often you are supposed to  
 2 complete or draft a school accountability report card?  
 3 A It's to be revised annually, because the data  
 4 needs to be updated.  
 5 Q You said that the data needs to be updated. Do  
 6 you have to update the description, the written  
 7 narrative portion?  
 8 A No. No. But things like test scores and  
 9 teacher salaries, that kind of data.  
 10 Q Do you anticipate redrafting the narrative  
 11 sections this upcoming school year?  
 12 A It's something that needs to be reviewed  
 13 annually.  
 14 Q And who at the school is responsible for  
 15 reviewing it?  
 16 A At my school I am.  
 17 Q In the second section, school priorities on the  
 18 first page?  
 19 A Yes.  
 20 Q It says, "For each district goal (listed below)  
 21 there are measurable objectives. Every school has  
 22 developed a site -- school site plan to achieve each  
 23 objective and has identified its individual school  
 24 priorities."  
 25 Did you identify the three priorities that are

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1 listed underneath there?  
 2 MR. OJEDA: Objection; irrelevant. This is  
 3 obviously a broad-based document covering many issues  
 4 that are not at issue in the First Amended Complaint.  
 5 Do you intend to limit your questions to the primary  
 6 issues in the First Amended Complaint?  
 7 MS. PERRIN: For the most part, yes.  
 8 Q So did you identify these three objectives that  
 9 were listed as A, B, and C?  
 10 MR. OJEDA: Same objection. How does this school's  
 11 priorities pertain to the issues in the First Amended  
 12 Complaint? And where are you going with this, more  
 13 specifically?  
 14 MS. PERRIN: The State and the State defendants have  
 15 indicated that the school accountability report card is  
 16 one mechanism that the State uses in order to monitor  
 17 textbooks, teachers, and facilities.  
 18 And I think that I'm entitled to ask about the  
 19 content of the document, to whom it is communicated, how  
 20 the information is compiled and for what purpose.  
 21 MR. OJEDA: As it pertains to the issues in the  
 22 First Amended Complaint; correct.  
 23 MS. PERRIN: And if you look at the first two, it  
 24 says, "to improve teaching and learning," which is  
 25 clearly teachers. The second is, "Safe, pleasant, and

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1 orderly school environment," which clearly relates to  
 2 facilities. And "teaching and learning" probably  
 3 encompasses textbooks.  
 4 And the third I think we covered, where it  
 5 says, "Increased family and parent ties by talking about  
 6 the PTA, the revival of the PTA and the Healthy Start."  
 7 So I don't intent to go into that in too much  
 8 detail.  
 9 Q So did you identify the three priorities that  
 10 were listed as A, B, C?  
 11 A I revised what was in place when I came to  
 12 Luther Burbank. The process actually is done in the  
 13 spring and – but I did revise them to, I think, make  
 14 them stronger.  
 15 Q Do you know who wrote the priorities in the  
 16 spring?  
 17 A I don't know.  
 18 Q And why did you revise them?  
 19 A I thought we wanted – I thought I could make  
 20 them a little clearer.  
 21 Q And School Priority A, it says, "To improve  
 22 teaching and learning to enhance the academic  
 23 achievement of all students, particularly  
 24 underperforming Latino, African-American, and English  
 25 language learners, through technology that promotes

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1 literacy throughout the curricula.  
 2 Can you tell me what that means to you.  
 3 A It means that priority for the year was to  
 4 further enhance the teaching and learning of the kids in  
 5 the school.  
 6 Q Was it targeted at underperforming kids?  
 7 A It's targeted – all kids are included, but  
 8 particularly underperforming kids.  
 9 Q And what steps did you take to enhance the  
 10 learning of the student population with respect to  
 11 School Priority A?  
 12 A These three priorities are related to our  
 13 funding. And we spent time and money on teacher  
 14 training, on curriculum development and materials,  
 15 purchasing materials.  
 16 Q And when you say, "materials," are you  
 17 referring to textbooks and instructional materials?  
 18 A Supplementary materials. We cannot purchase  
 19 textbooks with these funds.  
 20 Q But you can purchase supplementary  
 21 instructional materials?  
 22 A Yes.  
 23 Q And what kind of supplementary instructional  
 24 materials did you purchase?  
 25 A History Alive, and lots of other things, but

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1 that's a specific example.  
 2 Q Were the maps out of that budget?  
 3 A The maps I believe are out of the general fund.  
 4 Q Other than History Alive, is there another  
 5 specific example that you can give me for supplementary  
 6 material that was taken out of the budget contemplated  
 7 here?  
 8 A It was videos, lots of support materials,  
 9 books.  
 10 Q What do you mean by "support materials"?  
 11 A An example would be materials that order –  
 12 sometimes workbooks.  
 13 Q Are so are consumables support materials?  
 14 A Consumables is a very broad term that – it's  
 15 like paper.  
 16 Q Can you give me an example. I'm trying to  
 17 figure out specifically what kind of supplemental  
 18 materials would be supplied in math.  
 19 A Like maybe workbooks. But whether they are  
 20 consumed or not is not the – that's not germane. We  
 21 usually tend not to consume things that are designed to  
 22 be consumed because we want to stretch our dollar, your  
 23 dollar.  
 24 Q These would be materials that are outside the  
 25 core curriculum, is that fair to say?

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1 A No, that's not a good way to look at it.  
 2 Q Okay.  
 3 A They supplement the core curriculum.  
 4 Q You said that another thing that was done was  
 5 teacher training on core curriculum during this past  
 6 year.  
 7 A I didn't say teacher training on core  
 8 curriculum. I said teacher training and curriculum  
 9 planning.  
 10 Q And can you tell me specifically what they did  
 11 for teacher training and curriculum planning. Would it  
 12 be easier to go by department or –  
 13 MR. SIMMONS: Objection; compound.  
 14 BY MS. PERRIN:  
 15 Q Could you tell me what they did specifically as  
 16 to teacher training.  
 17 A Well, I know that one example is that we had  
 18 three Saturdays in a row. One was on class planning,  
 19 one was on assessment, and one was on planning.  
 20 Q What kind of planning?  
 21 A Classroom planning, curriculum planning,  
 22 organization.  
 23 Q And were all teachers required to attend those?  
 24 A No, it's optional.  
 25 Q Do you happen to know how many teachers

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1 attended?  
 2 A There were like seven or eight at the first  
 3 one. Again, the second one about the same, and the  
 4 third one is just a couple teachers.  
 5 Q So would you say the turnout for that was not  
 6 as good as you had hoped?  
 7 A I would say -- I would agree with that  
 8 statement.  
 9 Q And what specific things did you do for core  
 10 curriculum design?  
 11 A We -- again, it was optional. We invited  
 12 teachers to participate in some after-school language  
 13 sessions and coming to agreement on curriculum issues,  
 14 the utilization of support materials and how to  
 15 implement them into the curriculum and planning.  
 16 Q And were these meetings required?  
 17 A No, they were optional.  
 18 Q And what was the attendance?  
 19 A I didn't attend the math and science, but I did  
 20 the language arts, social studies. And it ranged from  
 21 six to, you know, sometimes just two, two people showed  
 22 up.  
 23 Q And is it again fair to say that the turnout  
 24 wasn't as great as you had hoped?  
 25 A Yes.

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1 submit the school site plan?  
 2 A Dr. Mary Byrd.  
 3 Q And what is Dr. Byrd's position, if you know?  
 4 A She coordinates the State and federally funded  
 5 programs.  
 6 Q Is submission of the school site plan a  
 7 prerequisite to receiving funds from those programs, if  
 8 you know?  
 9 A Yes.  
 10 Q Do you know if every school has to submit a  
 11 school site plan?  
 12 A Yes.  
 13 Q Do you know if Dr. Byrd transmitted the school  
 14 site plan from Luther Burbank to anybody at the State  
 15 level?  
 16 A I don't know.  
 17 Q Do you know if she transmitted to anybody the  
 18 State Board of Education?  
 19 A I don't know.  
 20 Q Department of Education?  
 21 A I don't know.  
 22 Q Or the State Superintendent?  
 23 A I don't know.  
 24 Q Did you ever receive any feedback from Dr. Byrd  
 25 about the school site plan?

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1 Q It says that every school has developed a  
 2 school site plan.  
 3 A Yes.  
 4 Q Did you develop a school site plan?  
 5 A There was a school site plan in place, and I  
 6 revised it when I came on board.  
 7 Q And generally what does the school site plan  
 8 address?  
 9 A It focuses on these three priorities. And then  
 10 it lists activities that are related to them, specific  
 11 activities that will help you reach these priorities.  
 12 Q And are the activities limited to teachers?  
 13 A No.  
 14 Q Would they include the administration?  
 15 A Yes.  
 16 Q And students?  
 17 A Well, it's all related. I mean, these three  
 18 are pretty overarching.  
 19 Q The three priorities?  
 20 A Yes. So certainly teachers, students,  
 21 administration, parents are all involved.  
 22 Q Do you know who -- did you do the revisions on  
 23 the school site plan?  
 24 A Yes.  
 25 Q To whom at the district, if anyone, did you

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1 A From her office, not from her directly.  
 2 Q And what kind of feedback did you receive from  
 3 her office?  
 4 A I don't remember the specifics, but in general  
 5 that certain things needed to be either reworked or  
 6 reworded to be in compliance.  
 7 Q To be in compliance with what?  
 8 A With the State and federal guidelines.  
 9 Q And did you do those revisions?  
 10 A Yes.  
 11 Q Would you say that they were minor revisions?  
 12 A Yes.  
 13 Q Were they substantive revisions?  
 14 A To be honest, I don't recall specifically what  
 15 they were.  
 16 Q Do you have copies of all the school site plans  
 17 that you have submitted to the district?  
 18 A I have a copy of the one in the fall, yeah.  
 19 Q And do you -- after she asked you to revise the  
 20 school site plan, did you do that?  
 21 A Yes.  
 22 Q And did you resubmit it?  
 23 A Yes.  
 24 Q And do you have a copy of that one as well?  
 25 A That's the one I'm referring to.

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1 Q Do you have a copy of the earlier one?  
 2 A I don't know if I have a copy of that. I may  
 3 or may not.  
 4 Q With respect to School Priority B, which reads,  
 5 "To maintain a safe, pleasant, and orderly school that  
 6 is fully integrated in all areas and provides equal  
 7 activities and services for students and their  
 8 families," can you tell me what that means to you?  
 9 A It means to me that --  
 10 MR. SIMMONS: I'll just object on the ground that it  
 11 means what it says.  
 12 THE WITNESS: It means they have a positive school  
 13 environment and provides equal access.  
 14 BY MS. PERRIN:  
 15 Q What steps, if any, have you taken to have a  
 16 safe school environment over the past year?  
 17 A Worked with Laura Parker to put in requests for  
 18 maintenance, worked with the staff and students on  
 19 things, school rules and procedures, policies.  
 20 Q And the request for maintenance that you worked  
 21 on with Laura Parker, are those the things that we have  
 22 already covered?  
 23 A Yes.  
 24 Q And for school rules and procedures, I know we  
 25 talked about some in-house suspension in those. Is that

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1 A It just needs some attention, some general  
 2 beautification. We applied and received a grant from  
 3 the Mayor's Office to address that.  
 4 Q And have you received those moneys?  
 5 A Yes.  
 6 Q And what are you planning to do with those  
 7 moneys?  
 8 A Beautify the grounds.  
 9 Q Are you going to hire a landscaping architect?  
 10 A No. Laura Parker's taken that on, and she's  
 11 working with the park, because we are really part of the  
 12 park. And her idea is to return it to more of a native  
 13 look so we are not spending a lot of time watering a  
 14 lawn that dries up anyway in the summer. So just have  
 15 an environment that's more pleasant.  
 16 Q You say you applied for a grant from the  
 17 Mayor's Office?  
 18 A Yes.  
 19 Q Did you write that grant application?  
 20 A Laura Parker did.  
 21 Q Do you know if there's a similar type of grant  
 22 available from the district?  
 23 A Not that I'm aware of.  
 24 Q Have you ever, other than this document,  
 25 communicated the need to improve the grounds to anybody

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1 the sort of thing that you are referring to?  
 2 A Yes.  
 3 Q On I believe it's the fourth page of this  
 4 document, under "School facilities and Safety."  
 5 A Yes.  
 6 Q Under "Current Conditions" it says that the  
 7 facilities at Luther Burbank are in need of improvement.  
 8 Can you tell me specifically what at Luther Burbank is  
 9 in need of improvement?  
 10 A It goes on to note those here.  
 11 Q Is that the "needed improvements" column?  
 12 A Under "Current Conditions" -- well, under  
 13 "Current Conditions" talks about the shades, interior  
 14 painting, window replacement, and that's the same thing  
 15 that's under "Needed Improvements."  
 16 Q It says under "Needed Improvements" that the  
 17 grounds surrounding the school also need work?  
 18 A Mm-hmm.  
 19 Q Does that refer to the yard area that we were  
 20 just talking about?  
 21 A Not specifically.  
 22 Q Does it refer to a greater area than that?  
 23 A The general grounds.  
 24 Q And can you tell me what needs work, in your  
 25 opinion, on the general grounds?

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1 the district?  
 2 A Well, as noted here, there is a modernization  
 3 plan that's been in the works for several years. And I  
 4 did meet with them with that, and so we had a discussion  
 5 about what needed to be done then.  
 6 Q Did you ever discuss general school facilities  
 7 with anybody at the State Board of Education?  
 8 A No.  
 9 Q And the State Department of Education?  
 10 A No.  
 11 Q Or the State?  
 12 A No.  
 13 Q Do you know if the modernization plan will in  
 14 fact begin this coming fall?  
 15 A I don't know that.  
 16 Q Is it supposed to?  
 17 A I was told January 2001.  
 18 Q And am I correct that it has not happened yet?  
 19 A It has not happened yet.  
 20 Q Do you have an anticipated date that it's  
 21 supposed to start?  
 22 A I heard from them through Laura Parker that  
 23 things were looking good; that's what they said.  
 24 Q Do you know the last time that Luther Burbank  
 25 was reviewed by the coordinated compliance review?

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1 A By the State?  
 2 Q Yes.  
 3 A I don't know.  
 4 Q Has it been done since you were at Luther  
 5 Burbank?  
 6 A No.  
 7 Q Do you expect that it will be done this year?  
 8 A That's up to the State.  
 9 Q Have you ever reviewed a CCR report from Luther  
 10 Burbank – a CCR report where the subject school was  
 11 Luther Burbank?  
 12 A Because we were an IUSP school, we did not  
 13 have to do our formal internal CCRW report this year.  
 14 But from what I understand, the report of findings that  
 15 we did with our evaluator, external evaluator, is  
 16 actually a broader, a more encompassing process than  
 17 just the CCR.  
 18 Q I think you testified earlier there are 684  
 19 students at Luther Burbank; is that correct?  
 20 A 687.  
 21 Q 687. Has there been a significant increase in  
 22 the number of students since you have been there?  
 23 A No, not yet.  
 24 Q Do you know how many students are eligible for  
 25 free or reduced lunches?

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1 A I don't have a specific number.  
 2 Q Do you know if it's more than 50 percent?  
 3 A Yes.  
 4 Q Do you know if it's more than 80 percent?  
 5 A No, it's less than 80.  
 6 Q Other than the – I believe you testified that  
 7 there were some honors English classes?  
 8 A Honors reading, honors math.  
 9 Q And other than that, are there any other  
 10 talented or gifted classes that are offered?  
 11 A No.  
 12 Q And do you know how many students are enrolled  
 13 in the honors reading and honors math classes?  
 14 A Not specifically.  
 15 Q How many course class periods are offered per  
 16 day in honors reading?  
 17 A One in reading, one per grade level.  
 18 Q And do you know how many students are in each  
 19 class?  
 20 A Yes, generally.  
 21 Q General would be great.  
 22 A Between 25 and 30.  
 23 Q And how does a student become eligible to  
 24 participate in an honors course?  
 25 A We go by their test scores. Although a lot of

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1 those kids take music also, so we offer that as an  
 2 option.  
 3 Q When you say, "test scores," are you talking  
 4 about tests in class?  
 5 A STAR.  
 6 Q Okay. STAR tests.  
 7 How do students at Luther Burbank do on the  
 8 STAR tests?  
 9 MR. OJEDA: Objection; overbroad.  
 10 THE WITNESS: Can you be more specific.  
 11 BY MS. PERRIN:  
 12 Q Sure.  
 13 Are you familiar with API scores?  
 14 A Yes.  
 15 Q And I believe last time you said you didn't  
 16 recall exactly what the scores were; is that correct?  
 17 A That's correct.  
 18 Q Okay. My understanding, correct me if I'm  
 19 wrong, there's actually a couple different scores that  
 20 the school gets. You get a numeric API score, a school  
 21 ranking, and a similar school's ranking. Do you recall  
 22 what the similar school's ranking was?  
 23 A I know one of them is a 1 and one of them is a  
 24 2; I can't remember which.  
 25 Q Do you know on what end of the spectrum the 1

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1 and the 2 are?  
 2 A They are on the negative end of the spectrum.  
 3 Q Do you know how the API is calculated?  
 4 A Generally.  
 5 Q Can you tell me generally how it is.  
 6 A Very generally. It's a formula that's – when  
 7 I see it on paper it makes sense, it's not something I  
 8 carry around in my head.  
 9 Q Is it fair to say that it's based in large part  
 10 on the Stanford-9?  
 11 A Yes.  
 12 MR. OJEDA: Calls for speculation.  
 13 BY MS. PERRIN:  
 14 Q If you know.  
 15 A I believe that's a critical component.  
 16 Q Do you believe that the Stanford-9 is an  
 17 accurate measure of what a student learned that year in  
 18 a particular subject matter?  
 19 MR. OJEDA: Objection; it calls for speculation.  
 20 MR. SIMMONS: Join.  
 21 MR. OJEDA: Lacks foundation.  
 22 THE WITNESS: Depends on the student.  
 23 BY MS. PERRIN:  
 24 Q Why do you say it depends on the student?  
 25 A Some students are able to communicate how well

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1 they have done through that medium better than others, I  
 2 think.  
 3 Q Do you know if all the students at Luther  
 4 Burbank take the SAT-9?  
 5 A This year?  
 6 Q Yes.  
 7 A All of them took it, unless they are very  
 8 recent arrivals.  
 9 Q So you didn't have any IEP students?  
 10 A And some students with specific notations on  
 11 their IEP to be excluded.  
 12 Q Did you ever receive any parental requests for  
 13 the students -- to exclude them from the SAT-9 testing?  
 14 A No.  
 15 Q I'm using SAT-9 and Stanford-9 interchangeably,  
 16 is that okay?  
 17 A Yes.  
 18 Q Do you know if all of the students' scores are  
 19 included in the final API score?  
 20 A No, I don't know.  
 21 Q I believe during your last day you testified  
 22 that the school was under scrutiny for low test scores.  
 23 MR. SIMMONS: Objection; I think he testified that  
 24 as a result of the lawsuit, the school was under  
 25 scrutiny.

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1 Q When did you find out that Luther Burbank was  
 2 an IIUSP school?  
 3 A September 2000.  
 4 Q Did you contract with an external evaluator?  
 5 A Yes.  
 6 Q And at what time did you do that?  
 7 A I believe it was around the first of November.  
 8 Q And who was the external evaluator?  
 9 A The agency is West Ed.  
 10 Q And is there a specific consultant that you are  
 11 working with?  
 12 A Yes, the consultant was Susan Silver.  
 13 Q Did you have to apply to the district for  
 14 approval to use West Ed as the external consultant?  
 15 A They facilitated the process.  
 16 Q What do you mean by "facilitated the process"?  
 17 A They invited us to a meeting where several  
 18 agencies made presentations. And then through our site  
 19 council we made a choice, and they helped us draw up the  
 20 contract.  
 21 Q The school district helped you?  
 22 A Yeah. They have a ready-made contract,  
 23 actually. We just filled in the spaces.  
 24 Q And who at the district were you working with?  
 25 A Dr. Ritu Khana's office.

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1 MR. OJEDA: I believe --  
 2 BY MS. PERRIN:  
 3 Q Did I mischaracterize your testimony?  
 4 A I think so. I think there's a little more to  
 5 it. I don't remember precisely what it was, but I think  
 6 you just got a piece of it.  
 7 Q You said that Luther Burbank is an IIUSP  
 8 school?  
 9 A Yes.  
 10 Q And do you know how Luther Burbank became  
 11 designated as an IIUSP school?  
 12 A Yes. It's based on the API, and we missed our  
 13 API target number by 13, score by 13 points. And based  
 14 on the API, schools are put into a -- some sort of  
 15 lottery, and the district selects specific schools.  
 16 Q When you say you missed your targeted API by 13  
 17 points, are you referring to the target score from the  
 18 1999-2000 school year -- the 1998-1999 school year to  
 19 the 1999-2000 school year?  
 20 A No. '99-2000.  
 21 MR. SIMMONS: Just to clarify, they call it the  
 22 growth target; is that right?  
 23 MS. PERRIN: Yes, the growth target.  
 24 Q So you missed the growth target by 13 points?  
 25 A Yes.

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1 Q Can you spell that for me.  
 2 A D-r period. I think it's R-i-t-u, K-h-a-n-a.  
 3 Q And do you know what Dr. Khana's position is?  
 4 A I think it's like analysis and planning  
 5 director. Analysis and planning or something.  
 6 Q I believe that the deadline set for a contract  
 7 with an external evaluator was November 15th of 2000; is  
 8 that correct?  
 9 A I believe that's right.  
 10 Q And did you make that deadline?  
 11 A Yes.  
 12 Q And you said that there is a school site team?  
 13 A School site council.  
 14 Q School site council.  
 15 And is that school site council responsible for  
 16 working with the evaluator?  
 17 A It's a little bit complicated. The school site  
 18 council can either become the action team that falls --  
 19 that works with the evaluator or turn over those  
 20 responsibilities to somebody else.  
 21 At our school we revised our bylaws to include  
 22 one more member, because it has to be composed of one  
 23 more nonstaff person than staff person. So we went from  
 24 16 to 18, and the school site council became the action  
 25 team.

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1 MS. PERRIN: Can we go off for a second.  
 2 (Discussion off the record.)  
 3 BY MS. PERRIN:  
 4 Q So your school site council is now the action  
 5 plan team; is that correct?  
 6 A It is action team.  
 7 Q And do you have a majority of non-school site  
 8 persons on that team?  
 9 A Yes.  
 10 Q And are there more than 20 percent parent and  
 11 legal guardians on that team?  
 12 A Yes.  
 13 Q Did you complete the review of the school  
 14 required under the IIUSP program by February 15th?  
 15 A Yes.  
 16 Q And can you tell me generally what the findings  
 17 were.  
 18 MR. OJEDA: Objection; overbroad.  
 19 THE WITNESS: It's like a 20-page document.  
 20 MS. PERRIN: We can do this one of a couple ways. I  
 21 think the IIUSP action plan and the self-study that was  
 22 done in February are clearly responsive to our document  
 23 requests. We don't have them, so we can either talk  
 24 about them generally today or we can suspend, you get us  
 25 documents, and we come back.

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1 conceivable topic that might be discussed in the record.  
 2 MS. PERRIN: I can agree with that. I think  
 3 oversight and management generally is fair game, and the  
 4 rules of discovery are quite broad.  
 5 MR. OJEDA: The rules of discovery are limited to a  
 6 certain extent to matters at issue in the First Amended  
 7 Complaint, right.  
 8 MS. PERRIN: And issues that have been brought up by  
 9 the parties throughout the course of the litigation.  
 10 MR. OJEDA: I don't --  
 11 MS. PERRIN: To the extent that defendants are using  
 12 the IIUSP plan or the PAAS as justification for certain  
 13 things, we are entitled to ask about it.  
 14 MR. OJEDA: The defense -- defer to the State on  
 15 this, but I imagine it refers to matters in the First  
 16 Amended Complaint. That's the purpose of the --  
 17 MR. SIMMONS: I didn't issue a response to that, so  
 18 I'm not in a position to comment. But he's going to  
 19 have difficulty answering the question as phrased, so it  
 20 might work well, in any event, just to try and go  
 21 through and ask some specific questions and move on from  
 22 there, if you can.  
 23 But I think the witness has already testified  
 24 that he had difficulty with that question as to what's  
 25 generally in the documents. So it might help if we

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1 MR. OJEDA: We can talk about them today, but it's  
 2 just the particular question was overbroad. Again, the  
 3 content of that document hasn't -- you can break it down  
 4 and be more specific.  
 5 MS. PERRIN: Since I don't have the document, it's  
 6 difficult to break it down.  
 7 MR. OJEDA: I understand. But you can ask him more  
 8 specific questions about it, the contents of the  
 9 document, thereby restricting the scope of the  
 10 questions.  
 11 MR. SIMMONS: Go back to the old standby, check the  
 12 documents with respect to textbooks and with respect to  
 13 facilities.  
 14 MS. PERRIN: I want to know everything. It's  
 15 something the State agencies said it's a mechanism they  
 16 use to monitor schools generally, that it's a reform  
 17 process that's ongoing. And we are required to know how  
 18 it's --  
 19 MR. OJEDA: Supervision relates to matters within  
 20 the First Amended Complaint and not every conceivable  
 21 manner of supervising every aspect of the school  
 22 district or the way the school operates.  
 23 So more specifically, you are talking about  
 24 textbooks, credentials, facilities. So I think it's  
 25 overbroad and irrelevant to ask about any other

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1 start with some specifics.  
 2 BY MS. PERRIN:  
 3 Q You said it was about a 20-page document?  
 4 A Yes.  
 5 Q Is there a summary at the beginning of the  
 6 document?  
 7 A I believe there is.  
 8 Q And were there particular areas that you were  
 9 required to address in your school site evaluation?  
 10 A The action plan, yes.  
 11 Q No. Actually the internal review, the one that  
 12 was due in February.  
 13 A Can I clarify that.  
 14 Q Sure.  
 15 A That identified the areas, and then the -- the  
 16 areas to remedy were in the action plan.  
 17 Q And can you tell me what areas were discussed  
 18 in the February report.  
 19 A Well, as I said, it was very broad, but there  
 20 were two specific themes that were repeated throughout.  
 21 One was alignment of curriculum, and the other was  
 22 raising expectations for students.  
 23 Q And what do you mean by alignment of  
 24 curriculum?  
 25 A The design of the curriculum, to make sure that

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1 every student, regardless of the actual teacher they  
 2 had, would basically get the same curriculum in each  
 3 grade level and be helped to meet the standards for each  
 4 grade level.  
 5 Q And are you aligning the curriculum with the  
 6 content standards of the State?  
 7 A Content standards, yes, and the -- yes. That's  
 8 a good way to put it.  
 9 Q Was the entire action team involved in doing  
 10 the investigation for the February report?  
 11 A The entire school community was involved.  
 12 Q And when you say, "the entire school community  
 13 was involved," did you do surveys?  
 14 A There were surveys.  
 15 Q And what were those surveys directed at?  
 16 A There were student surveys, staff surveys, and  
 17 parent surveys.  
 18 Q And are these surveys we talked about earlier?  
 19 A No. That was -- those were in regard to  
 20 Healthy Start, but there was some overlap.  
 21 Q What general topics were covered in the surveys  
 22 to these students?  
 23 A They were broad, but basically, you know,  
 24 related to their learning and their teachers and things  
 25 in their classrooms and what they were learning well,

1 involved.  
 2 Q And so surveys were distributed at those  
 3 meetings?  
 4 A Yes.  
 5 Q And were they collected as well?  
 6 A Yes. And I believe that's where she got the --  
 7 her best results.  
 8 Q At the meetings?  
 9 A (Witness nodded head.)  
 10 Q Were there other mechanisms, other ways that  
 11 the surveys were distributed other than at meetings?  
 12 A I believe that was the primary method.  
 13 Q Do you know if surveys were mailed to parents?  
 14 A I don't believe they were.  
 15 Q Or if they were handed out in class?  
 16 A I don't believe they were.  
 17 Q To whom were the findings of that February  
 18 self-study reported, if anyone?  
 19 A To the school community, staff, to the  
 20 district, and I believe via the district to the State.  
 21 Q Why do you say you believe via the district to  
 22 the State?  
 23 A Well, because I don't deal with that part.  
 24 Q Do you know whether it was communicated to the  
 25 State?

1 what they needed help with.  
 2 Q And what about the surveys to the parents?  
 3 A They related to their satisfaction, from their  
 4 perspective, of the school program and, you know,  
 5 teacher responsiveness to their inquiries, concerns.  
 6 Q And what about to the teachers?  
 7 A Things about whether they were receiving  
 8 support in teaching and in curriculum areas. Several  
 9 questions about their view of the principal as  
 10 instructional leader, things of that nature.  
 11 Q What was the response rate of the surveys, if  
 12 you know? And when I say, "response rate," I mean how  
 13 many -- what was the percentage of people that turned  
 14 the surveys back in?  
 15 A I don't know.  
 16 Q Do you remember if it was quite good, or is  
 17 that --  
 18 MR. SIMMONS: Objection; vague as to "quite good."  
 19 BY MS. PERRIN:  
 20 Q Are we satisfied with the response rate?  
 21 A One way that was handled was a lot of that work  
 22 was done in meetings. And Susan Silver met with  
 23 students, kind of like focus groups, and she met with  
 24 staff, both individually and in groups. And we had an  
 25 evening meeting that had parents, staff, and students

1 A I don't know.  
 2 Q Was there a written report in February of 2001?  
 3 A The report findings was a written report.  
 4 Q Do you have that report?  
 5 A Yes.  
 6 Q Did you submit the action plan, the required  
 7 action plan, on May 15th this year?  
 8 A Yes.  
 9 Q Do you know who had primary drafting  
 10 responsibility for the action plan?  
 11 A Technically it was my responsibility.  
 12 Q And did you draft a portion of the action plan?  
 13 A I worked with Susan Silver.  
 14 Q My understanding of the action plan is that it  
 15 consists of two different parts: One is a narrative  
 16 that discusses the quality review criteria; and a second  
 17 is a few forms, I think three or four forms, and a  
 18 checklist; is that right?  
 19 A I was with you until the checklist.  
 20 Q Okay.  
 21 A I don't know about checklist, but there's  
 22 templates, yes.  
 23 Q And did you submit both the narrative -- the  
 24 narrative?  
 25 A Yes.

1 Q And all the required forms?  
 2 A Yes.  
 3 Q And to whom did you submit it?  
 4 A To Dr. Khana's office.  
 5 Q Have you received any feedback from Dr. Khana's  
 6 office since that time about the action plan?  
 7 A There was an initial review and with some  
 8 suggested modifications, slight. We took care of those.  
 9 Q And did you submit a revised action plan to  
 10 Dr. Khana's office?  
 11 A Well, yeah. The initial one was before  
 12 May 15th. And so this was all done before May 15th,  
 13 yes.  
 14 Q So is it fair to say that there were at least  
 15 two versions of the action plan?  
 16 A They were very similar. It was like dotting  
 17 I's, crossing T's type of things.  
 18 Q Do you happen to recall the exact date you  
 19 submitted the action plan to the school district?  
 20 A No.  
 21 MR. OJEDA: Can we take a short break?  
 22 MS. PERRIN: Okay.  
 23 (Recess taken.)  
 24 MS. PERRIN: So is it fair to represent that counsel  
 25 has agreed to review the action plan and make

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1 appropriate – produce the action plan to us and also  
 2 the documents that are related to that February 15th  
 3 meeting for the self-study, and that we will review the  
 4 document to the extent – and to the extent that there  
 5 are additional questions, that we can discuss mutually  
 6 agreeable ways to reconvene the deposition in a way to  
 7 not burden counsel and the witness?  
 8 MR. OJEDA: Agreed.  
 9 MR. SIMMONS: Agreed.  
 10 THE WITNESS: You said the documents related to the  
 11 February 15th. You mean the document?  
 12 BY MS. PERRIN:  
 13 Q Yes, the document.  
 14 A Because there's –  
 15 MR. OJEDA: Thank you.  
 16 (Discussion off the record.)  
 17 BY MS. PERRIN:  
 18 Q So that being said, we can skip all the painful  
 19 questions on the action plan for the time being.  
 20 Are you familiar with something entitled the  
 21 comprehensive plan to achieve education committee in  
 22 San Francisco Unified School District?  
 23 A I think so.  
 24 Q When you say you think so, what are you  
 25 referring to?

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1 A Was it related to the consent decree?  
 2 Q Yes.  
 3 A Yes. I didn't know that was the formal name.  
 4 Q That's the formal name; I can represent that.  
 5 What do you know about the plan generally?  
 6 A This is the plan that was put together this  
 7 spring?  
 8 Q Yes.  
 9 A I know that it was a plan put together by the  
 10 school district to help persuade the State that they  
 11 needed continued support in addressing the concerns that  
 12 were initially identified in the consent decree several  
 13 years ago.  
 14 Q And do you have a sense as to what the concerns  
 15 that were originally expressed were?  
 16 A Generally equal access to quality education.  
 17 Q Did you personally have any input into the  
 18 creation of that plan?  
 19 A No.  
 20 Q Do you know whether any principals had any  
 21 direct input into that plan?  
 22 A I don't know. It was 20 years ago almost.  
 23 Q For the original consent decree?  
 24 A Yes.  
 25 Q Have you received any communication from the

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1 district about that plan?  
 2 A The initial plan or this plan this spring?  
 3 Q The plan this spring.  
 4 A Yes.  
 5 Q And what communications were those?  
 6 A The superintendent spoke to principals about  
 7 the issue. And there was a presentation made, and then  
 8 we were asked to go to our school sites and speak to our  
 9 staff and our school communities on this program.  
 10 Q And when was the superintendent's presentation  
 11 to the principals?  
 12 A End of February.  
 13 Q And this is Arlene Ackerman?  
 14 A Yes.  
 15 Q Was anybody else present at the meeting, to the  
 16 best of your knowledge, other than principals as  
 17 attendees?  
 18 A A lawyer. Yeah, the lawyer representing the  
 19 district in that issue. He actually made the  
 20 presentation.  
 21 Q Do you know how long the presentation was?  
 22 A Half an hour. Seemed longer.  
 23 Q They always do.  
 24 And can you tell me generally what issues were  
 25 discussed at the presentation.

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1 MR. OJEDA: Can I go off the record for a moment?  
 2 (Discussion off the record.)  
 3 BY MS. PERRIN:  
 4 Q Can you tell me what issues were discussed at  
 5 the presentation? Or I guess "discussed" isn't the best  
 6 word. Presented?  
 7 A Yeah, it's generally how we -- that we need  
 8 to -- that we need to continue to work to provide equal  
 9 access to quality education program.  
 10 Q Do you know if the new plan seeks to hold  
 11 principals responsible or accountable for improvements  
 12 at the school level with respect to equal access?  
 13 MR. OJEDA: Objection; vague and ambiguous.  
 14 MR. SIMMONS: Join.  
 15 THE WITNESS: My understanding is that we already  
 16 are. I don't recall any specifics of the plan.  
 17 BY MS. PERRIN:  
 18 Q And what do you see as your role under the  
 19 plan?  
 20 A It just reiterates what I do already, and  
 21 that's to work to provide access to a quality education  
 22 program.  
 23 MS. PERRIN: Can we go off for one second?  
 24 (Recess taken.)  
 25 (The record was read as follows:

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1 adequately addresses the need in San Francisco?  
 2 MR. OJEDA: Objection; overbroad, lacks foundation,  
 3 calls for speculation.  
 4 MR. SIMMONS: Join.  
 5 THE WITNESS: I don't know.  
 6 BY MS. PERRIN:  
 7 Q How often do you communicate with  
 8 representatives from San Francisco Unified on any topic?  
 9 MR. OJEDA: Overbroad.  
 10 THE WITNESS: You mean from central office?  
 11 BY MS. PERRIN:  
 12 Q Yes, from central office.  
 13 A Probably daily, different departments for  
 14 different uses.  
 15 Q Do you communicate with anybody from the  
 16 district about the curriculum that each teacher is  
 17 teaching?  
 18 A That's -- that's really broad.  
 19 Q Are you required to communicate with anyone at  
 20 the district about the curriculum that have been adopted  
 21 at your school?  
 22 MR. SIMMONS: Just object because I think he's  
 23 testified earlier, I think, curriculum is adopted at the  
 24 district level.  
 25 MS. PERRIN: Right. But I'm asking about the one

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1 "Question: And what do you see as your role  
 2 under the plan?  
 3 "Answer: It just reiterates what I do already,  
 4 and that's to work to provide access to a  
 5 quality education program."  
 6 BY MS. PERRIN:  
 7 Q Since this comprehensive plan has been  
 8 released, other than the meeting with the  
 9 superintendent, are you aware of anything that the  
 10 district has done to implement the plan?  
 11 A No.  
 12 Q And when you went -- I assume you went back to  
 13 the school as directed and talked with your staff?  
 14 A Of course.  
 15 Q And what did you say generally?  
 16 A I basically presented to them what had been  
 17 presented to us. They gave us slides for the overhead  
 18 projector, and it was kind of a scripted presentation.  
 19 Q Do you know how long the presentation was?  
 20 A Shorter than the original one.  
 21 Q Was that by design or by choice?  
 22 A You have heard it once and you improve it.  
 23 Q Do you still have those slides?  
 24 A Somewhere, probably.  
 25 Q Do you have a sense as to whether the plan

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1 that each teacher designs for implementation, not for  
 2 the one that's adopted at the district level.  
 3 MR. OJEDA: It's vague and ambiguous.  
 4 BY MS. PERRIN:  
 5 Q Do you understand the question?  
 6 A I understand the question. It's -- and I guess  
 7 the answer would probably be generally no, that it's  
 8 basically my responsibility to make sure that each  
 9 teacher is teaching what they are supposed to be  
 10 teaching.  
 11 Q Does Luther Burbank undergo an annual fiscal  
 12 audit?  
 13 A In-house it's an ongoing process.  
 14 Q Are you required to do an audit every year?  
 15 A No.  
 16 Q And when you say, "in-house it's an ongoing  
 17 process" --  
 18 A Well, we are always -- we move about the  
 19 building, oh, this needs to be attended to, that needs  
 20 to be attended to.  
 21 Q How about a budget, do you have an annual  
 22 budget?  
 23 A Yes.  
 24 Q And do you prepare that?  
 25 A Yes.

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1 Q Who assists you with it, if anyone?  
 2 A I prepare the general fund budget and school  
 3 site council collaborates, of which I'm a member. We  
 4 work together to create and approve the categorical fund  
 5 budgets.  
 6 Q How did you first hear about this lawsuit?  
 7 A I believe Judy Kelly told me about it.  
 8 Q And that was when you -- prior to your  
 9 accepting your appointment at Luther Burbank?  
 10 A I was assigned to Luther Burbank. There was --  
 11 the acceptance part was brief, suggests nonexistent. I  
 12 mean, I was assigned there, so it wasn't --  
 13 Q So was it prior to your assignment?  
 14 A No, it was as I was being assigned. It was  
 15 simultaneous; I believe the same conversation the same  
 16 day.  
 17 Q Have you ever read any newspaper articles about  
 18 the case?  
 19 A Very few. I was out of the country, and I know  
 20 there's -- we have a videotape of it. And actually, I  
 21 haven't even looked at that because I know how they  
 22 distort things, but I've read the germane documents.  
 23 Q When you say you've read the germane documents  
 24 have you read the First Amended Complaint?  
 25 A I read the -- you know, whatever the thing you

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1 call it, the thing with the numbers down the side.  
 2 Q They all have that, I'm afraid.  
 3 MR. SIMMONS: Do you have a copy of it?  
 4 MS. PERRIN: You know, I actually don't.  
 5 Q Do you remember if it had anything specific  
 6 about your school in there?  
 7 A Yes.  
 8 Q And did you have any reaction to the  
 9 allegations that were in there about your school?  
 10 MR. OJEDA: Vague and ambiguous.  
 11 MR. SIMMONS: Join.  
 12 THE WITNESS: I don't remember what my reaction was.  
 13 I was curious.  
 14 BY MS. PERRIN:  
 15 Q Have you ever discussed with anybody whether  
 16 those allegations at Luther Burbank were true, other  
 17 than your counsel? I'm not trying to inquire about  
 18 privileged communications.  
 19 MR. SIMMONS: Probably other than me at the last day  
 20 of deposition.  
 21 THE WITNESS: I think it's been more just a matter  
 22 of like internal conversations with myself, like "hmm."  
 23 BY MS. PERRIN:  
 24 Q You do that to?  
 25 After the lawsuit was filed, did you receive

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1 any communication from anybody at the State Board of  
 2 Education regarding the allegations as to Luther  
 3 Burbank?  
 4 A When was it filed?  
 5 Q It was filed in May, and the amended complaint  
 6 was filed in August.  
 7 A You know, actually, I don't know who sent me  
 8 the documents.  
 9 THE WITNESS: I don't know if it was your office,  
 10 Dan, or the district. But I've gotten a couple of  
 11 different documents during the course of the year.  
 12 BY MS. PERRIN:  
 13 Q Other than receiving --  
 14 A But from the State -- I don't believe this was  
 15 from the State.  
 16 Q Did you ever receive any communication about  
 17 the lawsuit from the State Board of Education?  
 18 A No.  
 19 Q Or the State Department of Education?  
 20 A No.  
 21 Q Or the State Superintendent of Public  
 22 Instruction?  
 23 A No.  
 24 Q And other than talking with Shaun the other day  
 25 during your deposition, have you discussed this case

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1 with anybody from O'Melveny & Myers? O'Melveny & Myers  
 2 is the law firm that represents the State of California.  
 3 A No.  
 4 Q Have you discussed the lawsuit with anybody  
 5 from the State Attorney General's Office?  
 6 A No.  
 7 Q Have you given any documents relating to Luther  
 8 Burbank to anybody at the State about this lawsuit in  
 9 relation to this lawsuit?  
 10 A No.  
 11 Q At the State Board?  
 12 A No.  
 13 Q Department of Education?  
 14 A No.  
 15 Q Anybody but your counsel?  
 16 A No.  
 17 MS. PERRIN: Thanks. I'm done for today.  
 18 MR. SIMMONS: I really don't have that many  
 19 questions.  
 20 EXAMINATION  
 21 BY MR. SIMMONS:  
 22 Q Hello, Mr. Michaelson.  
 23 A Hello.  
 24 Q I just wanted to talk to you briefly about  
 25 drinking fountains at the school.

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1 Do you know approximately how many drinking  
 2 fountains are at Luther Burbank?  
 3 A It's probably eight.  
 4 Q And do you have a general sense as to where the  
 5 drinking fountains are located?  
 6 A I have a general sense.  
 7 Q Can you tell me what that is.  
 8 A There's two per floor. There's one in the  
 9 cafeteria. Other than that, I can't be for sure.  
 10 Q And do you know whether -- to your knowledge,  
 11 do all of those drinking fountains presently work?  
 12 A I don't know.  
 13 Q Has anyone -- has any student ever complained  
 14 to you that no water comes out of any of the drinking  
 15 fountains at Luther Burbank?  
 16 A Not that I recall.  
 17 Q Has any teacher ever complained to you that  
 18 water does not come out of the drinking fountains at  
 19 Luther Burbank?  
 20 A Not that I recall.  
 21 Q Has any parent complained to you that water  
 22 does not come out of the drinking fountains at Luther  
 23 Burbank?  
 24 A No.  
 25 Q And I believe that at the last day of the

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1 or six that you mentioned, that you can recall stayed in  
 2 the San Francisco Unified School District?  
 3 A I'm not aware of what happened to the other  
 4 people.  
 5 Q And you said that the school has a  
 6 modernization plan; is that correct?  
 7 A Yes.  
 8 Q And I believe you testified that the last time  
 9 Ms. Parker heard about the modernization plan, she was  
 10 told things are looking good?  
 11 A That's what she communicated to me.  
 12 Q Can you tell me when that was about.  
 13 A I believe it was in -- within the last two to  
 14 three weeks.  
 15 Q And did she give you -- did Ms. Parker give you  
 16 any idea as to whether the modernization plan would be  
 17 implemented at Luther Burbank?  
 18 A No.  
 19 Q And do you know?  
 20 A No.  
 21 Q And do you who Ms. Parker learned that things  
 22 are looking good from?  
 23 A Yes.  
 24 Q Who was that?  
 25 A His name is Jose Chapas, C-h-a-p-a-s.

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1 deposition you testified that you thought five or six  
 2 people had left during the last school year; is that  
 3 correct?  
 4 A I believe so.  
 5 Q And do you --  
 6 MR. OJEDA: Shaun, can I ask you to clarify, five or  
 7 six people, you are referring to what type of personnel?  
 8 MR. SIMMONS: Sure.  
 9 Q Was that -- I'll ask you to clarify as well.  
 10 Was that five or six teachers or were there  
 11 other staff that was included in that?  
 12 A I believe the question related to teachers, and  
 13 so I assumed that was the same. And that's what I was  
 14 thinking of when I answered as teachers.  
 15 Q And do you know whether any of the teachers  
 16 that left took positions within the San Francisco  
 17 Unified School District?  
 18 A I know one was a substitute, and I know that  
 19 she got another assignment.  
 20 Q Do you remember that substitute's name?  
 21 A Helen Sun.  
 22 Q Do you know where she received her other  
 23 assignment?  
 24 A Marina.  
 25 Q And is that the only teacher, out of those five

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1 Q And do you know whether Ms. Parker asked  
 2 Mr. Chapas for a specific time line in which the  
 3 modernization plan would be implemented?  
 4 A I don't know. I wasn't there.  
 5 MR. SIMMONS: That's all I have for today.  
 6 MS. PERRIN: Do you want to do your closing  
 7 stipulation?  
 8 MR. SIMMONS: Off the record.  
 9 (Discussion off the record.)  
 10 MR. SIMMONS: Can we agree to the same stipulation  
 11 as has been used in the other depositions in this case,  
 12 with the exception that the time limit will be 30 days  
 13 instead of 15?  
 14 MR. OJEDA: Yes.  
 15 MS. PERRIN: Yes.  
 16 MR. SIMMONS: Thank you.  
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I, JOHN A. MICHAELSON, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this \_\_\_ day of \_\_\_\_\_, 2001, at \_\_\_\_\_ (City) \_\_\_\_\_ (State)

\_\_\_\_\_  
JOHN A. MICHAELSON

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: \_\_\_\_\_

\_\_\_\_\_  
RACHEL FERRIER  
CSR No. 6948