

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

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

DEPOSITION OF SILAS MOULTRIE

San Francisco, California

Friday, May 18, 2001

Volume I

Reported by:  
GINA GLANTZ  
CSR No. 9795  
JOB No. 847672

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

3  
4 ELIEZER WILLIAMS, et al., )

5 )  
6 Plaintiffs, )

7 vs. )  
8 ) No. 312 236

9 STATE OF CALIFORNIA, DELAINE )  
10 EASTIN, State Superintendent )  
11 Of Public Instruction, STATE )  
12 DEPARTMENT OF EDUCATION, STATE )  
13 BOARD OF EDUCATION, )

14 Defendants. )

15 )  
16 STATE OF CALIFORNIA, )

17 )  
18 Cross-Complainant, )

19 vs. )  
20 )

21 SAN FRANCISCO UNIFIED SCHOOL )  
22 DISTRICT, et al., )

23 Cross-Defendants. )

24 )  
25 )

19 Deposition of SILAS MOULTRIE, Volume 1,  
20 taken on behalf of Defendant/Cross-Complainant  
21 State of California, at 275 Battery Street,  
22 26th Floor, San Francisco, California,  
23 beginning at 9:22 a.m. and ending at 2:58  
24 p.m., on Friday, May 18, 2001, before GINA  
25 GLANTZ, Certified Shorthand Reporter No. 9795.

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3 SILAS MOULTRIE  
Volume 1

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8 EXHIBITS

9 DEPOSITION PAGE

10  
11 1 Eleven-page document entitled "Defendant's 5  
12 Notice of Deposition of Plaintiff Silas  
13 Moultrie and Request for Production of  
14 Documents"

15  
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1 APPEARANCES:  
2  
3 For Plaintiffs Eliezer Williams, et al.:  
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14 Board of Education:  
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(No appearance.)  
18  
19  
20  
21  
22  
23  
24  
25

1 San Francisco, California, Friday, May 18, 2001  
2 9:22 a.m. - 2:58 p.m.

3  
4 (Deposition Exhibit 1 was marked for  
5 identification by the court reporter.)  
6

7 SILAS MOULTRIE,  
8 having been first duly sworn, was examined and testified  
9 as follows:  
10

11 EXAMINATION

12 BY MR. SIMMONS:  
13 Q Good morning, Silas.  
14 A Good morning.  
15 Q My name is Shaun Simmons. I'm an attorney  
16 representing the State of California in this litigation.  
17 Would you please state and spell your full name  
18 and the city you live in for the record.  
19 A Silas Moultrie, S-i-l-a-s, M-o-u-l-t-r-i-e.  
20 San Francisco.  
21 Q Thank you. Have you ever had your deposition  
22 taken before?  
23 A No.  
24 Q Let me briefly explain what we'll be doing here  
25 today. I'm just going to ask you a series of questions,

1 and we'll determine the facts that you know relating to  
2 this lawsuit. Our reporter here will be recording my  
3 questions and your answers, which will be transcribed  
4 into a booklet that you can review. When you receive  
5 the booklet, you'll be allowed to make changes, but you  
6 need to be aware that if you do make changes, the  
7 various lawyers in this lawsuit will be able to make  
8 comments on the changes. Do you understand that?

9 A Yes.

10 Q So it's important that you respond to the  
11 questions as fully and fairly as you can. And also,  
12 when you answer my questions, it's important to say  
13 "yes" and not nod or shake the head, because she can  
14 only record verbal responses.

15 A Yes.

16 Q Do you understand that?

17 A Yes.

18 Q Also, it's hard for the reporter to get a clear  
19 transcript if we both talk at the same time. So allow  
20 me to finish the question before you answer it, and  
21 I'll, in turn, allow you to finish the answer before I  
22 ask another question.

23 A Yes.

24 Q It's important that you listen to the questions  
25 carefully. If you don't understand a question, just let

1 me know and I'll do my best to rephrase it if I can.  
2 Because if you answer a question, we'll just assume that  
3 you understood it. Do you understand that?

4 A Yes.

5 Q Also, you're required to answer my questions to  
6 the best of your ability. You're not supposed to guess,  
7 but we're entitled to your best estimate. Do you  
8 understand the difference between a guess and an  
9 estimate?

10 A No.

11 Q No? Well, an estimate would be something that  
12 you have a reasonable basis for making the answer that  
13 you do. A guess would just be to guess, to not really  
14 have an idea, and just be throwing an answer out there  
15 that you're really not very sure about. Does that  
16 difference make sense to you?

17 A Yes.

18 Q Because your testimony here will be given under  
19 oath, it will have the same force and effect as if you  
20 were testifying in a court of law. You're, therefore,  
21 subject to all the penalties for perjury if you give  
22 false testimony. So even though we're here and the  
23 setting is informal, the oath that you take is the same  
24 as if you were in a court. Do you understand that?

25 A No.

1 Q Okay. It's a lot. It just means that, you  
2 know, you've taken your oath here today, and that you  
3 need to give truthful testimony. You understand what  
4 truthful testimony is?

5 A Yes.

6 MS. LHAMON: Excuse me for a second. Do you  
7 understand what an oath is, Silas?

8 THE WITNESS: No.

9 BY MR. SIMMONS:

10 Q An oath is basically a promise to tell the  
11 truth here today.

12 A Yes.

13 Q Does that make sense?

14 A Yes.

15 MS. LHAMON: So it's when you raised your right  
16 hand, and you made your promise, that was the oath.

17 MR. SIMMONS: Thank you.

18 Q And if you need to take a break today, if you  
19 need to use the bathroom or just get up and stretch or  
20 anything, just let us know and we can take breaks. We  
21 don't have to have an endurance test here today.

22 A Yes.

23 Q And the one thing that we'll do is if there's a  
24 question pending, we'll have you go ahead and answer the  
25 question and then we'll take the break afterward; okay?

1 A Okay.

2 Q And if at any point during today's deposition,  
3 if you remember something about a previous question that  
4 you had forgotten to give, at any time, just let me know  
5 and we'll go back to that. So if you answer a question,  
6 and then a couple hours later you remember something  
7 that you had wanted to say, just let me know and we'll  
8 go back to it, so -- okay?

9 A Yes.

10 Q Okay. Do you understand these kinds of ground  
11 rules so far? Are you comfortable with that?

12 A Yes.

13 Q Is there any reason why you would be unable to  
14 give your best testimony here today?

15 A No.

16 Q Have you taken any medication?

17 A No.

18 Q You haven't drank any alcohol or anything like  
19 that?

20 A No.

21 Q Okay. Do you suffer from any disability of any  
22 kind?

23 A No.

24 Q What did you do to prepare for the deposition  
25 today?

1 A I had a meeting.  
 2 Q You had a meeting?  
 3 A (No audible response.)  
 4 Q And who was the meeting with?  
 5 A Catherine Lhamon and Lois Perrin.  
 6 Q And when was the meeting?  
 7 A Yesterday.  
 8 Q Yesterday. And is that the only thing that you  
 9 did to prepare?  
 10 A Yes.  
 11 Q How long did the meeting last?  
 12 A I don't know.  
 13 Q Was it more than an hour?  
 14 A I don't know.  
 15 Q Okay. Half an hour, maybe?  
 16 A I don't know.  
 17 Q Okay. Have you spoken with anyone else about  
 18 your deposition today?  
 19 A No.  
 20 Q Not with your parents or siblings or anyone  
 21 like that?  
 22 A Oh, yes.  
 23 Q Who, then, did you speak with about it?  
 24 A My mom.  
 25 Q Your mom, okay. And what did you guys talk

1 A Yes.  
 2 Q Did you review any documents at all in  
 3 preparation for today?  
 4 A Yes.  
 5 Q Okay. What documents did you review?  
 6 A My declaration.  
 7 Q Your declaration. Any other documents?  
 8 A Yes.  
 9 Q Okay. What else?  
 10 A I don't know what it was. It was like a thick  
 11 pile of papers.  
 12 Q Can you remember what the papers said?  
 13 A My attorney's name, my name, and some other  
 14 kids from other schools who is in the lawsuit.  
 15 Q How thick was the grouping of papers that you  
 16 remember going through?  
 17 A About this thick.  
 18 Q About that thick. And you remember your name,  
 19 your attorney's name, students' names. Do you remember  
 20 anything else from those papers?  
 21 A No.  
 22 MS. LHAMON: It might help him if you showed  
 23 him some documents to see if that is what he reviewed.  
 24 MR. SIMMONS: I have here the first amended  
 25 complaint that was filed on August 14th, I believe.

1 about?  
 2 A What I was going to do.  
 3 Q Do you remember any things that you  
 4 specifically told her?  
 5 A That I was going to a press conference.  
 6 Q A press conference?  
 7 A Yeah.  
 8 Q You recognize that this is a little different  
 9 from a press conference, though?  
 10 A (No audible response.)  
 11 Q What did she say when you told her that you  
 12 were going to go to a press conference?  
 13 A She didn't think it was a press conference.  
 14 Q What did she think it was?  
 15 A I don't know. She said something, though.  
 16 Q Did you have any other -- did you have any  
 17 other conversations with your mom about the deposition?  
 18 A No.  
 19 Q Okay. And did you discuss it with any friends  
 20 or siblings or anything?  
 21 A No.  
 22 Q Okay. So other than with your attorneys and  
 23 your -- the meeting -- the one meeting with your  
 24 attorneys and the discussion with your mom, that's the  
 25 only conversations you had about the deposition?

1 Yeah, August 14th, 2000. If we could avoid having this  
 2 as an exhibit --  
 3 MS. LHAMON: Absolutely.  
 4 MR. SIMMONS: -- and making copies.  
 5 MS. LHAMON: I appreciate that.  
 6 MR. SIMMONS: Great.  
 7 Q Does that look like . . .  
 8 A Yes.  
 9 Q Okay. How much of that did you look through?  
 10 A Just this front page.  
 11 Q Just the front page?  
 12 A And this page, the first two pages.  
 13 Q The first two pages. Okay.  
 14 So you looked at the declaration, you looked at  
 15 the first two pages, the first amended complaint. Were  
 16 there any other documents?  
 17 A No.  
 18 Q Have you seen any news articles at all relating  
 19 to this litigation?  
 20 A Yes.  
 21 Q How many do you think you've seen?  
 22 A One.  
 23 Q One. Do you remember the title of it?  
 24 A No.  
 25 Q Do you remember what it said?

1 A No.  
 2 Q Do you remember when you looked at it?  
 3 A No.  
 4 Q And I have here a report card that you brought  
 5 today from Thursday, November 2nd, 2000; is that  
 6 correct?  
 7 A Yes.  
 8 Q Okay. And I have our notice, "Defendant's  
 9 Notice of Deposition of Plaintiff Silas Moultrie and  
 10 Request for Production of Documents," here, and it's  
 11 been previously marked as Exhibit 1. I'll give you a  
 12 copy of that.  
 13 Did you see this before -- this document before  
 14 coming today?  
 15 A Yes.  
 16 Q Okay. When did you see it?  
 17 A I don't know. I don't remember.  
 18 Q Like a week ago? Less than a week?  
 19 A A long time ago. A while ago.  
 20 Q A while ago, okay.  
 21 Did you have any understanding of what this  
 22 document asked you to do?  
 23 A No.  
 24 Q Okay. Did you know that you had to bring  
 25 documents here today?

1 A Besides my report card? No.  
 2 Q Do you have -- so I see you have -- we have a  
 3 report card from November 2nd. How often do you get a  
 4 report card?  
 5 A I don't know.  
 6 Q Okay. Do you get it -- I assume your school  
 7 goes on semesters, or does it go on quarters?  
 8 A Semester.  
 9 Q Semester. So do you get a report card at the  
 10 end of each semester?  
 11 A I think so.  
 12 Q Okay. Do you have -- do you have any other  
 13 report cards from Burbank than this one?  
 14 A I do, but I don't know where they are.  
 15 Q Okay. Do you ever get schedules, class  
 16 schedules?  
 17 A Yes.  
 18 Q Do you have any of those?  
 19 A No.  
 20 Q Okay. Does the school ever send attendance  
 21 records to your house?  
 22 A No.  
 23 Q What about progress reports?  
 24 A I don't get one of those.  
 25 Q Any letters from the school?

1 A (No audible response.)  
 2 Q What kind of letters?  
 3 A I don't know. My mom reads them.  
 4 Q Do you guys keep them?  
 5 A No.  
 6 Q No. Other than the report card, did you bring  
 7 any other documents here today?  
 8 A No.  
 9 Q Did you have any discussions with any of your  
 10 teachers or counselors?  
 11 A No.  
 12 Q I guess that's a little open-ended.  
 13 Did you have any discussions with teachers or  
 14 counselors about this lawsuit?  
 15 A Last year.  
 16 Q Last year. Okay. Which teachers?  
 17 A Mr. Nawa.  
 18 MS. LHAMON: You should spell his name for the  
 19 reporter. Do you know how to spell it?  
 20 THE WITNESS: N-a-w-a.  
 21 MS. LHAMON: Thank you.  
 22 BY MR. SIMMONS:  
 23 Q What's his first name?  
 24 A Jason.  
 25 Q Jason.

1 And that occurred last year?  
 2 A Yes.  
 3 Q Do you know a month, by any chance?  
 4 A No.  
 5 Q Okay. How old are you?  
 6 A 13.  
 7 Q And what grade?  
 8 A Eighth.  
 9 Q Eighth.  
 10 Do you currently live in the city of  
 11 San Francisco?  
 12 A Yes.  
 13 Q How long have you lived at your current  
 14 residence?  
 15 A About 12 years.  
 16 Q 12 years. Do you live in a home or an  
 17 apartment?  
 18 A Apartment.  
 19 MS. LHAMON: Speak a little more loudly.  
 20 THE WITNESS: Apartment.  
 21 MS. LHAMON: Thank you.  
 22 BY MR. SIMMONS:  
 23 Q And do you call your school -- it's Luther  
 24 Burbank Middle School. Does it go by Burbank or do you  
 25 call it Luther Burbank?

- 1 A Yes, Burbank.  
 2 Q How far from Burbank is your home?  
 3 A Walking distance, it's about 20 minutes.  
 4 Q Do you know how many miles it is? A couple  
 5 miles?  
 6 A I don't know.  
 7 Q Did you grow up in San Francisco?  
 8 A Yes.  
 9 Q You were born in San Francisco?  
 10 A Yes.  
 11 Q How many licensed drivers are there in your  
 12 household?  
 13 A One.  
 14 Q One. Who is that?  
 15 A My mother.  
 16 Q Your mother. And she might get angry for me  
 17 asking this, but how old is your mom?  
 18 A I don't know.  
 19 Q Now she's going to be angry at you.  
 20 How do you get to and from school -- or how do  
 21 you get to school?  
 22 A Either I walk or catch the bus.  
 23 Q Okay. How often -- like in a normal week, how  
 24 many times do you think you'd walk?  
 25 A About two.

- 1 Q Two. And the other three, you would take the  
 2 bus to school?  
 3 A Yes.  
 4 Q What bus do you take?  
 5 A [REDACTED]  
 6 [REDACTED]  
 7 Q All right. I didn't catch that, but it's 15  
 8 to --  
 9 A [REDACTED]  
 10 [REDACTED]  
 11 Q And how long does it take you to get to school  
 12 if you take the bus?  
 13 A About 40 minutes, 35 minutes.  
 14 Q And you testified earlier that it takes 20  
 15 minutes to walk?  
 16 A (No audible response.)  
 17 MS. LHAMON: You need to say yes or no;  
 18 remember?  
 19 THE WITNESS: Yes.  
 20 BY MR. SIMMONS:  
 21 Q And did you take -- I assume that two days a  
 22 week walking, three days a week taking the bus to school  
 23 is what you've been doing this year. Is that what you  
 24 did in previous years too?  
 25 A Sixth grade, I walked a lot, I walked to school

- 1 a lot. Seventh grade, I started catching the bus.  
 2 Q Okay. And how do you get home from school?  
 3 A The Special.  
 4 Q The what again? I'm sorry.  
 5 A It's a school -- a bus, a Muni bus that comes  
 6 to our school and takes us to [REDACTED]  
 7 Q And what time do you catch the bus?  
 8 A 3:35.  
 9 Q What time do you get out of class?  
 10 A We get out at 3:30.  
 11 Q And it takes you to [REDACTED]  
 12 A (No audible response.)  
 13 Q Where is [REDACTED]  
 14 A In San Francisco.  
 15 Q Okay. Is that the name of the particular  
 16 district in San Francisco where you live?  
 17 A Yes.  
 18 Q How long have you been a student at Luther  
 19 Burbank?  
 20 A Three years.  
 21 Q And where did you go to school before that?  
 22 A Cleveland.  
 23 Q And what grades were you at Cleveland for?  
 24 A Kindergarten through fifth.  
 25 Q How far from Luther Burbank is Cleveland?

- 1 A Two blocks.  
 2 Q Have you ever had a job?  
 3 A Yes.  
 4 Q Do you have one right now?  
 5 A Yes.  
 6 Q What do you do?  
 7 A Sweep the stairs and watch the younger kids in  
 8 the rec room.  
 9 Q Who is your employer?  
 10 A Kim Mitchell.  
 11 Q I'm sorry, did you say Kim or Ken?  
 12 A Kim.  
 13 Q And what kind of establishment is it that you  
 14 work for?  
 15 A A recreational center.  
 16 Q And how many hours a week do you work there?  
 17 A Ten. Two a day.  
 18 Q And you sweep the stairs and you watch the  
 19 kids. Do you do anything else?  
 20 A No. Well, sweep the bathrooms and stuff.  
 21 That's it.  
 22 Q You work two hours a day. Which hours of the  
 23 day do you normally work?  
 24 A 4:00 to 6:00.  
 25 Q Do you play any sports?

1 A Yes.  
 2 Q What sports do you play?  
 3 A Basketball and football.  
 4 Q Which one is your favorite?  
 5 A Basketball.  
 6 Q How come?  
 7 A I don't know. The pace of the game is faster.  
 8 Q Do you play any other sports?  
 9 A Nope.  
 10 Q Do you play those sports at school?  
 11 A Only basketball.  
 12 Q How come only basketball?  
 13 A We don't have no football team, but at lunch,  
 14 we sometimes play football.  
 15 Q So you have an organized basketball team?  
 16 A Yes.  
 17 Q But not an organized football team?  
 18 A Yes.  
 19 Q You can play both at lunch?  
 20 A Yes.  
 21 Q How many recesses do you have a day?  
 22 A Gym and lunch; two.  
 23 Q Gym is -- is that the same thing like your PE  
 24 class or --  
 25 A Yes.

1 Q So you work. Sometimes you play sports after  
 2 school with your friends?  
 3 A Yes.  
 4 Q What -- do you do anything else after school?  
 5 Are you involved in any youth groups?  
 6 A Boys & Girls Club.  
 7 Q What's that?  
 8 A Somewhere -- like pool tables, organized  
 9 basketball teams and stuff, and we go there and do our  
 10 homework.  
 11 Q How long have you been a member of the Boys &  
 12 Girls Club?  
 13 A About six years.  
 14 Q Is that the right term, "member"?  
 15 A Yes.  
 16 Q And you play sports there, you can do your  
 17 homework. Anything else that you do there?  
 18 A Watch movies, play video games.  
 19 MS. LHAMON: I think you've mischaracterized  
 20 his testimony a bit, and it doesn't matter, but I heard  
 21 him say he plays pool there.  
 22 MR. SIMMONS: He plays pool there.  
 23 MS. LHAMON: It's my understanding that's not a  
 24 sport, but maybe I'm wrong.  
 25 BY MR. SIMMONS:

1 Q So you play pool there. Do you play sports  
 2 there too?  
 3 A Yes.  
 4 Q What kind of sports?  
 5 A Not exactly there. They'll take us to a gym.  
 6 Q Okay. Which gym will they take you to?  
 7 A Either [REDACTED]  
 8 Q And what sports do you play at the gym?  
 9 A Basketball.  
 10 MS. LHAMON: Silas, we should probably spell  
 11 those places, if you could, for the reporter. Do you  
 12 know how to spell them?  
 13 THE WITNESS: [REDACTED]  
 14 [REDACTED]  
 15 MS. LHAMON: And that's two words; right?  
 16 THE WITNESS: (No audible response.)  
 17 MS. LHAMON: And it's [REDACTED]  
 18 THE WITNESS: [REDACTED] I think.  
 19 MS. LHAMON: I think so. Thank you.  
 20 BY MR. SIMMONS:  
 21 Q And who oversees the Boys & Girls Club?  
 22 A Could you rephrase the question?  
 23 Q Yeah. You know, there's -- your teacher kind  
 24 of oversees your class. Who would be in charge of or  
 25 oversee the Boys & Girls Club when you're there?

1 A [REDACTED], she's a branch leader, but  
 2 the athletic director is [REDACTED]  
 3 Q And [REDACTED] is the athletic director, and  
 4 the other person, could you spell -- is it he or she?  
 5 A She. Can't spell it.  
 6 Q Can't spell her name?  
 7 MS. LHAMON: But it sounds like [REDACTED]; is  
 8 that right?  
 9 THE WITNESS: That's her name.  
 10 BY MR. SIMMONS:  
 11 Q And her responsibilities are?  
 12 A She's the head of the club.  
 13 Q Are there any other adults that provide  
 14 supervision there?  
 15 A Yes.  
 16 Q Who else?  
 17 A [REDACTED] and [REDACTED]  
 18 Q And about how old is [REDACTED]  
 19 A I don't know.  
 20 Q Is he in his -- could you guess whether he's in  
 21 his -- could you estimate whether he's in his twenties?  
 22 A No, I don't know.  
 23 Q I'll just make sure. You are in the Boys &  
 24 Girls Club, you have a job after school.  
 25 A Yeah.

1 Q Sometimes you play sports. Anything else that  
2 you do after school?  
3 A Nope.  
4 Q Other than you go home and be at your  
5 residence?  
6 A That's it. No.  
7 Q Have you ever been disciplined for missing  
8 school?  
9 A No.  
10 Q Missing certain classes?  
11 A No.  
12 Q Have you ever been disciplined for being late  
13 to class?  
14 A No.  
15 Q Have you ever ditched class?  
16 A No.  
17 Q Do any of your friends ditch class?  
18 A Yes.  
19 Q How many?  
20 MS. LHAMON: Calls for speculation.  
21 BY MR. SIMMONS:  
22 Q How many friends?  
23 A I don't know.  
24 Q Do you know what they do when they ditch?  
25 A No.

1 Q Do you know why they ditch?  
2 A No.  
3 Q Have you ever been disciplined for disrupting  
4 class?  
5 MS. LHAMON: Objection. We have a protective  
6 order about that issue.  
7 I'm going to instruct you not to answer that  
8 question.  
9 MR. SIMMONS: Okay. Yeah, I understand. I  
10 think at the deposition yesterday, we still have some  
11 dispute, I guess, as to the extent to which we can ask  
12 about that, but you're instructing not to answer, so I  
13 know that's how it will stay.  
14 MS. LHAMON: Thanks.  
15 BY MR. SIMMONS:  
16 Q A somewhat different question. Have you seen  
17 any other students disciplined for disrupting class?  
18 A Yes.  
19 Q When?  
20 MS. LHAMON: Objection. I don't think you can  
21 ask any of this line of questions about disruptions in  
22 class, not just for the individual plaintiffs, but for  
23 anyone else at the school.  
24 So I'm going to instruct you not to answer any  
25 question along this line.

1 MR. SIMMONS: Just for the record, I think we  
2 feel it's relevant for our purposes because we want to  
3 understand the educational environment he goes into, and  
4 understand, if there are disruptions, how teachers deal  
5 with them.  
6 MS. LHAMON: I understand.  
7 BY MR. SIMMONS:  
8 Q It's probably the same thing, but have there  
9 been any -- have you ever been sent to the principal's  
10 office?  
11 MS. LHAMON: I'm going to instruct you not to  
12 answer.  
13 You should move on from this line of questions.  
14 BY MR. SIMMONS:  
15 Q How did you learn about this case?  
16 A My teacher.  
17 Q That's Mr. Nawa?  
18 A Yes.  
19 Q When did you learn about the case?  
20 A Last year.  
21 Q Do you remember what month?  
22 A No.  
23 Q Was it in the spring?  
24 A I don't know.  
25 Q The fall?

1 A I don't know.  
2 Q Can't remember whether it would have been in  
3 the first semester or the second semester of last year?  
4 A No.  
5 Q What did you talk about with Mr. Nawa?  
6 A The conditions of the school.  
7 Q How did the conversation start?  
8 A I don't remember.  
9 Q Did he come up and say, you know, "I have  
10 something I'd like to talk with you about," and then  
11 explain what it was?  
12 A Yeah, yes.  
13 Q Okay.  
14 MS. LHAMON: He said exactly those words,  
15 Silas?  
16 THE WITNESS: Not exactly those words, but  
17 similar.  
18 BY MR. SIMMONS:  
19 Q That was the substance?  
20 A (No audible response.)  
21 Q Is that a yes?  
22 A Could you say that again.  
23 Q Is that -- substance, that's probably -- that  
24 word is throwing you off. That was the gist of the  
25 conversation?

- 1 A I don't know that word either.  
 2 Q All right. But he basically, in some form of  
 3 words, said, "I have an issue that I'd like to talk to  
 4 you about?"  
 5 A Yes.  
 6 Q Where did you guys talk?  
 7 A In his classroom.  
 8 Q And what did he say to you?  
 9 A I can't remember. He just said that he was  
 10 talking to some people about the conditions that the  
 11 school was in.  
 12 Q Did he tell you who the people were?  
 13 A Yes.  
 14 Q Do you remember who they were?  
 15 A ACLU.  
 16 Q Anybody else?  
 17 A No.  
 18 Q Do you know what the ACLU is?  
 19 A No.  
 20 Q What else did you discuss with Mr. Nawa?  
 21 A That's it --  
 22 Q Did you --  
 23 A -- basically.  
 24 Q Did you discuss any specific conditions at the  
 25 school?

- 1 A Yes.  
 2 Q What conditions?  
 3 A The bathrooms, the books, and the water  
 4 fountains.  
 5 Q Anything -- do you remember anything other than  
 6 bathrooms, books or water fountains?  
 7 A No. No.  
 8 Q So this conversation occurred sometime last  
 9 year?  
 10 A Yes.  
 11 Q When was the next conversation you had after  
 12 that about this lawsuit?  
 13 A In a meeting.  
 14 Q In a meeting?  
 15 A (No audible response.)  
 16 Q Who was the meeting with?  
 17 A Catherine Lhamon, Lois Perrin, and two other  
 18 people, a male and a female.  
 19 Q So there were four people total?  
 20 A Yes, four lawyers.  
 21 Q And at that time, did you intend to commence a  
 22 lawsuit against the State at that time?  
 23 A Could you repeat that.  
 24 Q When you had the meeting, was it your -- do you  
 25 understand what a lawsuit is?

- 1 A No.  
 2 Q No?  
 3 A Kind of.  
 4 Q What's your feeling as to what it is?  
 5 A Basically a suit -- I really don't know.  
 6 Q Okay. Is it kind of like a way to bring a  
 7 formal complaint? Does that make sense?  
 8 A Yes.  
 9 Q Okay. So when you had the second conversation,  
 10 at that time, were you thinking of bringing a formal  
 11 complaint or a lawsuit?  
 12 A Yes.  
 13 Q Where was the meeting?  
 14 A Joe's Fish Grotto.  
 15 Q Fish Grotto? Is that -- Joe's Fish Grotto?  
 16 A Yeah.  
 17 Q Do you know where that's located?  
 18 A On Mission.  
 19 Q How long did the meeting last?  
 20 A I don't know.  
 21 Q So you had an initial contact with your  
 22 teacher, Mr. Nawa, and then you had a meeting. In  
 23 between those times were kids discussing the lawsuit  
 24 around school at all or the prospect of a lawsuit?  
 25 A No.

- 1 Q Did you tell anyone about your conversation  
 2 with Mr. Nawa?  
 3 A No.  
 4 Q You didn't tell your mom?  
 5 A No.  
 6 Q How come you didn't tell your mom?  
 7 A He told her.  
 8 Q He told her. Do you know when he told her?  
 9 A No.  
 10 Q Did -- how did you learn that he told your mom?  
 11 A I was in class when he called.  
 12 Q You were in class when he called?  
 13 A (No audible response.)  
 14 Q So there's a phone in class?  
 15 A Yes.  
 16 Q And he called the home, to your home --  
 17 A Yes.  
 18 Q -- and talked with your mom?  
 19 A Yes.  
 20 Q Do you remember what he said in the  
 21 conversation?  
 22 A No.  
 23 Q Did you and your mom ever discuss the  
 24 conversation after that?  
 25 A No.

1 Q So we have Mr. Nawa, your meeting. Any other  
2 meetings regarding this lawsuit?

3 A Yes.

4 Q Okay. Can you tell me one of them?

5 A It was somewhere downtown at an office  
6 building.

7 Q And do you know about when?

8 A No.

9 Q But the order would have been first you talked  
10 with Mr. Nawa, then you had the meeting with the four  
11 attorneys, and then you had this meeting?

12 A Yeah.

13 Q Was there a meeting in between or any  
14 discussions in between?

15 A Phone discussions.

16 Q About how many phone discussions?

17 A I don't know.

18 MS. LHAMON: Vague as to time.

19 BY MR. SIMMONS:

20 Q Do you recall at least one phone discussion  
21 between the time you had the meeting with the four  
22 lawyers and the time you had the meeting downtown?

23 A Yes.

24 Q Any more than that?

25 A Yes, but I don't know how many.

1 after that one?

2 A The one yesterday.

3 Q The one yesterday?

4 A (No audible response.)

5 Q Were there any other conversations between that  
6 meeting and the meeting that you had yesterday?

7 A Phone.

8 Q Phone. About how many?

9 A I don't know.

10 Q There was at least one?

11 A (No audible response.)

12 Q At least two?

13 A Yeah.

14 Q At least three?

15 A I don't know.

16 Q Okay. So you've had contact with the ACLU.

17 Have you had any other contact with, I guess, the groups  
18 that are involved in this lawsuit?

19 A No.

20 Q Any other lawyers that weren't from the ACLU?

21 A No.

22 Q And your discussions with respect to this  
23 lawsuit have been limited to discussions with Mr. Nawa  
24 and counsel and maybe occasionally with your mother?

25 A Can you say that again.

1 Q Do you think it was more than five?

2 A I don't know.

3 Q Okay. What did the discussions consist of?

4 MS. LHAMON: Silas, I'm going to instruct you  
5 not to answer that. It's attorney-client privilege.

6 BY MR. SIMMONS:

7 Q And the discussions were with an attorney?

8 A Yes.

9 Q Did you consider that attorney your lawyer at  
10 the time you had the discussion?

11 A No. No.

12 Q Okay.

13 Then I think at that point, he's -- we can ask  
14 regarding the discussions that he had.

15 MS. LHAMON: And I disagree with you, and I'm  
16 still instructing him not to answer.

17 MR. SIMMONS: Okay.

18 Q Now, the downtown meeting, you can't recall the  
19 time when that happened?

20 A No.

21 Q Was it within the last few months?

22 A Within a year.

23 Q Within a year. How long did that last?

24 A A few hours, maybe.

25 Q And what was the next meeting that you had

1 Q Your discussions about this lawsuit have  
2 occurred with Mr. Nawa?

3 A Yes.

4 Q Lawyers from the ACLU?

5 A Yes.

6 Q And maybe occasionally with your mother?

7 A Yes.

8 Q And when was the last discussion you had with  
9 your mother about this lawsuit?

10 A Yesterday.

11 Q And that was the one in which we clarified that  
12 it wasn't going to be a press conference today?

13 A Yes.

14 Q Do you remember the next previous conversation  
15 you had with your mom about this lawsuit before that  
16 one?

17 A No.

18 Q Do you know that the action you're  
19 participating in is being brought as a class action?

20 A No.

21 Q Have you heard the term "class action"?

22 A Yes.

23 Q Do you have an idea of what that means?

24 A No.

25 Q Do you know that there's -- that the complaint

- 1 lists a class definition and a subclass definition?  
 2 A I don't know what that is.  
 3 Q Do you know that you're a class -- a  
 4 representative of the class?  
 5 A I don't know what that is.  
 6 Q Okay. Do you know what your duties will be  
 7 throughout this lawsuit?  
 8 A No.  
 9 Q Okay. Has anyone promised you any benefits for  
 10 participating in the lawsuit?  
 11 A No.  
 12 Q Do you understand how counsel will be paid in  
 13 this lawsuit, how your attorneys will be paid in this  
 14 lawsuit?  
 15 A No.  
 16 Q Do you keep track of the lawsuit at all?  
 17 A No.  
 18 Q Do you ever see any documents that are related  
 19 to the lawsuit? And we'll exclude the documents you saw  
 20 yesterday preparing for the deposition.  
 21 A No.  
 22 Q Do you know what the purpose of the lawsuit is?  
 23 A Yes.  
 24 Q Okay. What do you understand that to be?  
 25 A To improve our school and other schools.

- 1 Q Who lives with you in the apartment that you  
 2 live in?  
 3 A [REDACTED]  
 4 Q And that's been the same for -- have you lived  
 5 in the same apartment for the last 12 years? Is that  
 6 what you said?  
 7 A Yes.  
 8 Q How old is your [REDACTED]  
 9 A [REDACTED]  
 10 Q Do you have your own study place or study space  
 11 at home?  
 12 A Yes.  
 13 Q Where is that?  
 14 A In my room.  
 15 Q And what does your study place consist of?  
 16 A What do you mean?  
 17 Q Do you have a desk?  
 18 A Yes.  
 19 Q What's on your desk?  
 20 A The computer.  
 21 Q Does it have Internet access?  
 22 A Yes.  
 23 Q What else is on the desk?  
 24 A A lamp.  
 25 Q Does the desk have drawers?

- 1 A Yes.  
 2 Q You keep pens and paper in the drawers?  
 3 A Yes.  
 4 Q How often do you study at the study space?  
 5 A A lot.  
 6 Q Is it your daily routine to do your homework  
 7 there?  
 8 A Yes. Either there or at the Boys & Girls Club.  
 9 Q And how many times a week would you say you do  
 10 your homework at the Boys & Girls Club?  
 11 A Four.  
 12 Q Four. And then maybe one time a week at home?  
 13 A If I don't finish at the Boys & Girls Club,  
 14 then I continue at home, or I'll go straight home.  
 15 Q So you try to finish your work at the Boys &  
 16 Girls Club every day?  
 17 A Yes.  
 18 Q And then if you have anything left over, you'll  
 19 go and do it at home?  
 20 A Yes.  
 21 Q What classes are you taking this year?  
 22 A Math, science, English, social studies, and PE.  
 23 Q So that's five classes total.  
 24 Any other classes?  
 25 A And unified arts.

- 1 Q Unified arts?  
 2 A Yes.  
 3 Q And can you tell me which period those classes  
 4 are?  
 5 A Unified arts, first period; gym/PE, second  
 6 period; science, third period; math, fourth; English,  
 7 fifth; social studies, sixth.  
 8 Q And do you do periods 1 through 4, then lunch,  
 9 and the last two?  
 10 A Yes.  
 11 Q Which of those classes do you consider to be  
 12 your core subjects?  
 13 A What do you mean?  
 14 Q Have you heard the term "core" used to define  
 15 subjects at school before?  
 16 A No.  
 17 Q Okay. What are your best subjects this year?  
 18 A Science.  
 19 Q All right. Why is that your best subject?  
 20 A I like dissecting things.  
 21 Q What did you dissect?  
 22 A Squid, pig, some other stuff, a bird.  
 23 Q So a squid --  
 24 A Shark.  
 25 Q Did you do the frog at all?

- 1 A Hm-umm.  
 2 Q You've advanced beyond us.  
 3 So that's -- you remember the squid, pig, bird,  
 4 shark. Anything else?  
 5 A No.  
 6 Q And how long does a dissection take?  
 7 A Two days.  
 8 Q What else do you like about your science class?  
 9 A I don't know.  
 10 Q Well, you like dissection. Is there anything  
 11 else about it that you enjoy?  
 12 A No.  
 13 Q Okay. Now, it's your best subject. Would you  
 14 say it's your favorite subject?  
 15 A Yes.  
 16 Q Now, what classes did you take last year?  
 17 A The same.  
 18 Q So last year --  
 19 A Except for first period, it wasn't unified  
 20 arts. We had -- I forgot what it was called. It was  
 21 similar, though.  
 22 Q It was an elective-type course?  
 23 A Yeah.  
 24 Q And this -- you did art-type activities in  
 25 there?

- 1 A Reading.  
 2 Q You did reading. What else did you do in  
 3 there?  
 4 A Write.  
 5 Q And you don't remember the name of the class,  
 6 so we'll just refer to it as your elective class for  
 7 that year; is that okay?  
 8 A Yes.  
 9 Q And could you tell me the periods again for  
 10 each class?  
 11 A First period, PE; second period, elective;  
 12 third period, English; fourth period, social studies;  
 13 fifth period, math; sixth period, science.  
 14 Q Okay. What was your best subject last year?  
 15 A Social studies.  
 16 Q Why do you think that was your best subject?  
 17 A I found it pretty interesting.  
 18 Q When you say "best," would it also qualify as  
 19 your favorite subject?  
 20 A No.  
 21 Q What would your favorite subject have been last  
 22 year?  
 23 A PE.  
 24 Q Now, I forget, did you say that science was  
 25 your best and favorite this year?

- 1 A Yes.  
 2 Q Okay. Who do you think are your best teachers  
 3 this year?  
 4 A Mr. Candia.  
 5 MS. LHAMON: Do you know how to spell that  
 6 name?  
 7 THE WITNESS: C-a-n-d-i-a.  
 8 BY MR. SIMMONS:  
 9 Q Why was he your best -- I'm sorry, did I say  
 10 best or favorite?  
 11 A Best.  
 12 Q Best, we'll go with that. Okay. Why do you  
 13 think he was your best teacher?  
 14 A I don't know.  
 15 Q Does he seem smart?  
 16 A Yes.  
 17 Q What do you think -- what do you think makes  
 18 one teacher better than another?  
 19 A Personality.  
 20 Q And what's a good personality for a teacher to  
 21 have?  
 22 A Nice, funny, well educated.  
 23 Q Anything else?  
 24 A (No audible response.)  
 25 Q How about if they showed concern for students?

- 1 A Yeah.  
 2 Q So would you say that Mr. Candia is nice?  
 3 A Yes.  
 4 Q Could you give me an example of how he's nice?  
 5 A Like for our unified arts class, he's our  
 6 teacher. Every Friday he'd bake us stuff, he'd make us  
 7 cookies, cakes, stuff like that.  
 8 Q That sounds nice. Anything else that you would  
 9 say that shows that he's nice?  
 10 A No.  
 11 Q Is he funny?  
 12 A Yeah.  
 13 Q Can you give me an example of how he's funny?  
 14 A He'd be telling jokes in first period.  
 15 Q He does. What kind of jokes does he tell?  
 16 A Funny ones.  
 17 Q Can you remember one of them?  
 18 A He hasn't told one in a while. He's been  
 19 baking a lot.  
 20 Q All right. Does he strike you as well  
 21 educated?  
 22 A Yes.  
 23 Q And what makes you think that he's well  
 24 educated?  
 25 A He's also our science teacher.

- 1 Q So he's got two classes. He knows a variety of  
2 subjects.  
3 A Yes.  
4 Q Anything else?  
5 A He shows you concern. Like if you're doing bad  
6 in his class, he'll tell you to come after school and  
7 he'll help you. Or if you're doing bad in any other  
8 class, he'll let you come to his class after school and  
9 he'll help you with the subject.  
10 Q Now, he's your best teacher. Is he also your  
11 favorite?  
12 A Yes.  
13 Q And how about last year, who was your best  
14 teacher?  
15 A Ms. [REDACTED]  
16 Q And why do you think that she was your best?  
17 A I don't know.  
18 Q Was she nice?  
19 A No.  
20 Q Was she funny?  
21 A No.  
22 Q Was she well educated?  
23 A Yes.  
24 Q Did she show concern?  
25 A Yes.

- 1 Q How was she -- how was she well educated; how  
2 did you know that?  
3 A Her words and her English.  
4 Q So she spoke well in class?  
5 A Yes.  
6 Q All right. Anything else?  
7 A No.  
8 Q And how did she show that she was concerned for  
9 students?  
10 A Same thing as Mr. Candia.  
11 Q She baked?  
12 A No.  
13 Q That was nice, huh?  
14 A Like, same thing, if you were doing bad in her  
15 class, she'll let you come after school, she'll help  
16 you.  
17 Q Anything else?  
18 A No.  
19 Q Do you consider yourself to be a good student?  
20 A Yes.  
21 Q It looks like it.  
22 Why do you consider yourself to be a good  
23 student.  
24 A I'm on time in every class, never late to  
25 school, and I do all my assignments.

- 1 Q And your best grade this year was in math; is  
2 that right?  
3 A Yeah.  
4 Q What was your best grade last year?  
5 A Social studies.  
6 Q And what was that grade?  
7 A A.  
8 Q Straight A?  
9 A (No audible response.)  
10 Q Did you get any other A's last year?  
11 A Yes.  
12 Q What else?  
13 A A minuses.  
14 Q Okay. What did you get A minuses in?  
15 A Science, English and gym.  
16 MS. LHAMON: Silas, we've been going about an  
17 hour now. Do you want to take a break or do you want to  
18 keep going?  
19 THE WITNESS: Take a break.  
20 MR. SIMMONS: Yeah, let's go off record.  
21 (Recess.)  
22 BY MR. SIMMONS:  
23 Q I think you know, but I'll just remind you,  
24 you're still under oath, even though we took a break and  
25 she didn't swear you in when we came back.

- 1 A Yes.  
2 Q I think where we left off, we were going  
3 through your classes from last year and the grades that  
4 you had in them.  
5 A Yes.  
6 Q And I think social studies was an A?  
7 A Yes.  
8 Q And then science, English, and gym were  
9 A minuses?  
10 A Yes.  
11 Q Okay. And that leaves -- what was math?  
12 A [REDACTED]  
13 Q [REDACTED] okay. And then you had an elective course?  
14 A A.  
15 Q Straight A or an A minus?  
16 A Straight A.  
17 Q Okay. So now I'd just kind of like to go back  
18 and we'll go through your subjects, and I'll just ask  
19 you some questions about the classes and stuff; okay?  
20 A All right.  
21 Q You want to start with this year or last year?  
22 A Last year.  
23 Q Okay. Last year, first period was PE. Who was  
24 your teacher?  
25 A Ms. [REDACTED]

- 1 Q Ms. [REDACTED]  
 2 A Yeah. Yes.  
 3 Q Is she a good teacher?  
 4 A Yes.  
 5 Q Why do you think she was a good teacher?  
 6 A The way she talked. Before we do any sport or  
 7 anything, she made sure we stretched, got loosened up  
 8 first.  
 9 Q What else made her a good teacher?  
 10 A I don't know.  
 11 Q Was she nice?  
 12 A Not really.  
 13 Q Did she show concern?  
 14 A Yes.  
 15 Q I take it she wasn't funny either?  
 16 A No.  
 17 Q On a scale of 1 to 10, and we'll say 10 is the  
 18 best, 1 is the worst, what kind of ranking would you  
 19 give her?  
 20 A A 4.  
 21 Q 4. A 4 is a good teacher?  
 22 A She's a good teacher, but she's kind of mean.  
 23 Q She was kind of mean?  
 24 A She was strict.  
 25 Q She was strict. Like how so? Can you give me

- 1 an example?  
 2 A Like as soon as you come in, she wants you to  
 3 sit, sit right on your number and be quiet. And then,  
 4 like, if she gives us a write-in assignment, bring it  
 5 in, it's got to be in the next day. If she says a page,  
 6 it has to be a full page, front and back, on a piece of  
 7 paper.  
 8 Q So she would give you a written assignment for  
 9 PE?  
 10 A Like your favorite basketball player, favorite  
 11 athlete, favorite sport, self-control, stuff like that.  
 12 Q And she'd give you these assignments and it  
 13 would be due the next day?  
 14 A Yes.  
 15 Q Always due the next day?  
 16 A Yes, unless it was a Friday, then it would be  
 17 due Monday.  
 18 Q Did you miss that class at all?  
 19 A No.  
 20 Q Were you ever late for that class?  
 21 A No.  
 22 Q It's PE, so I take it there's no textbook for  
 23 that class, or is there?  
 24 A There isn't.  
 25 Q Okay. Did she ever use any type of

- 1 instructional material in that class?  
 2 A What do you mean?  
 3 Q I mean, did she ever give you any handouts or  
 4 anything like that?  
 5 A (No audible response.)  
 6 Q She did?  
 7 A Yes.  
 8 Q What kind of handouts did she give you?  
 9 A It was like a little booklet about eating  
 10 healthy and treating your body right, and stuff like  
 11 that.  
 12 Q How big was that?  
 13 A Like a regular book. Like a magazine-type.  
 14 Q Like a magazine?  
 15 A (No audible response.)  
 16 Q So was it a soft cover?  
 17 A Yes, with questions inside.  
 18 Q And when did you get the book? When did she  
 19 hand the book out?  
 20 A Last year.  
 21 Q At the beginning of the school year?  
 22 A In the middle.  
 23 Q And how did it work? Did she assign you a book  
 24 for the year or --  
 25 A No, she give you the book; and when you

- 1 complete it, you'd give it to her.  
 2 Q So there were assignments within the book?  
 3 A Yes.  
 4 Q Like worksheets?  
 5 I guess the record can reflect we've got some  
 6 7UP.  
 7 MS. LHAMON: And it's hot.  
 8 BY MR. SIMMONS:  
 9 Q So what was on the cover of the book?  
 10 A Some vegetables and fruits.  
 11 Q Okay.  
 12 A And the food pyramid.  
 13 Q And what kind of assignments -- like the  
 14 worksheets, what kind of assignment did they have on  
 15 them?  
 16 A I don't remember.  
 17 Q Was it --  
 18 A Like -- questions like what would be better for  
 19 breakfast: cereal, candy bar, stuff like that.  
 20 Q So it was nutrition-related?  
 21 A Yes.  
 22 Q Did it talk about stretching --  
 23 A No.  
 24 Q -- anything like that?  
 25 It was all basically nutrition-related?

- 1 A Yes.  
 2 Q Okay. So you had that, that softcover book.  
 3 Any other type of instructional materials?  
 4 A No.  
 5 Q And how often would she assign you homework?  
 6 A Once a week.  
 7 Q Once a week.  
 8 And that would consist of a written paper about  
 9 your favorite athlete?  
 10 A Or this other one we had, she gave us, like  
 11 she'd give it to us on Friday, and you bring it in on  
 12 Monday, like what you ate for breakfast, lunch, and  
 13 dinner and the calories of what you ate.  
 14 Q Any other types of assignments?  
 15 A No.  
 16 Q So basically it just always was a written  
 17 assignment; go home and write a page or so --  
 18 A Yes.  
 19 Q -- about this topic?  
 20 A Yes.  
 21 Q And sometimes that was your favorite athlete.  
 22 On the weekends, that would be about what you ate, and  
 23 the calories that that entailed?  
 24 A Yes.  
 25 Q Any other types of assignments? I mean, like,

- 1 you know, I know she gets all written papers but --  
 2 A Like whatever sport we're doing, like we do a  
 3 different sport every week, whatever sport we're doing,  
 4 she'd have you do a report on that. Like if you're  
 5 doing basketball, you had to do how many players was on  
 6 the court at a time, the size of the court, and that  
 7 stuff.  
 8 Q Were you happy with the homework assignments  
 9 you got in there?  
 10 A No. It was all right, though.  
 11 Q Homework is never good news, but as far as  
 12 homework went, they were decent assignments?  
 13 A Yes.  
 14 Q Okay. What would happen if someone didn't  
 15 finish their homework?  
 16 A Minus points.  
 17 Q Minus points. They'd have to complete the  
 18 assignment anyway?  
 19 A Yes.  
 20 Q So -- and how --  
 21 A But you don't get the amount of points you  
 22 would have got. Like if it was worth ten points and you  
 23 don't turn it in the day you're supposed to do it, then  
 24 the day you turn it in, it will probably be worth five  
 25 points.

- 1 Q Do you have any tests in PE?  
 2 A Yes.  
 3 Q What kind of tests?  
 4 A The mile, you run a mile, how long it would  
 5 take you to run a mile.  
 6 Q What was your time?  
 7 A I don't know. I forgot.  
 8 Q Any other kind of tests?  
 9 A How many pushups you do, how many sit-ups, how  
 10 many pull-ups, sit and reach.  
 11 Q So physical tests, basically?  
 12 A Yes.  
 13 Q Any written work?  
 14 A (No audible response.)  
 15 Q Any written tests?  
 16 A No.  
 17 Q Now, I assume you go into the -- when you first  
 18 enter PE, the period, you go -- and do you have to  
 19 change?  
 20 A Yes.  
 21 Q So you go into -- there is a locker room?  
 22 A Yes.  
 23 Q And you change, and then you head out to your  
 24 number?  
 25 A You stay in there until the bell rings, and

- 1 then when the bell rings, the male gym teachers escort  
 2 you upstairs, you go into the gym, and you sit on your  
 3 number.  
 4 Q And what kind of condition is the locker room  
 5 in?  
 6 A Pretty dirty.  
 7 Q Okay. It's dirty. Anything else about it?  
 8 A There's no doors in the restroom stalls.  
 9 Q Okay. Anything else?  
 10 A Graffiti on the lockers.  
 11 Q Anything else?  
 12 A That's it.  
 13 Q Okay. Have you ever seen a mouse in the locker  
 14 room?  
 15 A No.  
 16 Q A rat in the locker room?  
 17 A No.  
 18 Q A cockroach?  
 19 A No.  
 20 Q Any -- I don't know what else it would be, but  
 21 any other kind of pest or vermin or anything like that?  
 22 A No, but I seen a rat in the gym.  
 23 Q Now, you say that the changing room or the  
 24 locker room is dirty?  
 25 A Yes.

- 1 Q How so?  
 2 A It's like papers and stuff on the floor, it's  
 3 really dusty.  
 4 Q Okay. What kind of paper is on the floor?  
 5 A Trash, candy wrappers, chip bags, toilet paper.  
 6 A lot of stuff.  
 7 Q Okay. And how big is the locker room?  
 8 A Pretty big.  
 9 Q Is it the size of -- like if you put two of  
 10 your classrooms together, would it be that big?  
 11 A Probably, or a little bigger.  
 12 Q Even a little bigger?  
 13 A (No audible response.)  
 14 Q As many as three classrooms, or somewhere in  
 15 between two and three?  
 16 A Between two and three.  
 17 Q And, I mean, when you walk in, do you -- is the  
 18 first thing you step on food wrappers, or, I mean, do  
 19 you have some room?  
 20 A You have some room.  
 21 Q Okay. So like could you put -- I mean, could  
 22 you say how many -- like if you walked in one day, how  
 23 many food wrappers you might --  
 24 A A lot.  
 25 Q More than five?

- 1 A I wouldn't -- yeah.  
 2 Q More than five. Okay. How many more than  
 3 five, do you think?  
 4 A I don't know. I know it's a lot.  
 5 Q More than ten?  
 6 A I don't know.  
 7 Q And so there's food wrappers. It's dusty.  
 8 Sometimes there's toilet paper?  
 9 A Um-hmm.  
 10 Q Anything else?  
 11 A No.  
 12 Q Okay. Do you know how -- like how do the food  
 13 wrappers get on the floor?  
 14 A People put them there, maybe.  
 15 Q Students?  
 16 A Yes.  
 17 MS. LHAMON: Calls for speculation.  
 18 BY MR. SIMMONS:  
 19 Q Same -- what about -- well, have you ever seen  
 20 anybody drop a wrapper?  
 21 A Yes.  
 22 Q How many times do you think?  
 23 A I don't know.  
 24 Q And you see toilet paper. Have you ever seen  
 25 students responsible for putting the toilet paper on the

- 1 floor?  
 2 A No.  
 3 Q And so if we were looking around, say, this  
 4 room here, I mean, would there be a pile in the corner?  
 5 I mean, would there be a pile of trash in the corner?  
 6 A Scattered around.  
 7 Q It would be scattered around.  
 8 And who is in charge for cleaning -- in charge  
 9 of cleaning that up?  
 10 A I don't know. Custodian probably.  
 11 Q And do you see him in there picking it up?  
 12 A No.  
 13 Q Have you ever seen him get mad at somebody for  
 14 dropping?  
 15 A No.  
 16 Q Now, you say there's no doors on the bathroom  
 17 stalls?  
 18 A Yes.  
 19 Q So I assume that it's probably got some -- like  
 20 it has urinals?  
 21 A (No audible response.)  
 22 Q Do you know what a urinal is?  
 23 A Yeah.  
 24 Q And how many urinals are in there?  
 25 A Four.

- 1 Q Okay. And then how many restrooms -- or how  
 2 many -- you know, how many, basically, sit-down  
 3 toilets --  
 4 A One.  
 5 Q -- are there? One.  
 6 And there's no door on the stall?  
 7 A Yes.  
 8 Q Okay. Anything else bad about the restrooms in  
 9 the gym?  
 10 A That's it.  
 11 Q And you say there's graffiti on the lockers?  
 12 A And on the walls.  
 13 Q And on the walls.  
 14 Do you know how many lockers there are?  
 15 A No.  
 16 Q Is there -- how many students are there in a  
 17 class?  
 18 A It's more than one gym teacher. It's four gym  
 19 teachers.  
 20 Q Four gym teachers. And so will there be four  
 21 different classes in one period?  
 22 A Yes.  
 23 Q And how many people are in your gym class?  
 24 A I don't know. A lot.  
 25 Q 30?

- 1 A Probably more than 30.  
 2 Q 40?  
 3 A Nu-huh.  
 4 Q So somewhere between 30 and 40?  
 5 A Yes.  
 6 Q And are the other classes about the same  
 7 number?  
 8 A No, some are smaller, some are larger.  
 9 Q Larger by more than -- like your class is  
 10 between 30 and 40. Would there be between 40 and 50 or  
 11 maybe just 40?  
 12 A Maybe 40.  
 13 Q And the ones that are smaller, would they be  
 14 between 20 and 30 or would they be --  
 15 A Yes.  
 16 Q Does everybody have their own locker?  
 17 A Yes.  
 18 Q Okay. So maybe there's about -- if we did our  
 19 multiplication, we could say there's about 160 lockers  
 20 in there?  
 21 A More than that.  
 22 Q More than that. So there's extras too, like  
 23 there's open lockers --  
 24 A It's not like -- it's like six different  
 25 periods of gym. And mostly everyone has a locker.

- 1 A Probably so.  
 2 Q Would it be -- I mean, would it be less, would  
 3 it be more?  
 4 A Probably about half.  
 5 Q About half?  
 6 A (No audible response.)  
 7 Q And does the extent of the writing vary from  
 8 locker to locker?  
 9 A No. Scattered, like -- maybe like some on top,  
 10 some on the bottom, and then some on this side.  
 11 Q Does anyone try to clean the graffiti off?  
 12 A No.  
 13 Q Never seen anybody try and take it off?  
 14 A They used to, but people keep doing it, so they  
 15 don't clean it no more.  
 16 Q How many people have you seen do it?  
 17 A What? Clean it?  
 18 Q Yeah. How many have you seen clean it?  
 19 A One.  
 20 Q And how many have you seen --  
 21 A Two, two people.  
 22 Q Two people. And are they custodians?  
 23 A One is a custodian, one is not.  
 24 Q What's the other do?  
 25 A Art teacher.

- 1 Q Oh, okay. So it's a lot?  
 2 A Yeah.  
 3 Q What kind of graffiti is on the lockers?  
 4 A Writing.  
 5 Q What kind of writing?  
 6 A Names.  
 7 Q Anything else?  
 8 A No.  
 9 Q And how many lockers do you think have  
 10 graffiti, have writing on them?  
 11 A I don't know.  
 12 Q What do they write on -- or what is used to  
 13 write on them?  
 14 A Markers.  
 15 Q Okay. What color is it?  
 16 A Different colors.  
 17 Q Okay. Which colors can you think of?  
 18 A Blue, black, red.  
 19 Q Okay. And how are the lockers lined up?  
 20 A Like one top row and then the bottom row.  
 21 Q And then there's various columns of them?  
 22 A Yes.  
 23 Q Okay. And how many -- if you took one column,  
 24 would you say half of those lockers have graffiti on  
 25 them?

- 1 Q Okay. And how many students have you seen?  
 2 A Tag?  
 3 Q Yeah.  
 4 A I don't see them tag.  
 5 Q Never seen anybody write on the lockers?  
 6 A No.  
 7 Q When do you think they do it?  
 8 A During different periods.  
 9 Q Okay. So we have -- we know there's some --  
 10 that the restroom doesn't have -- that the seated toilet  
 11 doesn't have a stall for that. Also, there's some  
 12 wrappers and some toilet paper on the floor.  
 13 A Yes.  
 14 Q It's dusty, and there's some graffiti on the  
 15 lockers. Anything else that you can think of?  
 16 A No.  
 17 Q Okay. What grade did you get in PE?  
 18 MS. LHAMON: Vague as to time.  
 19 THE WITNESS: [REDACTED]  
 20 BY MR. SIMMONS:  
 21 Q That was for last year?  
 22 A Yes.  
 23 Q Let's go on to your elective class from last  
 24 year. And who was your teacher in that class?  
 25 A Jason Nawa.

- 1 Q And you said he's a good teacher?  
 2 A Yeah.  
 3 Q On a scale of 1 to 10, where does he range?  
 4 A [REDACTED]  
 5 Q All right. How many times did you -- or did  
 6 you ever miss that class?  
 7 A Yes.  
 8 Q How many times, do you think?  
 9 A I don't know. Probably about two.  
 10 Q Why did you miss them?  
 11 A Dentist appointment, doctor.  
 12 Q Dentist appointment for one and doctor's  
 13 appointment for the other?  
 14 A Yeah.  
 15 Q Were you ever late to the class?  
 16 A No.  
 17 Q Did you have a textbook in that class?  
 18 A No.  
 19 Q What kind of work did you do in that class?  
 20 A Vocabulary words and reading.  
 21 Q It's funny, that doesn't sound like an elective  
 22 to me.  
 23 What kind of -- you didn't have a textbook, but  
 24 did the teacher make use of certain materials?  
 25 A No.

- 1 Q Never any handouts?  
 2 A Yes.  
 3 Q Okay. What kind of handouts?  
 4 A You read it and answer the following questions.  
 5 Q And would they be photocopies?  
 6 A Yes.  
 7 Q Where did Mr. Nawa make the photocopies from?  
 8 A I don't know.  
 9 Q So you would do vocabulary, reading. Anything  
 10 else in that class?  
 11 A Spelling tests.  
 12 Q Anything else?  
 13 A (No audible response.)  
 14 MS. LHAMON: You've got to say yes or no.  
 15 THE WITNESS: No.  
 16 BY MR. SIMMONS:  
 17 Q Thank you. Did you get homework in that class?  
 18 A Yes.  
 19 Q What kind of homework did you get?  
 20 A Writing.  
 21 Q Did you have to write an essay?  
 22 A Yeah.  
 23 Q Anything else?  
 24 A No.  
 25 Q So you would do your worksheets; those would be

- 1 done in class?  
 2 A (No audible response.)  
 3 Q But you didn't have to -- those weren't part of  
 4 homework?  
 5 A Nu-huh. Like if you didn't finish some  
 6 classwork, you just do it for homework.  
 7 Q Okay. And the worksheets again, what kind of  
 8 questions would they ask you on the worksheets?  
 9 A I don't know. I forgot.  
 10 Q Would you have to read a story and answer  
 11 questions about it?  
 12 A Yeah.  
 13 Q And the essays, what kind of essays did you get  
 14 assigned?  
 15 A Like if -- you have to write about how we felt  
 16 about the way the school was.  
 17 Q Okay. So one of your essays was "Describe the  
 18 Conditions at Burbank"?  
 19 A Yes.  
 20 Q Okay. What other essay topics did you get?  
 21 A I don't know. I forgot.  
 22 Q The one that you remember is the describe  
 23 the --  
 24 A Yes.  
 25 Q Do you know why you were assigned that

- 1 particular subject?  
 2 A No -- yes.  
 3 Q Why was that?  
 4 A Probably for the lawsuit.  
 5 Q And how long was your essay for that?  
 6 A A page.  
 7 Q Okay. So you had essays, you had worksheets;  
 8 if you didn't finish them in class, you might have to do  
 9 those at home. Any other type of homework?  
 10 A No -- oh, yes, defining your spelling words,  
 11 your vocab words.  
 12 Q And what kind of test did you have?  
 13 A Spelling test. Spelling and definition.  
 14 Q Any other kind?  
 15 A No.  
 16 Q And how often do you think you would get  
 17 homework in that class?  
 18 A I don't know.  
 19 Q Would you get it daily?  
 20 A I don't know.  
 21 Q Can't remember?  
 22 A Can't remember.  
 23 Q Can you think of a week where that was full of  
 24 more homework than any other week?  
 25 A No.

- 1 Q What happens in that class -- or what did  
2 happen in that class if someone didn't finish their  
3 homework?  
4 A I don't know what happens.  
5 Q You do all your homework?  
6 A Yeah.  
7 Q Okay. And so you used photocopies in class.  
8 Did you use any other type of instructional material?  
9 A Like what?  
10 Q Did you ever -- I mean, was there a copy of a  
11 novel ever handed out?  
12 A No.  
13 Q Or a copy of a poem?  
14 A No.  
15 Q Anything like that? I mean, how did -- what  
16 did he use to teach the class?  
17 A I don't know, really.  
18 Q Okay. So you had the worksheets. Did he  
19 sometimes write stuff on the board and you guys would  
20 copy it down?  
21 A Yes.  
22 Q How often would he do that?  
23 A Daily.  
24 Q Daily. And what kind of stuff would he put up  
25 on the board?

- 1 A I don't know.  
2 Q So he'd use the board on a daily basis and you  
3 would take notes?  
4 A Yes.  
5 Q And you'd do worksheets pretty much on a daily  
6 basis?  
7 A Yes.  
8 Q Anything else?  
9 A Reading.  
10 Q Reading. And what did you read from?  
11 A Any -- a book you'd bring from home.  
12 Q A book that he would bring -- a book that you  
13 would bring from home?  
14 A Yeah, and you do current events.  
15 Q What kind of books would people bring from  
16 home?  
17 A I don't know.  
18 Q What kind of books did you bring from home?  
19 A African folktale book.  
20 Q Anything else?  
21 A No.  
22 Q How many pages is that book?  
23 A I don't know.  
24 Q Now, you would do current events work. Did you  
25 do that in class or at home?

- 1 A Both.  
2 Q What did you do in class?  
3 A Worksheets; you would define your words in  
4 there. If you don't finish, you do it for homework.  
5 Q Okay. Did you ever -- would you look at the  
6 newspaper or watch the news?  
7 A Yes, yes.  
8 Q Okay. And then you would pick a story?  
9 A Yes.  
10 Q From either the paper or the news -- or the TV  
11 news?  
12 A Yes.  
13 Q And would you write an essay about that?  
14 A Yes. You write who, what, when, where, and  
15 why.  
16 Q Okay. Did you like that homework?  
17 A Yes.  
18 Q What room number? Do you remember what room  
19 number you had your elective class in?  
20 A No.  
21 Q Did you ever see a mouse in that classroom?  
22 A Yes.  
23 Q Okay. Do you know how many times?  
24 A Once.  
25 Q Where did you see it?

- 1 A Run across the chalkboard.  
2 Q Run across the chalkboard. What did people do?  
3 Did everybody see it in the class?  
4 A Yes.  
5 MS. LHAMON: Calls for speculation.  
6 BY MR. SIMMONS:  
7 Q Did the teacher see it?  
8 A Yes.  
9 Q What did he do?  
10 A Jumped up.  
11 Q Where did it go?  
12 A I don't know.  
13 Q It hid after it ran across the chalkboard?  
14 A Yes.  
15 Q So there -- I take it there's a ledge off the  
16 chalkboard where the chalk can sit?  
17 A (No audible response.)  
18 Q And he ran across that?  
19 A Yes.  
20 Q And did he leap off it at the end?  
21 A No, it ran all the way to the end.  
22 Q He ran all the way to the end. And then it  
23 lines up with a countertop or something?  
24 A With the wall.  
25 Q With the wall. And then was there a hole in

- 1 the wall that it went into?  
 2 A No -- I don't know.  
 3 Q But you didn't see -- I'm just wondering,  
 4 because there's that ledge there, and the mouse runs  
 5 across it. Does he have to jump by the end?  
 6 A At the end of the wall, there's like a big  
 7 cabinet thing. He probably went behind that.  
 8 Q Okay. And your teacher jumped. I assume class  
 9 was disrupted a little?  
 10 A Yes.  
 11 Q And then what happened after that?  
 12 A We talked about it for a second.  
 13 Q What did you talk about?  
 14 A What happened. We wondered where it came from.  
 15 Q Do you know if your teacher reported the  
 16 incident to anyone?  
 17 A I don't know.  
 18 Q Okay. Have you ever seen a rat in the elective  
 19 class?  
 20 A No.  
 21 Q Okay. Any cockroaches in your elective class?  
 22 A No.  
 23 Q Any other kinds of pests in your elective  
 24 class?  
 25 A Flies.

- 1 Q Flies. How often do you see flies?  
 2 A Daily.  
 3 Q Daily. Are they there more in the  
 4 summertime --  
 5 A Yeah.  
 6 Q -- or springtime?  
 7 A Spring.  
 8 Q What's the physical condition of that  
 9 classroom?  
 10 A It's pretty clean, but -- it's pretty clean.  
 11 Q Do you have desks in there?  
 12 A Yes.  
 13 MS. LHAMON: Objection. These questions are  
 14 vague as to time.  
 15 BY MR. SIMMONS:  
 16 Q Was there ever a time when you didn't have a  
 17 desk in the class?  
 18 A No.  
 19 Q Was there ever a time when another student  
 20 didn't have a desk?  
 21 A No.  
 22 Q Is there any conditions in the classroom that  
 23 you wished were different last year at any time?  
 24 A The desk.  
 25 Q And what would you have liked to have been

- 1 different?  
 2 A More clean.  
 3 Q How could they have been more clean?  
 4 A The top of them. There was carving in them,  
 5 writing.  
 6 Q Was that on all the desks?  
 7 A Yes.  
 8 Q And was that there throughout the year?  
 9 A Yes.  
 10 Q Anything else that you would have preferred to  
 11 have been different about the classroom conditions?  
 12 A Yes.  
 13 Q What?  
 14 A There was also the social study class, the  
 15 books.  
 16 Q And we'll go to social studies, but for now,  
 17 just about the elective class, I'm sorry.  
 18 A That's it.  
 19 Q And your grade in your elective class was an  
 20 A minus?  
 21 A Yes.  
 22 Q Do you think that grade was a fair grade, given  
 23 your performance?  
 24 A Yes.  
 25 Q Could you have done anything better in that

- 1 class?  
 2 A No.  
 3 Q Could your teacher have done anything to make  
 4 that class better?  
 5 A I don't know.  
 6 Q Do you remember what room your English class  
 7 was in?  
 8 A No, I just know it was next to the elective  
 9 class.  
 10 Q It was next to the elective class?  
 11 A (No audible response.)  
 12 Q And who was your teacher?  
 13 A [REDACTED]  
 14 Q And she was a good teacher?  
 15 A (No audible response.)  
 16 Q You testified earlier that she was a good  
 17 teacher?  
 18 A Yes.  
 19 Q And on a scale of 1 to 10, what would you give  
 20 her?  
 21 A [REDACTED]  
 22 Q So she gets a higher grade than Mr. Nawa?  
 23 A (No audible response.)  
 24 Q How come she gets a higher grade than Mr. Nawa?  
 25 A The way she teaches. She explains, like step

- 1 by step.  
 2 Q If I remember correctly, you testified that  
 3 she's not necessarily nice or funny, but she's well  
 4 educated, and she shows concern for the students?  
 5 A Yes.  
 6 Q Did you miss that class at all last year?  
 7 A No.  
 8 Q Not that you can remember, anyway?  
 9 A No.  
 10 Q And were you ever late for the class?  
 11 A No.  
 12 Q Okay. What textbook did you use in the class?  
 13 A In English?  
 14 Q Yeah.  
 15 A I forgot.  
 16 Q Okay. Was there one textbook that you used  
 17 throughout the year, or did you use a number?  
 18 A We didn't have textbooks.  
 19 Q Okay. What did she use to teach the class?  
 20 A Handouts.  
 21 Q What kind -- what were on the handouts?  
 22 A English, like grammar, punctuation.  
 23 Q Okay. So they -- would they explain -- the  
 24 handouts, did they explain the rules of grammar to you?  
 25 A Yes.

- 1 Q And did they ask questions about the rules  
 2 after they explained them?  
 3 A Yes.  
 4 Q So you had worksheets.  
 5 Did you use any other kind of materials in  
 6 there?  
 7 A No. We read in there a lot, too, and you did a  
 8 book report, and you could either do a wanted poster, a  
 9 diagram, or make a story of it.  
 10 Q And this was with respect to a particular book  
 11 that you read?  
 12 A Yes.  
 13 Q Okay. And where did you get the book for that  
 14 class that you would do the book report on?  
 15 A Either your house, her class, or the library.  
 16 Q Okay. Where did you get the book that you  
 17 used?  
 18 A The Boys & Girls Club.  
 19 Q The Boys & Girls Club, okay.  
 20 What kind of -- do you know what kind of books  
 21 were available in your class?  
 22 A Yes.  
 23 Q What books were those?  
 24 A "The Scorpions."  
 25 Q "The Scorpions"?

- 1 A Yeah, we also read that book in class.  
 2 Q And is that like a novel?  
 3 A Yes. Pretty long book.  
 4 Q Okay. "The Scorpions" was there. Do you know  
 5 how many copies of "The Scorpions"?  
 6 A A lot.  
 7 Q A lot. Enough for everybody in class?  
 8 A Yes.  
 9 Q Could you take a copy of it home if you wanted  
 10 to?  
 11 A No.  
 12 Q Okay. Do you know why you couldn't take a copy  
 13 home?  
 14 A There wasn't enough for every class.  
 15 Q Were there any other titles other than "The  
 16 Scorpions"?  
 17 A Yes, but I don't remember them.  
 18 Q Do you remember how many titles there may have  
 19 been?  
 20 A No.  
 21 Q Was there -- I mean, you have "The Scorpions."  
 22 Would you have, say, like three or four other books?  
 23 A Yeah, a lot of books in there.  
 24 Q Different books?  
 25 A Yeah, but that was the book we read together as

- 1 a class.  
 2 Q So you read "The Scorpions" together in class?  
 3 A (No audible response.)  
 4 Q And then you had other books, and those books  
 5 could be used to do the book report-type assignments?  
 6 A Yes.  
 7 Q And do you remember -- I mean, do you remember  
 8 any of the titles that were available for that?  
 9 A No.  
 10 Q You don't remember a -- you know, how many  
 11 titles there were or there weren't?  
 12 A No.  
 13 Q But there was a fair number. More than five?  
 14 A Yeah.  
 15 Q More than ten different kinds of books?  
 16 A I don't know.  
 17 Q But more than five?  
 18 A It was like a rack, like a little spin-it  
 19 bookrack of them.  
 20 Q Okay. And you say that people could also go  
 21 and check books out from the library at school?  
 22 A Yes.  
 23 Q So you did book reports where you could get the  
 24 books from either class, library, or --  
 25 A Home.

- 1 Q Or home?  
 2 A Or any other resource.  
 3 Q Or any other resource. And then you did  
 4 worksheets. Was there any other type of instructional  
 5 materials used in class?  
 6 A No.  
 7 Q What condition were "The Scorpions" books in?  
 8 A Pretty good condition.  
 9 Q Do you know when that copy -- the copy that you  
 10 had in class, do you know when it was published?  
 11 A No.  
 12 Q Was there -- when you say the books were in  
 13 good condition, why do you say that?  
 14 A There wasn't any writing in them.  
 15 Q No writing, and they're a softcover book?  
 16 A Hard.  
 17 Q Oh, they're a hardcover book. So -- but there  
 18 was only one story -- there was only one story in that  
 19 book?  
 20 A Yeah.  
 21 Q Okay. And how often were you assigned homework  
 22 in that class?  
 23 A Pretty often.  
 24 Q Pretty often. Close to daily?  
 25 A Yes.

- 1 Q Did you get it over the weekends too?  
 2 A No.  
 3 Q No. Did you ever get it over the weekend?  
 4 A No.  
 5 Q And what was your homework in that class?  
 6 A Worksheets. More than one worksheet.  
 7 Q And what would be on the worksheet?  
 8 A Punctuation.  
 9 Q Would there be -- would the rules be contained  
 10 on the worksheet?  
 11 A Yes.  
 12 Q And then there would be maybe some sentences  
 13 afterward?  
 14 A Examples.  
 15 Q And it would ask you to punctuate those?  
 16 A Yes.  
 17 Q Any other kind of homework?  
 18 A No.  
 19 Q So it was basically worksheets?  
 20 A Yeah.  
 21 Q What do you think of the homework in that  
 22 class?  
 23 A It was all right.  
 24 Q It was all right. How did it compare to the  
 25 homework in your other classes? Harder?

- 1 A Yeah, it was kind of hard.  
 2 Q It was kind of hard?  
 3 A Yeah.  
 4 Q Would you have preferred a different kind of  
 5 homework?  
 6 A Yeah.  
 7 Q What would you have preferred?  
 8 A Something out of a book.  
 9 Q Something out of a book?  
 10 A (No audible response.)  
 11 Q Like how would that --  
 12 A Working out of a book.  
 13 Q Working out of a book. And how would that  
 14 change the homework?  
 15 A I don't know.  
 16 Q Okay.  
 17 A I'd just prefer it.  
 18 Q And so sometimes you got assignments where you  
 19 had to look for resources that weren't necessarily in  
 20 class, like a book report. Were there any other kinds  
 21 of reports like that?  
 22 A No.  
 23 Q Any other assignments like that?  
 24 A No.  
 25 Q And do you have tests in that class?

- 1 A Yes.  
 2 Q What kinds of tests?  
 3 A English tests.  
 4 Q And was that like a test of your punctuation  
 5 skills?  
 6 A Yes.  
 7 Q And other grammar skills?  
 8 A Yes.  
 9 Q And what form were you given those tests in?  
 10 A Written tests.  
 11 Q Written tests. On a worksheet?  
 12 A She had written it up and photocopied it.  
 13 Q Okay. And how long did the test take? Would  
 14 they take like a whole class period or --  
 15 A Yes.  
 16 Q And how did you study for those tests?  
 17 A She'd help you prestudy the day before.  
 18 Q Prestudy the day before. And what does that  
 19 consist of?  
 20 A Basically telling you what will be on the test.  
 21 Q Okay. So she would say you need to be prepared  
 22 for this?  
 23 A Yes.  
 24 Q And then would she say, "This is the rule"?  
 25 A Yes.

- 1 Q And then you would write that down, in note  
2 form?  
3 A Yes.  
4 Q And then would you study that at night?  
5 A Yes.  
6 Q Okay. And then you would come back, and you  
7 would have the test, and if you studied that that night,  
8 you would answer the question appropriately?  
9 A Yes.  
10 Q Does anybody help you with your schoolwork,  
11 other than your teachers?  
12 A No.  
13 Q But some of your teachers help you after  
14 school?  
15 A Yes.  
16 Q And [REDACTED] is one of them?  
17 A Yes.  
18 Q Okay. Nobody at the Boys & Girls Club is there  
19 to help you out with your homework?  
20 A Yes.  
21 Q Oh, there is?  
22 A Yes.  
23 Q Who helps you out there?  
24 A Mario.  
25 Q Mario. Do you know his last name?

- 1 Q And the computers, are they at separate desks  
2 or are they lined up --  
3 A Lined up.  
4 Q -- around the table?  
5 And do those computers have Internet access?  
6 A Yes.  
7 Q Do you ever do research for school at those  
8 computers?  
9 A No.  
10 Q Do you ever do it at your -- do research on  
11 your computer at home?  
12 A Yes.  
13 Q And is that for school or --  
14 A School.  
15 Q What kind of research do you do?  
16 A History.  
17 Q History. Okay.  
18 Let's see, have you ever seen a mouse in your  
19 English class?  
20 A No.  
21 Q Ever seen a rat in there?  
22 A No.  
23 Q Cockroach?  
24 A No.  
25 Q Okay. What's the physical condition of the

- 1 A No.  
2 Q Okay. And how often would he help you out with  
3 your homework?  
4 A When I bring it.  
5 Q So daily?  
6 A Yes.  
7 Q Did you have questions for him daily?  
8 A Yes -- not daily. I pretty much understand my  
9 homework.  
10 Q Right. But if you have a question -- would you  
11 have a question for him a couple times a week?  
12 A Yeah.  
13 Q Any more than that?  
14 A No.  
15 Q Probably a couple times a week?  
16 A Yes.  
17 Q And how is that set up there? I know that you  
18 do your homework there, but what do you have -- what  
19 kind of setup do you have to do your homework?  
20 A When you go upstairs, it's the homework room,  
21 and then back there is the kitchen and stuff. And then  
22 downstairs is a pool table and all that stuff. But in  
23 the homework room, there's a ton of computers, and a  
24 large table for a lot of people to sit down and do their  
25 work.

- 1 English classroom like?  
2 A Clean.  
3 Q Any aspects of the classroom that you wish were  
4 different?  
5 A No.  
6 Q And, I'm sorry, but I forgot what grade you got  
7 in your English class.  
8 A A minus.  
9 Q A minus. You think that grade was a fair  
10 grade?  
11 A Yes.  
12 Q Do you think you could have done anything  
13 differently or better?  
14 A No.  
15 Q How about your teacher?  
16 A No.  
17 Q Okay. Fourth period was social studies?  
18 A Yes.  
19 MS. LHAMON: Is this still last year?  
20 MR. SIMMONS: It's still last year. Thank you.  
21 Q Do you remember the room number for social  
22 studies?  
23 A No.  
24 Q Who was your teacher?  
25 A Mr. Nawa.

- 1 Q Okay. Was Mr. Nawa a better teacher in your  
2 elective course or your social studies course?  
3 A Social studies course.  
4 Q What made him better in social studies?  
5 A He was different.  
6 Q Was it the subject matter of the class?  
7 A Yes.  
8 Q So did you just like the class more, or did you  
9 think Mr. Nawa did a better job in that class?  
10 A He did a better job in that class.  
11 Q Was that because -- did you feel like he had  
12 more knowledge about social studies than your elective  
13 course?  
14 A Yes.  
15 Q And what made you feel that way?  
16 A Well, the way he taught.  
17 Q Can you give, like, a specific example?  
18 A Yeah. Like in there we had books we'd read;  
19 he'd help us out, and we'd do work out of the book and  
20 stuff like that.  
21 Q So he knew -- did he -- he knew the material in  
22 the book well?  
23 A Yes.  
24 Q And did -- excuse me. And did he know material  
25 outside of the book that was helpful in class too?

- 1 A Yes.  
2 Q Did you ever miss that class last year?  
3 A No.  
4 Q Were you ever late to that class?  
5 A No.  
6 Q Now, what textbook did you use in that class?  
7 A History book.  
8 Q A history book. Do you remember the title?  
9 A No.  
10 Q Do you remember what color it was?  
11 A Blue.  
12 Q Blue.  
13 A Hardcover.  
14 Q And a hardcover --  
15 Do you remember how old the textbook was?  
16 A No.  
17 Q Did you have your own copy of the textbook to  
18 use in class?  
19 A Yes.  
20 Q Did you get -- did you have a particular  
21 textbook that was assigned to you to use?  
22 A No.  
23 Q So when you came in, were the books lined up on  
24 the shelf?  
25 A In a desk, it's like a little pocket on the

- 1 side, and it would be in there.  
2 Q Did the books get changed around from pocket to  
3 pocket, or did they pretty much stay the same?  
4 A Pretty much stay the same.  
5 Q Now, did you ever have to share a copy of the  
6 book in class?  
7 A Yes.  
8 Q Okay. When did you have to do that?  
9 A When that person didn't get a book.  
10 Q Okay.  
11 A When he or she was sitting near me and they  
12 didn't have a book.  
13 Q How often would that happen?  
14 A Very often.  
15 Q Very often?  
16 A (No audible response.)  
17 Q How many days in a week would you have to share  
18 a book?  
19 A I don't know.  
20 Q Do you know how many days -- I mean, can you  
21 estimate, in a month, how many days?  
22 A No.  
23 Q Okay. How come you say "very often," then?  
24 A Because it was.  
25 Q Okay.

- 1 A Like, basically almost daily.  
2 Q Almost daily?  
3 A Pretty much, yeah.  
4 Q And do you know why you had -- I mean --  
5 A Because there wasn't enough.  
6 Q So when you started out class, was there a  
7 social studies book in each pocket?  
8 A Yeah.  
9 Q Like at the beginning of the school year, were  
10 there enough textbooks for everyone?  
11 A Yes.  
12 Q And then throughout the course of the year,  
13 textbooks were lost?  
14 A No.  
15 MS. LHAMON: Objection. Calls for speculation.  
16 THE WITNESS: They got, like, pretty much no  
17 good. Pages were ripped out, covers were torn off.  
18 BY MR. SIMMONS:  
19 Q So the books were destroyed?  
20 A Yes.  
21 Q Throughout the course of the year?  
22 A Yes.  
23 Q Do you know how many books were ruined over the  
24 course of the year?  
25 A No.

- 1 Q And you say the books were -- they get pages  
2 ripped out?  
3 A Yeah.  
4 Q And the covers torn off?  
5 A Yes. And writing all through them.  
6 Q And writing in them. And who would do that?  
7 MS. LHAMON: Objection. Calls for speculation.  
8 THE WITNESS: I don't know.  
9 BY MR. SIMMONS:  
10 Q Did you ever see anybody rip a page?  
11 A No.  
12 Q Never saw anybody tear a cover off?  
13 A No.  
14 Q Never saw anybody write in the book?  
15 A No.  
16 Q Okay. When you say pages were ripped out,  
17 how -- can you think of a specific book and how many  
18 pages were ripped out of it?  
19 A No.  
20 Q Can you think of a specific book and how much  
21 writing was in it?  
22 A No.  
23 Q Can you think of the number of books that had  
24 covers torn off?  
25 A No.

- 1 Q Did you ever ask if you could take a book home?  
2 A Yes.  
3 Q What did -- you asked Mr. Nawa?  
4 A Yes.  
5 Q And what did he say?  
6 A "No."  
7 Q Did you ask him why?  
8 A No.  
9 Q Do you know why?  
10 A Yes.  
11 Q How do you know?  
12 A Because there's not enough.  
13 Q When you say -- when you say "there's not  
14 enough," not enough books for people in your class?  
15 A Yeah. He has more than one period, and there's  
16 one set for every period.  
17 Q Okay. Other than your textbooks, what kind of  
18 instructional materials would Mr. Nawa use in social  
19 studies?  
20 A Worksheets.  
21 Q Worksheets. Anything else?  
22 A No.  
23 Q And can you describe the worksheets?  
24 A No. No.  
25 Q Did they -- did they have questions on them?

- 1 A Yes.  
2 Q Did they have -- were you supposed to read  
3 something and then answer questions?  
4 A Sometimes it would be a related subject to what  
5 we just read out of the book.  
6 Q Did you get homework in that class?  
7 A Yes.  
8 Q What kind of homework did you get?  
9 A Worksheet.  
10 Q Worksheet. Any other kind of homework?  
11 A No.  
12 Q Did you do any current event stuff in that  
13 class?  
14 A No.  
15 Q Did you ever have to write, like, a research  
16 paper for that class?  
17 A No.  
18 Q But you did do a little research for that class  
19 on the Internet; is that right?  
20 A No.  
21 Q Oh. But sometimes you'd look at history on the  
22 Internet?  
23 A That was for this year.  
24 Q That was for this year?  
25 A Yeah.

- 1 Q Okay, not last year.  
2 So you'd get worksheets, and you can't remember  
3 any other kind of homework that would be assigned?  
4 A No.  
5 Q What did you think of the homework that was  
6 assigned to you?  
7 A What do you mean?  
8 Q I mean, was it interesting?  
9 A No.  
10 Q Did you enjoy it?  
11 A No.  
12 Q Did you dislike it?  
13 A Yes.  
14 Q How come you disliked it?  
15 A Boring.  
16 Q Boring. Why was it boring?  
17 A It wasn't interesting at all.  
18 Q Okay. The subject matter was boring?  
19 A Yes.  
20 Q You think Mr. Nawa could have done anything  
21 differently to make it more interesting?  
22 A No.  
23 Q It's just history?  
24 A Yes.  
25 Q And what happens if somebody doesn't finish

- 1 their homework in the history class, in that history  
2 class?
- 3 MS. LHAMON: Objection. Calls for speculation.  
4 THE WITNESS: I don't know.  
5 BY MR. SIMMONS:  
6 Q Did you ever -- did you ever see anyone being  
7 talked to by Mr. Nawa about not having finished their  
8 homework?  
9 A No.  
10 Q And how often did you get homework in history?  
11 A About three or four days a week.  
12 Q And did you ever have to use any outside  
13 resources, like not your books in class? You know, did  
14 you have to do anything for the worksheets they gave  
15 you?  
16 A No.  
17 Q Never had to go and use the library or anything  
18 like that?  
19 A No.  
20 Q How would you study for your test?  
21 A Same thing. Like do the same thing. He'll  
22 tell us the day before.  
23 Q So he would write on the board?  
24 A We'd play like a little game-type thing.  
25 Q Okay.

- 1 A And he'd ask questions that will be on the  
2 test. It would be like one side against the other. You  
3 could take notes at the same time.  
4 Q And you could take notes.  
5 So were you sitting at a desk at the time you  
6 played the game?  
7 A Yes.  
8 Q So you could have your paper there?  
9 A Yeah, it would be like separated.  
10 Q And how long were the games, like the pretest  
11 day?  
12 A The period.  
13 Q That would go for the period?  
14 A Yes.  
15 Q And if you took good notes, you could go home  
16 and study from those notes?  
17 A He would let us use notes on the test.  
18 Q And you could use your notes on the test?  
19 A Yes.  
20 Q But you had to take good notes during class?  
21 A Yeah.  
22 Q The better notes you took, the better you did  
23 on the test?  
24 A Yes.  
25 Q Did anybody help you with your history

- 1 homework?  
2 A No.  
3 Q Mario never helped you with your history  
4 homework?  
5 A No.  
6 Q You pretty much could do that on your own?  
7 A Yes.  
8 Q Did you ever see a mouse in your history class?  
9 A Yes.  
10 Q Okay. How often did you see a mouse?  
11 A Once.  
12 Q Can you describe what happened?  
13 A It was running across the room, and it went in  
14 the heater.  
15 Q Into the heater?  
16 A Which is broke.  
17 Q And have you ever seen a rat in that class?  
18 A No.  
19 Q Have you ever seen a cockroach in there?  
20 A No.  
21 Q Any other kind of pest?  
22 A No.  
23 Q So the mouse ran through the class. And they  
24 must like Mr. Nawa, huh?  
25 A Yeah.

- 1 Q What did Mr. Nawa do when this mouse came  
2 through?  
3 A Same thing.  
4 Q He jumped again?  
5 A Yelled. Everyone started yelling.  
6 Q And how long did it take to settle class back  
7 down?  
8 A Five minutes.  
9 Q You did the same thing; you discussed what  
10 happened?  
11 A (No audible response.)  
12 Q And do you know whether Mr. Nawa ever  
13 reported --  
14 A Don't know.  
15 Q Okay. And, now, what's the physical condition  
16 of that classroom like?  
17 A Same thing as the elective. It's the same  
18 class.  
19 Q It's the same class.  
20 A Same classroom.  
21 Q Same classroom, okay. That's -- Mr. Nawa gets  
22 assigned his classroom, and then whatever subjects he  
23 teaches are taught in that classroom?  
24 A Yes.  
25 Q And is there anything about that -- the

- 1 condition of that classroom that you would want changed?  
 2 A Yes.  
 3 Q What's that?  
 4 A The way it looks, and the desks. It's dirty.  
 5 And new books.  
 6 Q And did you say something about the heat in  
 7 that class?  
 8 A There is none.  
 9 Q There is none. Is there a heating unit in the  
 10 classroom?  
 11 A What do you mean?  
 12 Q I mean, is there something there that's  
 13 supposed to be the heater, it just doesn't work?  
 14 A Yes.  
 15 Q And did it ever work during the course of last  
 16 year?  
 17 A No.  
 18 Q And do you know what the temperature was in  
 19 your classroom?  
 20 A No.  
 21 Q So what -- why is the classroom dirty?  
 22 A I don't know.  
 23 MS. LHAMON: Calls for speculation.  
 24 BY MR. SIMMONS:  
 25 Q What about the classroom -- when you say it's

- 1 dirty, what do you mean by dirty?  
 2 A The look of it, it's dusty.  
 3 Q It's dusty?  
 4 A Trash and stuff, and writing on the desk.  
 5 Q Writing on the desk. So there's trash in the  
 6 classroom?  
 7 A (No audible response.)  
 8 Q Mr. Nawa doesn't go around and pick it up?  
 9 A No.  
 10 Q How much trash would you say?  
 11 A I don't know.  
 12 Q Do any students go around and pick it up?  
 13 A No -- sometimes, not all the time.  
 14 Q You never picked it up?  
 15 A (No audible response.)  
 16 MS. LHAMON: You're supposed to say yes or no;  
 17 remember?  
 18 THE WITNESS: No.  
 19 BY MR. SIMMONS:  
 20 Q Thank you.  
 21 And your grade -- are you ready for another --  
 22 because I could go a few more questions, and then it  
 23 would be a decent spot to stop.  
 24 MS. LHAMON: That's fine with me.  
 25 I need to check with you and see if you needed

- 1 to stop, Silas.  
 2 THE WITNESS: No.  
 3 BY MR. SIMMONS:  
 4 Q So do you think -- your grade in social studies  
 5 was a straight A; right?  
 6 A Yes.  
 7 Q And you think that grade was a fair reflection  
 8 of your performance?  
 9 A Yes.  
 10 Q Anything you could have done better --  
 11 A No.  
 12 Q -- to learn more in that class?  
 13 A No.  
 14 Q Anything that Mr. Nawa could have done?  
 15 A No.  
 16 Q Fifth period is your math class?  
 17 A Yes.  
 18 MS. LHAMON: And this is still last year?  
 19 MR. SIMMONS: Yeah, still last year.  
 20 Q Do you remember a room number for that one?  
 21 A No.  
 22 Q And who was the teacher?  
 23 A [REDACTED]  
 24 Q [REDACTED] is that a man or a woman?  
 25 A Man.

- 1 Q And what kind of teacher was [REDACTED]  
 2 A Okay one.  
 3 Q An okay one. Not as good as [REDACTED]  
 4 A No.  
 5 Q Not as good as [REDACTED]  
 6 A No.  
 7 Q What would you give him on a scale of 1 to 10?  
 8 A 3.  
 9 Q 3. Why wasn't he as good as the other  
 10 teachers, do you think?  
 11 A I don't know. He didn't explain nothing. He  
 12 didn't even show -- he didn't show concern either.  
 13 Q He wasn't as good as explaining the material?  
 14 A Yeah.  
 15 Q And he didn't seem concerned for how the  
 16 students did in the class?  
 17 A Yes.  
 18 Q Can you give me a specific example of how he  
 19 didn't show concern?  
 20 A Like if you was in another class, if you're  
 21 doing bad, they'll tell you, and they tell you you can  
 22 come after school and they can help you. He didn't do  
 23 that.  
 24 Q He never let anyone know if they weren't doing  
 25 well?

- 1 A No.  
 2 Q But did you get periodic updates of what you  
 3 were getting on tests?  
 4 A Yes.  
 5 Q Could you tell whether you were doing, you  
 6 know, well by what you did on your tests?  
 7 A Yes.  
 8 Q Anything -- any other reason why he wasn't as  
 9 good a teacher as [REDACTED] or [REDACTED]?  
 10 A Yes, he rushed through everything.  
 11 Q And how was his demeanor?  
 12 A What do you mean?  
 13 Q Was he nice or was he mean or --  
 14 A Mean.  
 15 Q He was mean?  
 16 A (No audible response.)  
 17 Q Why was he mean?  
 18 A I don't know. He was. He didn't smile either.  
 19 Q He wouldn't smile?  
 20 A (No audible response.)  
 21 Q What kind of stuff did he do that made him seem  
 22 mean?  
 23 A Yell all the time.  
 24 Q When -- what would provoke him to yell, do you  
 25 think?

- 1 A The class. The class was never really under  
 2 control. It was always wild, every day.  
 3 Q So he wasn't able to control the class very  
 4 well?  
 5 A Yes.  
 6 Q And when the class would get out of control, he  
 7 would start to yell?  
 8 A Yes.  
 9 Q How would the class respond?  
 10 A They'd keep -- continue doing what they were  
 11 doing.  
 12 Q Did he ever -- was he ever able to get the  
 13 class to settle down?  
 14 A No.  
 15 Q I mean, every day --  
 16 A Yes.  
 17 Q -- was the class shouting?  
 18 A Wild, yes.  
 19 Q Did you ever try and get anyone to settle down?  
 20 A No.  
 21 Q Anybody else in your class try to do it?  
 22 A No.  
 23 Q Why do you think -- why do you think the class  
 24 was -- that class was so wild compared to your other  
 25 ones?

- 1 A He had no control.  
 2 Q What do you think he could have done better to  
 3 get some control of the class?  
 4 A Be a little more nice, I guess. I don't know.  
 5 Q Like why were -- why was [REDACTED] able to  
 6 control his class better than [REDACTED]?  
 7 MS. LHAMON: Calls for speculation.  
 8 THE WITNESS: [REDACTED], he gave respect.  
 9 [REDACTED] didn't. He was -- I don't know.  
 10 BY MR. SIMMONS:  
 11 Q You get what you give?  
 12 A Yeah.  
 13 Q How many times did you miss your math class  
 14 last year?  
 15 A Never.  
 16 Q Okay. Were you ever late to your math class?  
 17 A Yes.  
 18 Q How many times were you late?  
 19 A I don't know.  
 20 Q More than once?  
 21 A Yeah.  
 22 Q More than five times?  
 23 A No.  
 24 Q So between one and five times?  
 25 A (No audible response.)

- 1 Q Why were you late?  
 2 A Playing in the yard. Because his class was  
 3 right after lunch.  
 4 Q Did you not hear the bell, or did you hear the  
 5 bell and just --  
 6 A I heard the bell, just kept playing.  
 7 Q Had an extra point that you wanted to get in?  
 8 A Yes.  
 9 Q And what textbook did you use in the math  
 10 class?  
 11 A A math book.  
 12 Q Do you remember, was there a title that you  
 13 remember?  
 14 A No.  
 15 Q What color was the book?  
 16 A Orange.  
 17 Q Do you know how old it was?  
 18 A No.  
 19 Q Did you have your own copy of that book?  
 20 A No.  
 21 Q Did you have your own copy to use in class?  
 22 A Yes.  
 23 Q And were you assigned a copy?  
 24 A No.  
 25 Q So was it the same system where the desk had

- 1 the pocket next to it?  
 2 A It was on his desk. They were on his desk, you  
 3 grabbed one, but there wasn't enough for everybody, so  
 4 you had to share.  
 5 Q And did you have to share daily?  
 6 A Yes.  
 7 Q And who would you share your book with?  
 8 A Different people.  
 9 Q Did you have assigned seats?  
 10 A Yes.  
 11 Q So you didn't always wind up sharing with the  
 12 person you sat next to?  
 13 A No.  
 14 Q Would you move your desk -- would you move --  
 15 change desks?  
 16 A Yes.  
 17 Q And you didn't have your own copy to take home,  
 18 in that class?  
 19 A No.  
 20 Q Did you ever ask if you could take the book  
 21 home?  
 22 A No.  
 23 Q And what condition was the book in?  
 24 A They were messed up.  
 25 Q How so?

- 1 A Same thing as the history books. They were  
 2 ripped up, missing pages, writing all over them.  
 3 Q Can you think of a specific book that you used  
 4 and how many pages that book might have been missing?  
 5 A No.  
 6 Q Can you think of a specific book and how much  
 7 writing there might have been in that book?  
 8 A No.  
 9 Q How many books do you think had torn covers?  
 10 A About half of them.  
 11 Q Half of them. And when you say a torn cover, I  
 12 mean, these were hard covers?  
 13 A Totally gone.  
 14 Q Someone ripped off the front?  
 15 A And the back.  
 16 Q Was the -- so all there was was the backing,  
 17 the binding?  
 18 A The whole book, like, you know, it's open, the  
 19 whole little thing was gone, it was just the pages.  
 20 Q Did you ever see anybody rip the bindings off?  
 21 A No.  
 22 Q Or the cover off?  
 23 A No.  
 24 Q See anybody rip the pages out?  
 25 A No.

- 1 Q See anybody write in the books?  
 2 A No.  
 3 Q Did you ever write in the books?  
 4 A No.  
 5 Q Ever rip any pages out?  
 6 A No.  
 7 Q Or tear any covers?  
 8 A No.  
 9 Q Other than textbooks, what kind of  
 10 instructional materials would your teacher use?  
 11 A He'd write problems on the board; we'd solve  
 12 them on a separate sheet, on a piece of paper.  
 13 Q And how often would you do that?  
 14 A Daily.  
 15 Q Did he use worksheets at all?  
 16 A Yes.  
 17 Q And you'd use them in class?  
 18 A Yes.  
 19 Q And what was on the worksheets?  
 20 A The word problems, like somebody would have a  
 21 certain amount of something, somebody else would have a  
 22 certain amount of something, stuff like that.  
 23 Q Okay. Did you ever get worksheets as homework  
 24 assignments?  
 25 A No.

- 1 Q So he would write on the board, there was a  
 2 math book, and there were worksheets. Any other type of  
 3 instructional materials?  
 4 A No.  
 5 Q And what type of homework would he assign?  
 6 A We didn't really get homework in there.  
 7 Q You didn't get homework in that class?  
 8 A No.  
 9 Q Did you ever ask to be given homework in there?  
 10 A No.  
 11 Q I don't blame you. So can you pick, like, a  
 12 week and think about a specific week and think about the  
 13 kind of homework that you would have received during  
 14 that week? I mean, I know you didn't get daily  
 15 homework.  
 16 A Yeah.  
 17 Q But --  
 18 A We had a worksheet for it, like sometimes, but  
 19 that was not that often.  
 20 Q Once a week?  
 21 A Probably twice.  
 22 Q Twice a week you think you got homework in  
 23 there?  
 24 A Yeah.  
 25 Q And how long did that homework take you to do?

- 1 A About ten minutes.  
 2 Q Ten minutes?  
 3 A (No audible response.)  
 4 Q Were you faster than other people?  
 5 A I don't know. I did it at home or in class.  
 6 Q Right. What type of homework would you have  
 7 preferred?  
 8 A Homework out of the book.  
 9 Q And how would that have made a difference?  
 10 A I don't know. Just you feel more better.  
 11 Doing worksheets, you're really not learning nothing at  
 12 all. Out of the book, you probably learn more.  
 13 Q Why do you think you would learn more out of  
 14 the book?  
 15 A Because there's more in a book than on a  
 16 worksheet.  
 17 Q But, I mean, what more would be in the book  
 18 that you would --  
 19 A More math. A lot more. The worksheets was  
 20 just word problems, and the book is word problems,  
 21 missing numbers, all that.  
 22 Q So you never got -- the only kind of homework  
 23 you got would be word problems?  
 24 A Yeah.  
 25 Q You never got any missing numbers. What do you

- 1 A Yes.  
 2 Q She did?  
 3 A Yes.  
 4 Q What did she say to him?  
 5 A I don't know.  
 6 Q Did he ever mention this to you, that she  
 7 called him?  
 8 A No.  
 9 Q Did your mom ever call anybody else at the  
 10 school about the math teacher?  
 11 A Yes.  
 12 Q Who would that have been?  
 13 A Ms. Parker.  
 14 Q Who's Ms. Parker?  
 15 A Assistant principal.  
 16 Q And do you know what your mom might have said  
 17 to Ms. Parker?  
 18 A Yes. She talked to her about the math class  
 19 things, but it was not -- the other ones was packed, was  
 20 full, no more room available.  
 21 Q Is Mr. [REDACTED] still a math teacher?  
 22 A No.  
 23 Q What happened to him?  
 24 A I guess he got fired. I don't know.  
 25 THE REPORTER: Counsel, I'll need to change

- 1 mean by that, "missing numbers"?  
 2 A Like it would be a certain number times a  
 3 certain number, and there would be a times, and then it  
 4 would be a blank for your answer. And you got to figure  
 5 out the number.  
 6 Q And you never got that for homework?  
 7 A No.  
 8 Q Did you get anything else other than word  
 9 problems?  
 10 A No.  
 11 Q What would happen in that class if you didn't  
 12 finish your homework when it was assigned?  
 13 A Nothing.  
 14 Q Nothing. How do you know that?  
 15 A Because, a lot of people -- nobody really did  
 16 homework in that class.  
 17 Q Did anybody ever -- did you ever tell your mom  
 18 about this teacher?  
 19 A Yes.  
 20 Q What did she say?  
 21 A She didn't really like him, and she tried to  
 22 get my math class changed.  
 23 Q She did?  
 24 A No.  
 25 Q Did she ever call the teacher?

- 1 paper when you get a second.  
 2 MR. SIMMONS: Now is fine, if you'd like to.  
 3 (Recess.)  
 4 BY MR. SIMMONS:  
 5 Q And you had tests in your math class; huh?  
 6 A No.  
 7 Q You never had a test in there?  
 8 A Yeah, but not that much.  
 9 Q Not that much. How often do you think you'd  
 10 have a test?  
 11 A Once a month.  
 12 Q Once a month. And how long would the test  
 13 take? The whole period?  
 14 A About 20 minutes.  
 15 Q Did it take you 20 minutes, or did it pretty  
 16 much take everybody in the class 20 minutes?  
 17 A Everybody in the class.  
 18 Q And how would you study for your test?  
 19 A You have to remember what you learned if you  
 20 don't do a review.  
 21 Q Did you have notes that you took in class?  
 22 A No.  
 23 Q No. Anything -- how would you try and refresh  
 24 your memory before the test?  
 25 A I don't know. I basically knew the math.

- 1 Q You knew it anyway, so you didn't feel like you  
2 had to study too much for the test?
- 3 A Yeah.
- 4 Q And what kind of -- you know, you mentioned the  
5 numbers. What kind of -- I guess, what was the  
6 substance of your math class in seventh grade? Was it  
7 prealgebra or --
- 8 A I don't know. Like division and stuff like  
9 that.
- 10 Q Did you use variables at all?
- 11 A No.
- 12 Q Okay. And are there -- the math classes in  
13 seventh grade, does everybody take the same math class  
14 or are there different math classes?
- 15 A There's two different math classes.
- 16 Q And what are the two different math classes?
- 17 A Mr. [REDACTED] and Ms. [REDACTED]
- 18 Q And are the classes different just because they  
19 have different teachers?
- 20 A Yes.
- 21 Q But they teach the same material?
- 22 A Yes.
- 23 Q Did you have anybody that would help you with  
24 your math homework ever?
- 25 A No.

- 1 A Yes.
- 2 Q What would he say about it?
- 3 A Nothing.
- 4 Q Did you ever ask him to do something about it?
- 5 A No.
- 6 Q Do you know whether anybody did?
- 7 A No.
- 8 Q Do you know whether anybody takes any steps to  
9 reduce the number of cockroaches at your school or in  
10 the math class?
- 11 A No.
- 12 Q What's the physical condition of your math  
13 class like?
- 14 A Terrible.
- 15 Q Terrible. Okay. Why do you say terrible?
- 16 A It's dirty, you see roaches a lot, the math  
17 books are messed up. There's writing all over that  
18 class.
- 19 Q Okay. How -- can you describe what you mean  
20 when you say the class is dirty?
- 21 A Paper on the floor, trash on the floor, writing  
22 on the wall, writing on the chalkboard. It's dusty.
- 23 Q And what --
- 24 A It stinks.
- 25 Q What kind of trash is there?

- 1 Q And did you ever see a mouse in your math  
2 class?
- 3 A No.
- 4 Q Did you ever see a rat in your math class?
- 5 A No.
- 6 Q A cockroach in your math class?
- 7 A Yes.
- 8 Q How many cockroaches did you see?
- 9 A I don't know.
- 10 Q Do you know how many times you saw a cockroach?
- 11 A A lot.
- 12 Q A lot. What do you mean by "a lot"?
- 13 A Like I seen more than one in a week.
- 14 Q More than one in a week?
- 15 A Yes.
- 16 Q More than five in a week?
- 17 A I don't know.
- 18 Q Okay. Do you know whether other students  
19 saw --
- 20 A Yes.
- 21 Q -- cockroaches?
- 22 A Yes.
- 23 Q Did you ever talk to those students about it?
- 24 A No.
- 25 Q Did your teacher ever see the cockroaches?

- 1 A Candy wrappers, chips, soda bottles.
- 2 Q Do you know who puts those there?
- 3 A Kids, probably.
- 4 Q Do you ever see anybody picking those things  
5 up?
- 6 A No.
- 7 Q If there's a candy wrapper there on, say -- or  
8 if there was a candy wrapper there on Monday, would you  
9 come back in on Tuesday and see that same wrapper?
- 10 A No.
- 11 Q And do you have an idea as to how many candy  
12 wrappers that might have been on the floor?
- 13 A No.
- 14 Q Or how many, like, soda bottles?
- 15 A No.
- 16 Q So there's food-related trash. Is there any  
17 other kind of trash?
- 18 A Paper.
- 19 Q And what's on that paper?
- 20 A Writing.
- 21 Q So is it like homework or worksheets that  
22 someone's just thrown on the floor?
- 23 A Yeah.
- 24 Q And have you ever seen anyone throw it on the  
25 floor like that?

- 1 A Yes.  
 2 Q Who did you see?  
 3 A Kids.  
 4 Q How many kids?  
 5 A I don't know.  
 6 Q And you say there's writing around?  
 7 A Yes.  
 8 Q Where is the writing?  
 9 A On the walls, on the chalkboard.  
 10 Q How much writing is there on the walls?  
 11 A A few names.  
 12 Q A few names. And how -- now, when you say  
 13 there's writing on the chalkboard, there's writing  
 14 that's different from what the teacher puts on there?  
 15 A Yes.  
 16 Q And what's that writing?  
 17 A Tag.  
 18 Q What's it say?  
 19 A I can't read it.  
 20 Q And you say that the room smells?  
 21 A Yes.  
 22 Q Why do you think it smells?  
 23 A I don't know.  
 24 Q What's its smell like?  
 25 A Garbage. It stinks, boo-boo.

- 1 Q Your math class was right after lunch?  
 2 A (No audible response.)  
 3 Q You think people were a little bit smelly after  
 4 playing?  
 5 A No.  
 6 Q So we've got -- there -- you didn't like the  
 7 trash, you didn't like the smell. You said that there  
 8 was some writing on the walls and on the chalkboard.  
 9 Anything else?  
 10 A No.  
 11 Q And what grade did you receive in your math  
 12 class?  
 13 A [REDACTED]  
 14 Q And that seems out of character for you?  
 15 A Yes.  
 16 Q Did you feel like you had trouble in your math  
 17 class?  
 18 A Yes. Not really trouble, just wasn't getting  
 19 taught properly, I guess.  
 20 Q So you would take the test. And how would you  
 21 do on the test?  
 22 A Fine.  
 23 Q Did you get a grade for the test that you  
 24 would --  
 25 A No, you'd just get a certain amount of points.

- 1 Like 15 out of 20, 14 out of 20, stuff like that.  
 2 Q And would you know what other students did on  
 3 the test?  
 4 A No.  
 5 Q And what do you think the teacher could have  
 6 done better to help you learn more?  
 7 A Taught better.  
 8 Q And how would he do that?  
 9 A I don't know. Just slow down, explain stuff,  
 10 take his time.  
 11 Q Do you know anybody who got a better grade in  
 12 the class than you?  
 13 A Yes.  
 14 Q What grade -- what people do you know about  
 15 their grades that were better than yours?  
 16 A What do I know -- say it again.  
 17 Q Well, how many people do you know that got a  
 18 better grade than you?  
 19 A Not that many. About two.  
 20 Q Two. And do you know what grade they got?  
 21 A [REDACTED]  
 22 Q Both of them got a [REDACTED]  
 23 A Yes.  
 24 Q And do you know what their impressions of  
 25 Mr. [REDACTED] were?

- 1 A No.  
 2 Q Do you think that there was anything that you  
 3 could have done to improve your grade in that class?  
 4 A No.  
 5 Q Did you ever ask for any help?  
 6 A Yes.  
 7 Q Who did you ask?  
 8 A Mr. [REDACTED].  
 9 Q What did he say?  
 10 A He doesn't have time.  
 11 Q Did you ever ask Mario?  
 12 A No.  
 13 Q How come you didn't ask him?  
 14 A He wasn't working at the club at that time. He  
 15 just came this year.  
 16 Q Was there anyone that you could go to if you  
 17 have a homework question at the --  
 18 A Yes.  
 19 Q Who was that?  
 20 A Grace.  
 21 Q Grace. And did you ever ask her about your  
 22 math stuff?  
 23 A No.  
 24 Q How come you didn't ask her?  
 25 A I don't know. It really didn't even matter.

- 1 He wasn't teaching right or nothing, just speed through  
2 everything. Nobody really understood him. I don't  
3 know.  
4 Q Did you ever talk to your mom --  
5 A Yes.  
6 Q -- about your math class?  
7 A Yes.  
8 Q And did she know what grade you were going to  
9 get in the class?  
10 A No.  
11 Q You get a semester grade; I know that. But do  
12 you ever get any updates throughout the semester about  
13 your grade, like do you get a quarter report?  
14 A Huh-uh. But you could ask, and they'll tell  
15 you.  
16 Q Did you ever ask about your grade?  
17 A (No audible response.)  
18 Q So it looks like we're at science now, at sixth  
19 period for last year.  
20 A Yes.  
21 Q Okay. Do you remember a room number for  
22 science?  
23 A 314.  
24 Q 314.  
25 A No, 214, 214.

- 1 A Yes.  
2 Q How did she do that?  
3 A The same as Mr. [REDACTED] If you're having  
4 trouble, like -- if you, like, got a low grade, she'd  
5 give you makeup work, and she'd tell you how to do it,  
6 and you can get like all the points you're missing.  
7 Turn it in, you can get a better grade.  
8 Q And would she help you out after school if you  
9 asked her?  
10 A Yes.  
11 Q And how does she compare to [REDACTED]; better or  
12 worse?  
13 A Probably better.  
14 Q Better. And how does she compare to  
15 [REDACTED]?  
16 A Better -- no, probably worse.  
17 Q Probably worse?  
18 A Yes.  
19 Q But not a lot worse?  
20 A Not a lot worse.  
21 Q Okay. And did you ever miss your science class  
22 last year?  
23 A No.  
24 Q All right. Were you ever late to that class?  
25 A No. They're right across from each other, like

- 1 Q 214. How come you remember that room number?  
2 A I don't know. Because I always answered the  
3 phone.  
4 Q You always answered the phone? There's a phone  
5 in class?  
6 A Yes.  
7 Q And who was your teacher in there?  
8 A [REDACTED]  
9 Q And what kind of teacher was [REDACTED]  
10 A She's a nice teacher.  
11 Q Is she a good teacher?  
12 A Yes.  
13 Q On the scale of 1 to 10, how would you rate  
14 her?  
15 A 6.  
16 Q Was she nice?  
17 A Yes.  
18 Q And how did -- give me a specific example of  
19 how she was nice.  
20 A She treated me nice, basically.  
21 Q Like in what way?  
22 A She didn't yell at me or nothing. She  
23 explained stuff firsthand, like slowly, so everybody in  
24 the class could understand.  
25 Q And did she show concern for student learning?

- 1 Mr. [REDACTED] class and Ms. [REDACTED] class.  
2 Q So you could just hop across the hallway?  
3 A Yes.  
4 Q What textbook did you use in your science  
5 class?  
6 A Didn't have one. We did a lot of worksheets.  
7 Q Do you know why you didn't have a textbook?  
8 A No.  
9 Q So you would use worksheets. What would those  
10 look like?  
11 A We -- like different ones. Like we did ones  
12 about the earth's core and stuff, and we did a lot about  
13 different sciences. Like every day we had one about a  
14 different sciences, and we'd take notes from the board,  
15 into our notebooks, to answer questions.  
16 Q You had a notebook. What do you mean by a  
17 notebook?  
18 A Notebook from home.  
19 Q Okay. And worksheets would pretty much be used  
20 daily in that class?  
21 A Yes. The test would be based on your notes  
22 that you took Monday.  
23 Q So she would write up on the board on Mondays,  
24 and you would take --  
25 A Monday, Tuesday, Wednesday, Thursday. And

- 1 Friday is the test.  
 2 Q And all based on the notes from Monday?  
 3 A From the whole week, basically.  
 4 Q So you would take notes on Monday, and then  
 5 would you have a test, say, on Tuesday when you came in?  
 6 A No. You'd take notes Monday, Tuesday,  
 7 Wednesday, Thursday. And on Friday you have a test --  
 8 Q Okay.  
 9 A -- based on your notes for the whole week.  
 10 Q Okay. Did you use anything other than  
 11 worksheets?  
 12 A No.  
 13 Q Did you do any dissections in that science  
 14 class?  
 15 A No.  
 16 Q That's reserved for eighth grade?  
 17 A Yes.  
 18 Q What kind of homework would you get in there?  
 19 A Worksheets.  
 20 Q And what would you be required to do?  
 21 A Read; read the paragraph and answer the  
 22 questions.  
 23 Q What kind of questions would there be?  
 24 A Questions relating to the story that's just  
 25 read.

- 1 Q What kind of stories would you have on these  
 2 worksheets?  
 3 A On the scientists, like when was they born,  
 4 where were they born, why did they get what they got.  
 5 Like if they got a Nobel peace prize, why did they get  
 6 it, what year did they get it, like that.  
 7 Q Did you do all your homework when it was  
 8 assigned?  
 9 A Yes.  
 10 Q And how did that homework compare to other  
 11 homework in other classes? Did you like it more or  
 12 less?  
 13 A More.  
 14 Q And why do you think you liked it more?  
 15 A It was pretty interesting to learn about  
 16 different scientists and different people.  
 17 Q Would you have wanted more homework in that  
 18 class?  
 19 A No.  
 20 Q And what would happen if someone didn't finish  
 21 their homework in that class?  
 22 A You don't get the points. But on Friday or  
 23 something, you can get makeup work to get the points  
 24 that you missed for -- like if you missed some points --  
 25 if you missed an assignment for the week, you can go ask

- 1 her, like, what you're missing, and she keeps records of  
 2 the papers, and she'll just give them to you, and you  
 3 can do them and turn them in on Monday.  
 4 Q And did you have -- your homework was daily in  
 5 that class?  
 6 A Yes.  
 7 Q And did you ever have homework in that class  
 8 that required you to use some kind of outside resource?  
 9 A No.  
 10 Q Did you ever use the Internet at all for that  
 11 class?  
 12 A No.  
 13 Q And would anybody ever help you with your  
 14 school work from science class?  
 15 A No.  
 16 Q Did you ever ask anybody to?  
 17 A No.  
 18 Q Did you feel that you needed the extra help in  
 19 there?  
 20 A No.  
 21 Q Did you ever see a mouse in your science class?  
 22 A No.  
 23 Q Ever see a rat in there?  
 24 A No.  
 25 Q Ever see a cockroach in there?

- 1 A No.  
 2 Q And how was the physical condition of that  
 3 classroom?  
 4 A It was pretty clean.  
 5 Q Why do you think some classrooms were cleaner  
 6 than others?  
 7 MS. LHAMON: Calls for speculation.  
 8 THE WITNESS: I don't know.  
 9 BY MR. SIMMONS:  
 10 Q Do you think that -- did one teacher seem to  
 11 take cleanliness more seriously than the others?  
 12 MS. LHAMON: Calls for speculation.  
 13 THE WITNESS: Yes.  
 14 BY MR. SIMMONS:  
 15 Q Which teacher -- which teacher took it the most  
 16 seriously?  
 17 A [REDACTED]  
 18 Q [REDACTED] And who took it the next level of  
 19 seriousness?  
 20 MS. LHAMON: Calls for speculation.  
 21 THE WITNESS: [REDACTED]  
 22 BY MR. SIMMONS:  
 23 Q And then after [REDACTED]  
 24 MS. LHAMON: Calls for speculation.  
 25 THE WITNESS: Ms. -- that's it.

1 BY MR. SIMMONS:  
 2 Q Okay. And who seemed the least concerned with  
 3 cleanliness?  
 4 MS. LHAMON: Calls for speculation.  
 5 THE WITNESS: [REDACTED]  
 6 BY MR. SIMMONS:  
 7 Q Now, did you have a desk in your science  
 8 classroom?  
 9 A Yes.  
 10 Q And what was your grade in your science class?  
 11 A A minus.  
 12 Q Do you think that was a fair grade?  
 13 A Yes.  
 14 Q Is there anything that you think you could have  
 15 done better to have learned more in that class?  
 16 A No.  
 17 Q Anything your teacher could have done to have  
 18 helped you learn better or more?  
 19 A No.  
 20 Q And when you say that classroom was clean, what  
 21 about it makes you say that it was clean as opposed to  
 22 [REDACTED] class?  
 23 A She had no paper on the floor, no trash on the  
 24 floor, no writing on her chalkboard, no writing on her  
 25 wallpaper. She had wallpaper, it was just clean.

1 Q Did she -- did you ever see kids drop wrappers  
 2 in that class?  
 3 A No.  
 4 Q Why do you think kids didn't drop wrappers in  
 5 that class?  
 6 MS. LHAMON: Calls for speculation.  
 7 THE WITNESS: I think they respected her more  
 8 than [REDACTED]  
 9 BY MR. SIMMONS:  
 10 Q Shall we move on to this year?  
 11 A Yes.  
 12 Q First period this year is unified arts?  
 13 A Yes.  
 14 Q And who is the teacher for that class?  
 15 A [REDACTED]  
 16 Q And he's your favorite teacher this year?  
 17 A Yeah.  
 18 Q And what room is your unified arts class in?  
 19 A 318.  
 20 Q 318. And on a scale of 1 to 10, what kind of  
 21 rating do you give [REDACTED]  
 22 A 9.  
 23 Q 9. He'll be happy to hear about that grade.  
 24 You should let him know.  
 25 And what makes him a good teacher?

1 A The way he teaches. He teaches pretty slow.  
 2 He tells you all the details, and a nice teacher.  
 3 Q So he takes time to explain things. And he's  
 4 also nice to the students?  
 5 A Shows concern.  
 6 Q Okay. How is he nice? Could you give me an  
 7 example of how he's nice?  
 8 A Like he'll never yell. If you do something  
 9 wrong or something, he don't yell. He'll just come up  
 10 to you, talk to you politely and say, "You can't do  
 11 that" or something. Other teachers just be yelling the  
 12 whole class.  
 13 Q And how does he -- how does he show concern?  
 14 A If you're like doing bad -- he knows a lot  
 15 about pretty much all the subjects, if you're doing bad,  
 16 and he'll just come -- you can go to his class after  
 17 school, and he'll help you with what you are doing bad  
 18 in.  
 19 Q So he'll help you even with the classes that  
 20 he's not responsible for teaching?  
 21 A Yeah.  
 22 Q And have you ever sought out his help in a  
 23 class that he wasn't the teacher for?  
 24 A Huh?  
 25 Q Have you ever went to him for help for another

1 class that he wasn't the teacher?  
 2 A Yes.  
 3 Q Which class was that?  
 4 A Math.  
 5 Q Math. And what did you -- what kind of help  
 6 did you ask him for?  
 7 A Help in algebra.  
 8 Q And that's -- algebra is your class this year,  
 9 your math class this year?  
 10 A Yeah.  
 11 Q And does he strike you as a well-educated  
 12 teacher?  
 13 A Yes.  
 14 Q And why does he strike you that way?  
 15 A Because it's not too many teachers who teach  
 16 one subject and know about basically all of them.  
 17 Q Okay. And have you ever missed the unified  
 18 arts class this year?  
 19 A No.  
 20 Q You ever been late?  
 21 A Yeah.  
 22 Q How many times?  
 23 A I don't know.  
 24 Q Do you know why you were late?  
 25 A No.

- 1 Q Did you wake up late that day or --  
 2 A I don't know.  
 3 Q Okay. And unified arts, what is that subject?  
 4 What does that subject cover?  
 5 A Basically reading and comprehension, basically.  
 6 You do a lot of reading.  
 7 Q What kind of subjects do you read about?  
 8 A You can bring your own books. At first it  
 9 was -- first it was like a period when you need help  
 10 with something else in a different class, he'd help with  
 11 that in there, but then getting towards the end, we had  
 12 to do standard testing, and that's when we started doing  
 13 most of the reading.  
 14 Q Now, unified arts, that's an elective class?  
 15 A Yes.  
 16 Q So what would have been your other choices that  
 17 you could have taken had you not chosen unified arts?  
 18 A I don't know.  
 19 Q Would there have been a foreign-language class  
 20 that you could have taken if you wanted?  
 21 A No.  
 22 Q Any type of, I don't know, ceramic-type class  
 23 or anything like that?  
 24 A No.  
 25 Q Do you know what other students take for their

- 1 Q Does he write on the board?  
 2 A Oh, yes.  
 3 Q What kind of stuff gets written on the board?  
 4 A Vocabulary.  
 5 Q Okay. So you do vocabulary in there. Do you  
 6 do spelling?  
 7 A Yes.  
 8 Q And then what kind of homework do you get in  
 9 there?  
 10 A Defining the words, spelling words.  
 11 Q Do you ever have to write an essay for that  
 12 class?  
 13 A Yes.  
 14 Q How often do you have to do that?  
 15 A Not very often.  
 16 Q Once a week?  
 17 A No, not even -- not anymore. We don't do that  
 18 anymore. But we had to in the beginning.  
 19 Q What --  
 20 A Not no more.  
 21 Q What subjects would you write on?  
 22 A Like your day, directions, stuff like that.  
 23 Like he'll tell -- say if he was new to the school, and  
 24 then how would you tell him how to get to the cafeteria,  
 25 stuff like that, give him full directions, stuff like

- 1 elective if they don't take unified arts?  
 2 A No.  
 3 Q And you bring books from home that you read in  
 4 that class?  
 5 A Yes.  
 6 Q And is there a text that's used in that class?  
 7 A No.  
 8 Q Do you use worksheets in there?  
 9 A No.  
 10 Q Do you know why the course doesn't use a  
 11 textbook?  
 12 A No.  
 13 Q And do you know why it doesn't make use of the  
 14 worksheets?  
 15 A No.  
 16 Q So on a day-to-day basis, you bring a book in  
 17 there?  
 18 A Yes.  
 19 Q And how long will you read that book for?  
 20 A About 20 minutes. And if you got homework from  
 21 another class that you didn't do or you couldn't finish  
 22 or something, he'll let you do it in there and help you.  
 23 Q Okay. And what kind of -- does he use any kind  
 24 of instructional materials?  
 25 A No.

- 1 that.  
 2 Q And how often do you get homework for that  
 3 class?  
 4 A Not that -- none now, not really.  
 5 Q When did you stop getting homework in that  
 6 class?  
 7 A This week.  
 8 Q This week.  
 9 A Well, basically Monday. Today is the last day,  
 10 so no more homework in there.  
 11 Q And when you started the school year, how  
 12 many --  
 13 A Daily.  
 14 Q Daily?  
 15 A Until Friday.  
 16 Q And Friday he would let you be free on the  
 17 weekend?  
 18 A He would. You don't get no homework on Friday.  
 19 Q And so you would do essays sometimes for  
 20 homework?  
 21 A Yes.  
 22 Q And what other kind of homework would you do?  
 23 A Defining your vocabulary words.  
 24 Q Did you ever do any current event-type homework  
 25 in that class?

- 1 A Yes.  
 2 Q You did. And what did that require you to do?  
 3 A Science article.  
 4 Q You would read a science article?  
 5 A He basically -- like if you got his science  
 6 class, he'd basically give you a head start on what you  
 7 were going to do for his science class. Like he'd,  
 8 like, do a science article third period, so we can just  
 9 do it in there. And by the time we get there, we work  
 10 on something else.  
 11 Q What kind of homework would he give out to kids  
 12 who weren't in his science class?  
 13 A Same thing. That's classwork, I just said.  
 14 Q And do you know what happened if someone didn't  
 15 finish their homework for that class?  
 16 A He'd give you another day to do it, the next  
 17 day.  
 18 Q And would people usually take advantage of  
 19 that?  
 20 A No.  
 21 Q And did you ever have homework in that class  
 22 that would require you to seek some outside resource,  
 23 like would you ever have to go to the library for that  
 24 class?  
 25 A No.

- 1 Q And there's -- are there desks in there?  
 2 A Yes.  
 3 Q And the desks are new?  
 4 A Yes.  
 5 Q What grade did you receive in the subject?  
 6 A [REDACTED]  
 7 Q And that's your first semester grade. You'll  
 8 receive a grade for the second semester still; is that  
 9 right?  
 10 A I think so. I don't know.  
 11 Q When did you get your -- what time of year did  
 12 you get your [REDACTED]  
 13 A The first report card period.  
 14 Q And do you expect to get another report card?  
 15 A Yeah.  
 16 Q Do you know how you're doing in the class right  
 17 now?  
 18 A Great. Good.  
 19 Q And why do you think you do well in that class?  
 20 A Because I pay attention, I guess.  
 21 Q Anything else?  
 22 A No.  
 23 Q Anything you could do to learn more in that  
 24 class?  
 25 A No.

- 1 Q Did you ever use the Internet for that class?  
 2 A No.  
 3 Q Did you have tests?  
 4 A No.  
 5 Q Did you ever see a mouse in that class?  
 6 A No.  
 7 Q Did you ever see a rat in that class?  
 8 A No.  
 9 Q Did you ever see a cockroach there?  
 10 A No.  
 11 Q And how would you describe the physical  
 12 condition of that classroom?  
 13 A Very clean. That's a new class. They built  
 14 that class -- like the end of last year, it was built in  
 15 that class. So it's basically a brand-new class,  
 16 brand-new chairs, desks and all that.  
 17 Q When -- the class was built last year?  
 18 A (No audible response.)  
 19 Q And was it remodeled?  
 20 A It got completed this year. It's a brand-new  
 21 class.  
 22 Q And was it -- I mean, was it a new addition to  
 23 the structure, or was there a classroom there previously  
 24 that they remodeled?  
 25 A Class there previously they remodeled.

- 1 Q Anything that your teacher could do?  
 2 A No.  
 3 Q The second period is physical education, the  
 4 gym class?  
 5 A Yes.  
 6 MS. LHAMON: It's 12:15. Are you hungry or do  
 7 you want to keep going through these?  
 8 THE WITNESS: Keep going through these.  
 9 MS. LHAMON: Okay.  
 10 BY MR. SIMMONS:  
 11 Q And who's -- the PE class this year, is it  
 12 located in the same place?  
 13 A Yes.  
 14 Q And who is the teacher this year?  
 15 A [REDACTED]  
 16 Q And is she a good teacher?  
 17 A Yes.  
 18 Q And why do you think she's a good teacher?  
 19 A Same thing as [REDACTED]. Like last year, her  
 20 and [REDACTED] they worked together, like their classes  
 21 were right next to each other. So we basically combined  
 22 our class and do the same thing, and she did the same  
 23 thing Ms. [REDACTED] did. We stretched, do written work.  
 24 But the only thing is, we didn't get that health booklet  
 25 thing.

- 1 Q And I assume that the locker room is the same  
2 locker room?  
3 A There's not no paper on the floor this year,  
4 but the bathroom stall is still broken. There's not --  
5 no more graffiti on the lockers. They cleaned it off.  
6 Q Have any of your other classes cleaned up this  
7 year from last year, do you know?  
8 A Yes.  
9 Q Which ones?  
10 A Not the same classes I had last year, but the  
11 classes I got this year are all clean.  
12 Q And have you been in the classrooms? Have you  
13 ever had occasion to be in the classrooms that you took  
14 last year?  
15 A Yes.  
16 Q And how did those classrooms look?  
17 A Clean. Mr. [REDACTED] class is now the peer  
18 resource class. Ms. [REDACTED] class is still clean, but  
19 it's not her class anymore. There's another teacher.  
20 But they're all clean now.  
21 Q So the classroom is cleaned up?  
22 A Yeah.  
23 Q And do you start your physical education off  
24 by -- with stretching?  
25 A Yes.

- 1 Q And then you go into the activity for the day?  
2 A Yes.  
3 Q And what activity are you doing in there this  
4 coming week, do you know?  
5 A We've been doing badminton.  
6 Q What other kind of games do you play?  
7 A Basketball, flag football, volleyball, soccer,  
8 kickball, baseball.  
9 Q And how often do you switch between sports?  
10 A Weekly. Friday we get free play.  
11 Q And Ms. Pope, I take it she's a nice teacher?  
12 A Yes.  
13 Q And how does she -- how do you know that she's  
14 nice? What does she do that shows she's nice?  
15 A She don't yell either. She got control over  
16 the class. Like if you -- if it's hot outside and if a  
17 few students go up to her and, like, "May we please stay  
18 in the gym?" She'll go "Okay," and let you stay. She  
19 gives you options too.  
20 Q What kind of options?  
21 A Like if we're playing badminton in the gym,  
22 she'll say, "You can" -- like, she'll divide up the gym.  
23 She'll say, "You can go over there and play basketball"  
24 or whatever, or "You can stay and play badminton," or  
25 "You can go outside," different options. I stay in the

- 1 gym.  
2 Q And she shows concern for students?  
3 A Yes.  
4 Q And how does she do that?  
5 A Really, nobody in her class is getting a bad  
6 grade. Everybody dress. But now we're not dressing no  
7 more. But everybody is doing pretty good in her class.  
8 Q And now you don't dress. When did you stop  
9 doing the dress-down?  
10 A Today.  
11 Q Today. And does she seem to -- Ms. [REDACTED] seems  
12 to know her stuff, she seems well prepared and educated?  
13 A Yes, she's also the art teacher.  
14 Q Oh, she's an art teacher too. Is that an  
15 elective course?  
16 A That's a seventh grade class.  
17 Q But you didn't take the art class your seventh  
18 grade year?  
19 A No.  
20 Q You chose your other elective course in lieu of  
21 that?  
22 A Yes.  
23 Q And do you remember why you chose your elective  
24 course over the art class?  
25 A I can't draw.

- 1 Q Any other reason?  
2 A That's it.  
3 Q I know we tried to go over this once, but just  
4 one other time. So we know now there's an art elective,  
5 and then there's a -- is the unified arts class, is that  
6 open only to eighth-graders?  
7 A Yeah.  
8 Q Can you think of any other elective-type  
9 courses that are offered?  
10 A Every eighth-grader got a unified arts class.  
11 Like if you got gym first period, then unified arts is  
12 second period. So everybody's got a unified arts class.  
13 Q So there's not really -- I mean, there's not  
14 really an elective course for eighth-graders?  
15 A No.  
16 Q Have you ever been late to PE this year?  
17 A Yes.  
18 Q How many times?  
19 A I don't know.  
20 Q Do you remember why you were late?  
21 A No.  
22 Q [REDACTED]  
23 A [REDACTED]  
24 Q [REDACTED]  
25 A [REDACTED]

- 1 Q [REDACTED]  
 2 A [REDACTED]  
 3 Q [REDACTED]  
 4 A [REDACTED]  
 5 Q [REDACTED]  
 6 A [REDACTED]  
 7 Q [REDACTED]  
 8 A [REDACTED]  
 9 Q [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 A [REDACTED]  
 13 Q [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 A [REDACTED]  
 17 MS. LHAMON: We have a protective order about  
 18 those issues.  
 19 BY MR. SIMMONS:  
 20 Q And there's no health booklet like there was  
 21 last year. Do you guys use any type of instructional  
 22 materials this year?  
 23 A No.  
 24 Q Does she ever give you any homework?  
 25 A Yes.

- 1 Q What kind of homework do you get?  
 2 A A report due -- what we're doing for the week,  
 3 due Friday. She'll give you the assignment Monday; it's  
 4 due Friday.  
 5 Q And what's the assignment?  
 6 A For this week? This week we had badminton. So  
 7 I looked at my computer, the size of a badminton court,  
 8 how many people play at one time, and all that.  
 9 Q And what does the end product turn out to be?  
 10 A Two people can play. I mean, like, there could  
 11 be two people on one team at a time.  
 12 Q I mean, do you write this up in an essay to  
 13 her?  
 14 A You could print it up, either one.  
 15 Q So you can bring her a printout from your  
 16 computer of a Web site that you looked at?  
 17 A Yes.  
 18 Q Or you can write the material up in your own  
 19 summary?  
 20 A Yes.  
 21 Q And do you ever get worksheets for homework in  
 22 that class?  
 23 A No.  
 24 Q Do you ever get any other type of homework than  
 25 a description of the activity you'll be doing?

- 1 A No.  
 2 Q And that's a weekly assignment?  
 3 A Yes.  
 4 Q How long does it take you to complete that  
 5 assignment?  
 6 A A day.  
 7 Q A day. Like how much time in that day would  
 8 you need to spend?  
 9 A About 30 minutes.  
 10 Q And what happens if you don't finish your  
 11 homework in that class?  
 12 A You don't get the points. But everybody doing  
 13 homework in our eighth grade class.  
 14 Q Everybody does it?  
 15 A You have to have a certain amount of points to  
 16 graduate on stage, so everybody doing it.  
 17 Q There's some motivation this year.  
 18 A Yes.  
 19 Q And do you take tests in the class?  
 20 A No.  
 21 Q No physical tests like you did?  
 22 A Yes, that's it. Not no written-up tests, only  
 23 the physical test.  
 24 Q And the physical tests consists of how many  
 25 pushups you do?

- 1 A Sit-ups.  
 2 Q Sit-ups?  
 3 A Mile.  
 4 Q Mile. Do you remember your time for the mile  
 5 this year?  
 6 A (No audible response.)  
 7 Q You want to forget that run anyway?  
 8 A It's a long one.  
 9 Q That is a long one.  
 10 And this year, have you ever seen a mouse in  
 11 the gym?  
 12 A No.  
 13 Q At any time in your PE class?  
 14 A No.  
 15 Q Have you ever seen a rat at any time in your PE  
 16 class?  
 17 A No.  
 18 Q Have you ever seen any cockroaches at any time  
 19 in your PE class?  
 20 A No.  
 21 Q And the gym, they cleaned the gym up this year?  
 22 A Yes.  
 23 Q And there's no longer graffiti?  
 24 A No.  
 25 Q And there's no longer trash on the floor?

- 1 A No.  
 2 Q And do you know -- do you know why they cleaned  
 3 the gym up this year?  
 4 A No. I think due to the lawsuit last year.  
 5 They put in new tiles in the ceiling, polished the gym  
 6 floor. It's clean now.  
 7 Q And what grade did you receive for your PE  
 8 class?  
 9 A [REDACTED]  
 10 Q And what do you think you could have done  
 11 better in that class?  
 12 A Dressed more often.  
 13 Q When you dress, do you have to -- you have to  
 14 remember to bring some clothes from home?  
 15 A Gym uniform.  
 16 Q A gym uniform. And when you don't dress, is  
 17 that why? Did you forget your clothes at home that day?  
 18 A No. When I got there, the locker room was  
 19 already closed, and you can't go -- I didn't want to go  
 20 in the bathroom and change, so I just wore my regular  
 21 clothes.  
 22 Q And what's the -- I guess, how does the teacher  
 23 respond to that, when someone doesn't dress down?  
 24 A She responds pretty well, if you tell her why.  
 25 I just told her why.

- 1 BY MR. SIMMONS:  
 2 Q Back from lunch, and I'll just remind you that  
 3 you're still under oath. You understand that?  
 4 A Yes.  
 5 Q And you didn't take any medication or anything  
 6 like that over lunch that would impair your ability to  
 7 testify here, did you?  
 8 A No.  
 9 Q Okay. So I think we left off with science  
 10 class from this year.  
 11 A Yes.  
 12 Q All right. What room are you in for science?  
 13 A 318.  
 14 Q And who is the teacher of that class?  
 15 A Mr. [REDACTED]  
 16 Q And Mr. [REDACTED] is your -- you testified earlier  
 17 that Mr. [REDACTED] is your favorite teacher this year; is  
 18 that right?  
 19 A Yes.  
 20 Q And he is responsible for which other class,  
 21 again?  
 22 A Unified arts.  
 23 Q Unified arts.  
 24 And how does his teaching in science compare  
 25 with his teaching in unified arts?

- 1 Q If you have a fair excuse, she's a fair person?  
 2 A Yes.  
 3 Q And how does -- how does your grade work in PE?  
 4 You got a B; what do they base that grade on?  
 5 A Your participation, dressing, and that's it,  
 6 basically.  
 7 Q Did --  
 8 A And the homework.  
 9 Q And does the way you perform on your mile run  
 10 affect it?  
 11 A No.  
 12 Q Okay. And can you think of anything that  
 13 Ms. [REDACTED] might have done to make the PE class better?  
 14 A No.  
 15 Q We're going to move on to science. So I'm  
 16 going to ask you again if you want lunch or anything  
 17 like that.  
 18 A No.  
 19 Q You're a champ.  
 20 MS. LHAMON: The court reporter is hungry,  
 21 though.  
 22 MR. SIMMONS: You ready?  
 23 MS. LHAMON: It's okay if we take a break now?  
 24 THE WITNESS: Uh-huh.  
 25 (Lunch recess.)

- 1 A Unified arts, he just helps us with our  
 2 homework in other classes, and we read. And science is  
 3 different, because we get worksheets, we read, and we do  
 4 work out of the book. A lot of stuff in there.  
 5 Dissecting.  
 6 Q Do you think -- is he a more effective teacher  
 7 in science or in unified arts?  
 8 A Science.  
 9 Q And what scale do you give him -- what do you  
 10 give him on the scale for science?  
 11 A A 9.  
 12 Q A 9. All right.  
 13 And how many times have you missed science  
 14 class this year?  
 15 A I don't know.  
 16 Q Do you think you missed it ever?  
 17 A Yes.  
 18 Q Okay. And were you late to science class at  
 19 all this year?  
 20 A Yes.  
 21 Q How many times?  
 22 A I don't know.  
 23 Q Do you remember the circumstances why you were  
 24 late?  
 25 A (No audible response.)

- 1 Q What were they?  
 2 A Getting dressed in the locker room.  
 3 Q So this subject follows PE?  
 4 A Yes.  
 5 Q And were there any other reasons that you were  
 6 late other than taking time to get dressed?  
 7 A No.  
 8 Q Why did it take you a little bit longer to get  
 9 dressed that day?  
 10 A Taking my time.  
 11 Q Why were you taking your time?  
 12 A I was playing in the locker room.  
 13 Q What were you playing?  
 14 A Tag, basically.  
 15 Q Who were you playing with?  
 16 A Some kids, some guys.  
 17 Q What -- are they your friends?  
 18 A Yes.  
 19 Q What are their names?  
 20 A [REDACTED]  
 21 Q So there were four friends?  
 22 A Yes.  
 23 MS. LHAMON: Vague as to time.  
 24 BY MR. SIMMONS:  
 25 Q And you were -- how long did you play this game

- 1 A No, it's like by the door.  
 2 Q By the door. There's a shelf there along the  
 3 wall?  
 4 A Yes.  
 5 Q And do you ever have to share a copy of that  
 6 book with anyone?  
 7 A No.  
 8 Q Do any other students have to share a copy of  
 9 that textbook?  
 10 A No.  
 11 Q Do you ever take the science book home?  
 12 A No.  
 13 Q Do you know whether you can take the science  
 14 book home?  
 15 A You can't. There's not enough. There's enough  
 16 for every class period, but there's not enough for every  
 17 person to take one home.  
 18 Q Is there -- are there any other science  
 19 textbooks than the one you use for your class? Are  
 20 there other texts available to your teacher?  
 21 A Yes.  
 22 Q What texts are those?  
 23 A The science textbooks. We got different ones.  
 24 Like one about waves, one about ultraviolet waves. It's  
 25 different ones.

- 1 of tag for?  
 2 MS. LHAMON: Vague as to time.  
 3 THE WITNESS: About a couple minutes.  
 4 BY MR. SIMMONS:  
 5 Q And do you remember how late you were to class  
 6 on that occasion?  
 7 A Two minutes late.  
 8 Q What textbook do you use in science class?  
 9 A I don't know the name of it, but we use one.  
 10 Q What color is it?  
 11 A Black.  
 12 Q And do you know how old it is?  
 13 A No.  
 14 Q Do you have your own copy of that book to use  
 15 in class?  
 16 A Yes.  
 17 Q And are you assigned a copy?  
 18 A No.  
 19 Q And how do you select your text for the day?  
 20 A He passes them out.  
 21 Q He passes them out; the teacher does?  
 22 A Yes.  
 23 Q And where are they kept normally?  
 24 A In his -- in the bookshelf.  
 25 Q Is that behind his desk somewhere or --

- 1 Q So they go subject by subject?  
 2 A Yes.  
 3 Q And do you know how many of those texts there  
 4 are?  
 5 A No.  
 6 Q What condition is the science textbook that you  
 7 use in class?  
 8 A Good condition.  
 9 Q When you say "good condition," what is it about  
 10 the text that makes you think it's in good condition?  
 11 A No writing, and no pages ripped out, and they  
 12 all have covers.  
 13 Q Why do you think that the textbooks in your  
 14 science class are in good condition, whereas other texts  
 15 are not?  
 16 MS. LHAMON: Object. It calls for speculation.  
 17 THE WITNESS: I think because he keeps them in  
 18 his eyesight. Other teachers, they just don't care.  
 19 They just let you take them home. Like if you want to  
 20 borrow it, they say "No," some kids just take it and  
 21 write in it during the class period.  
 22 BY MR. SIMMONS:  
 23 Q Is there any procedure by which you can take a  
 24 book home at your school?  
 25 A No.

- 1 Q So if a student took the book from the school,  
2 that would be outside the rules?
- 3 A Yes.
- 4 Q And do you know what condition, basically, all  
5 the science books are in the classroom?
- 6 A Yes. Good condition.
- 7 Q And other than the textbooks, what kind of  
8 instructional materials does your teacher use in science  
9 class?
- 10 A Worksheets, the board. He writes on the board  
11 questions, and we -- our notes, and then we answer the  
12 questions on the board from our notes.
- 13 Q What are you taking your notes based on? Is he  
14 speaking to you verbally and you write down notes?
- 15 A He writes them on the board and we copy them.
- 16 Q And how often does he write on the board?
- 17 A Daily.
- 18 Q And how much does it take for you -- how much  
19 pieces -- pieces of your own paper does it take to get  
20 those notes down?
- 21 A Less than a page.
- 22 Q And what's on the worksheets that you use in  
23 class?
- 24 A Stuff about waves, stuff about the eye,  
25 different subjects.

- 1 Q And how often -- how many times per week do you  
2 use worksheets?
- 3 A About twice.
- 4 Q How often are you assigned homework?
- 5 A Daily.
- 6 Q And what does your homework consist of?
- 7 A Different stuff. Before, it's on the periodic  
8 table, the science periodic table. You could pick one  
9 of the substances and explain where was it found and all  
10 that stuff. You get worksheets, different stuff.
- 11 Q So one thing is to describe an element of the  
12 periodic table?
- 13 A Yes.
- 14 Q And another thing is to do worksheets at home?
- 15 A Yes.
- 16 Q And what do those worksheets entail?
- 17 A Waves, basically.
- 18 Q Waves, you mean like ocean waves?
- 19 A All waves: radio waves, microwaves,  
20 ultraviolet waves, different ones.
- 21 Q And what do the worksheets ask you to do with  
22 respect to the various waves?
- 23 A You read the following paragraph, answer the  
24 questions.
- 25 Q How many questions are there?

- 1 A About ten.
- 2 Q And how long is the paragraph? About how much  
3 of the page does it take up?
- 4 A About a third.
- 5 Q Any other types of homework other than periodic  
6 table reports or worksheets?
- 7 A Current events. Science article.
- 8 Q And how often do you get a current events  
9 assignment?
- 10 A Every Wednesday.
- 11 Q And is it -- do you know that you have that  
12 assignment every Wednesday and it's just due on  
13 Wednesday, or is that the day --
- 14 A It's due Thursday.
- 15 Q It's due Thursday.
- 16 And what kind of -- what kind of article do  
17 you --
- 18 A Science article.
- 19 Q Where do you get the article from?
- 20 A Newspaper or the news.
- 21 Q And is it always that -- you're always able to  
22 find an article on science in the paper?
- 23 A Yes.
- 24 Q What paper do you look in?
- 25 A Chronicle.

- 1 Q And do you get the Chronicle at home?
- 2 A Yes. He has a -- our school gets a lot of  
3 them, and you bring them up to the class, and you can  
4 either do them in class or you do them at home.
- 5 Q So he brings papers in for the class?
- 6 A Yes.
- 7 Q And you say your school gets a lot of them?
- 8 A Yes.
- 9 Q You mean -- does the school have subscriptions?
- 10 A I think so.
- 11 Q And how many papers would you say?
- 12 A About 30, probably.
- 13 Q And those come in every Wednesday?
- 14 A Yes.
- 15 Q And are they all from the same day or --
- 16 A No, they come in every day, but he bring them  
17 up Wednesday for us, for our current events.
- 18 Q So they could relate to -- they could relate to  
19 more than just one day?
- 20 A Yes.
- 21 Q And they usually do?
- 22 A Yes.
- 23 Q And other than the worksheets and the notes on  
24 the board and your text, are there any other types of  
25 instructional materials that the teacher uses?

- 1 A No.  
 2 Q And you -- do you always do your homework on  
 3 time in science class?  
 4 A Yes.  
 5 Q Do you want any more homework in science class?  
 6 A No.  
 7 Q Are you pleased with the types of assignments  
 8 you get in science?  
 9 A Yes.  
 10 Q And how do they rate compared to the other  
 11 assignments you get in other classes?  
 12 A Can you repeat it?  
 13 Q How would you rate the homework assignments you  
 14 get in your science class? How would you compare them  
 15 to the assignments you get in other classes?  
 16 A I like the sciences more, more interesting.  
 17 Q More interesting?  
 18 A (No audible response.)  
 19 Q Do you just like the subject matter?  
 20 A Yes.  
 21 Q What happens if someone doesn't finish their  
 22 homework in science class?  
 23 A You do it during class.  
 24 Q So how does that work? Does he check homework  
 25 at the beginning of the period?

- 1 A He go around collecting it, with his book, with  
 2 everybody's name. If you don't got it, he puts an X by  
 3 your name and he makes you do it.  
 4 Q And how do you complete homework in class while  
 5 he's teaching the rest of the class?  
 6 A Like he explains something, and while we're  
 7 doing that, when you finish, he gives you time to do  
 8 your homework.  
 9 Q And how much time would he give you?  
 10 A About 20 minutes.  
 11 Q Do you ever get homework in science class that  
 12 requires you to use materials not provided to you in  
 13 class, other than the articles that you may do at home?  
 14 A Yes.  
 15 Q What kind of homework do you get?  
 16 A The periodic table, where you got to pick an  
 17 element. I look it up on the Internet, an element.  
 18 Q Do you use the Internet at home?  
 19 A Yes.  
 20 Q And you have tests in your science class?  
 21 A Yes.  
 22 Q How often do you have tests?  
 23 A I don't know how often.  
 24 Q When was the last test you had?  
 25 A It's been awhile. We've been doing the

- 1 standard testing.  
 2 Q Oh, that's right. The standard testing, you  
 3 mean the Stanford 9?  
 4 A Yes. And then this week we were doing our  
 5 science test.  
 6 Q Your science test, it's a standardized test as  
 7 well?  
 8 A Yes.  
 9 Q And is that part of the Stanford 9?  
 10 A No. It's a separate one.  
 11 Q Who administers that test?  
 12 A The State.  
 13 Q Do you know, is there a name of the test  
 14 that's --  
 15 A PASS.  
 16 Q P-A-S-S?  
 17 A Yes. It stands for something, but I don't  
 18 know.  
 19 Q So do you think that -- before the standardized  
 20 test, would you say you have a test maybe once a week?  
 21 A No.  
 22 Q Every other week?  
 23 A Well, yeah.  
 24 Q What do you do to study for your test?  
 25 A Review. Basically our test will be based on

- 1 our notes, and if you took good notes, then you're going  
 2 to do good on the test.  
 3 Q So you go home the night before and look  
 4 through your notes for possibly the previous week and a  
 5 half or so?  
 6 A But he let us do open notebook. You can use  
 7 your notebook, your notes for the test.  
 8 Q And how much time would you study the night  
 9 before for a test the next day?  
 10 A About 45 minutes.  
 11 Q And do you ever get help with your science  
 12 homework?  
 13 A Yes.  
 14 Q Who do you -- who helps you?  
 15 A [REDACTED]  
 16 Q He helps you after school?  
 17 A Yes.  
 18 Q And did you ask him to help you?  
 19 A Yes.  
 20 Q When did you do that?  
 21 A When I need help.  
 22 Q Was that this spring?  
 23 A Yes.  
 24 Q Did you ask --  
 25 A I don't know exactly what time, but it was

- 1 during this year.  
 2 Q During this year?  
 3 A Yes.  
 4 Q Within the -- can you tell whether it was in  
 5 the first semester or the second semester?  
 6 A Second.  
 7 Q And what did you ask for help on?  
 8 A I forgot.  
 9 Q Okay. How did you approach Mr. [REDACTED] Did  
 10 you approach him after school?  
 11 A During the class.  
 12 Q And what did he say to you?  
 13 A He said, "Come after school."  
 14 Q And did you go back after school that day?  
 15 A Yes.  
 16 Q And do you remember how long you worked for?  
 17 A About 30 minutes.  
 18 Q Have you ever received help from him on another  
 19 time?  
 20 A Yes.  
 21 Q How often do you think he helps you after  
 22 school?  
 23 A Not very often. Only when I need help.  
 24 Q So you do remember another time from the  
 25 previous one we discussed?

- 1 A Yes.  
 2 Q And what did you go for help on that time?  
 3 A Algebra.  
 4 Q So the first time was related to science which  
 5 he teaches?  
 6 A Yes.  
 7 Q The second time was related to your algebra  
 8 class?  
 9 A Math.  
 10 Q And how long did you guys work on that  
 11 occasion?  
 12 A About 45 minutes.  
 13 Q And did he seem happy to help you out?  
 14 A Yes.  
 15 Q And do you remember what kind of problem you  
 16 were having?  
 17 A No, not really. I just wouldn't understand it.  
 18 I just didn't understand it.  
 19 Q Do you remember what type of, I guess, math  
 20 task that you were supposed to be understanding but you  
 21 couldn't? Was there a name for it?  
 22 A No.  
 23 Q Quadratic equation or something like that?  
 24 A I don't know.  
 25 Q Have you ever seen a mouse in your science

- 1 class?  
 2 A No.  
 3 Q Have you ever seen a rat in your science class?  
 4 A No.  
 5 Q Have you ever seen any cockroaches in your  
 6 science class?  
 7 A No.  
 8 Q And what's the physical condition of the  
 9 science class like?  
 10 A Very clean.  
 11 Q Are there any things about the science class  
 12 that you'd want to change?  
 13 A No.  
 14 Q We talked about dissecting earlier.  
 15 A Yes.  
 16 Q That's part of your science class?  
 17 A Yes.  
 18 Q And you identified a shark, a bird?  
 19 A Yes.  
 20 Q What were the other -- there were two other  
 21 things, I think, that you identified?  
 22 A Squid and a pig.  
 23 Q And do you remember dissecting anything else?  
 24 A No.  
 25 Q And what order did you do them in?

- 1 A Shark, pig, bird, and last one was squid.  
 2 Q And what was your grade in your science class?  
 3 A A minus.  
 4 Q And do you think that grade was a fair grade?  
 5 A Yes.  
 6 Q And can you think of anything that you could  
 7 have done better?  
 8 A No.  
 9 Q And how about your teacher, anything he could  
 10 have done better?  
 11 A No.  
 12 Q Anything anyone could have done better?  
 13 MS. LHAMON: Vague.  
 14 THE WITNESS: No.  
 15 MR. SIMMONS: I asked for that.  
 16 Q So we'll move on to math now?  
 17 A Yes.  
 18 Q And what room is your math class in?  
 19 A 317.  
 20 Q And who is your teacher?  
 21 A Mr. [REDACTED]  
 22 Q And how would you rate Mr. [REDACTED]  
 23 A 7.  
 24 Q So he's a pretty good teacher?  
 25 A Yes.

- 1 Q And how does he compare to Mr. [REDACTED]  
 2 A Pass him, very much.  
 3 Q He's a lot better?  
 4 A Yes.  
 5 Q What makes him better?  
 6 A The way he teach.  
 7 Q What does he do that's different?  
 8 A He explains, take his time, and he makes sure  
 9 you understand it.  
 10 Q And how is his demeanor in class?  
 11 A What do you mean?  
 12 Q Is he a nice teacher in class?  
 13 A Oh, yes.  
 14 Q And can you give me an example of how he's  
 15 nice?  
 16 A He's very quiet. He just sits at his desk --  
 17 after he explain it, and he pass out the worksheet and  
 18 he puts some problems on the board, the warmup, then he  
 19 just sits at his desk. If you need help, then he'll  
 20 help you. That's it.  
 21 Q And children in the class abide by all the  
 22 rules --  
 23 A Yes.  
 24 Q -- despite that he's quiet?  
 25 A Yes.

- 1 Q And are you assigned a particular text?  
 2 A Yes.  
 3 Q And do you ever have to share the text with  
 4 anyone?  
 5 A No.  
 6 Q Do any students in the class have to share the  
 7 text with anyone?  
 8 A No.  
 9 Q And are you able to take a math textbook home?  
 10 A Yes.  
 11 Q And how often do you take it home?  
 12 A Every day except Friday.  
 13 Q And why don't you take it home on Friday?  
 14 A No homework.  
 15 Q And what condition is the textbook in?  
 16 A They're brand-new.  
 17 Q Were they just purchased this year?  
 18 A I think so.  
 19 Q And do you know whether all the students'  
 20 textbooks are all brand-new?  
 21 A All the eighth grade math textbooks are  
 22 brand-new.  
 23 Q Other than the textbooks, what instructional  
 24 materials does your teacher use in your math class?  
 25 A The board and worksheets.

- 1 Q And why do you think that happens, when he  
 2 doesn't seem to have to do much to make people act good?  
 3 MS. LHAMON: Objection. Calls for speculation.  
 4 THE WITNESS: Because first the class was kind  
 5 of wild when he first came. He started sending people  
 6 out to the office, and then everybody just started being  
 7 quiet.  
 8 BY MR. SIMMONS:  
 9 Q Okay. Have you ever missed your math class?  
 10 A No.  
 11 Q Have you ever been late to your math class?  
 12 A No.  
 13 Q And your math class focuses on algebra this  
 14 year?  
 15 A Yes.  
 16 Q And do you have a textbook in your math class?  
 17 A Yes.  
 18 Q Do you know what it's called?  
 19 A No.  
 20 Q Do you know how old it is?  
 21 A No.  
 22 Q Do you have your own copy of the text?  
 23 A Yes.  
 24 Q And you can use that copy in class?  
 25 A Yes.

- 1 Q And what does he write on the board?  
 2 A Problems. He'll do an example of a problem,  
 3 make sure you get it, and then he'll write some out.  
 4 You turn them in at the end of class.  
 5 Q What kind of problems does he write out?  
 6 A Algebra.  
 7 Q Can you be more specific?  
 8 A Some weird ones.  
 9 Q Why are they weird?  
 10 A A lot of numbers.  
 11 Q And then he gives you worksheets as well?  
 12 A Yes.  
 13 Q And what's on the worksheets?  
 14 A Word problems. Algebra word problems. He  
 15 makes them himself, using, like, names from the other  
 16 classmates.  
 17 Q And how often are you assigned homework?  
 18 A Daily.  
 19 Q And what type of homework are you assigned?  
 20 A Out of the textbook.  
 21 Q And what would be -- can you give an example of  
 22 a type of homework assignment you would get?  
 23 A He give you like a page. He gives everybody a  
 24 page, and he gives you a number of problems, like you do  
 25 1 through 5, 1 through 10. That's it.

- 1 Q And so does he write up on the board --  
 2 A Yeah.  
 3 Q -- "Homework for Wednesday"?  
 4 A Yes.  
 5 Q And he'll say "page 55"?  
 6 A "1 through 10."  
 7 Q Okay. How does it differ that you have a  
 8 textbook in that class to do homework?  
 9 A It's a lot easier.  
 10 Q How so?  
 11 A Because in the textbooks we got, they're new,  
 12 and there ain't no writing in them. Everything in the  
 13 book is clear. And they show examples. You got  
 14 directions how to do the stuff. It's a lot easier.  
 15 Q Do you do any homework on worksheets?  
 16 A No.  
 17 Q What happens in that class if you don't finish  
 18 your homework?  
 19 A You don't get the points.  
 20 Q And how many points is a day's worth of  
 21 homework?  
 22 A Five.  
 23 Q And does your teacher make photocopies of the  
 24 pages that he assigned you for homework?  
 25 A Yes.

- 1 Q And then sends you home with those photocopies?  
 2 A He don't do that.  
 3 Q But just assuming that he did, how would that  
 4 differ from using the book?  
 5 MS. LHAMON: Objection. Calls for speculation.  
 6 THE WITNESS: It wouldn't.  
 7 BY MR. SIMMONS:  
 8 Q And are you ever assigned homework that  
 9 requires you to use outside resources, things other than  
 10 your textbooks?  
 11 A No.  
 12 Q And you have tests in your math class?  
 13 A Yes.  
 14 Q How often do you have tests?  
 15 A Every other Friday.  
 16 Q And how do you study for the test?  
 17 A The day before.  
 18 Q What do you do to study?  
 19 A You give a -- like he won't give us the exact  
 20 problem that's going to be on the test, but he gives us  
 21 some similar, and shows you the form, how to do it, and  
 22 that will be on the test.  
 23 Q So you take notes the day before in class?  
 24 A Yes.  
 25 Q And then do you take those notes home?

- 1 A You write down the formulas and stuff, then you  
 2 come back tomorrow for the test, and you use your notes.  
 3 Q Do you do anything else to study for your test?  
 4 A No.  
 5 Q Do you ever get help with your math homework?  
 6 A Yes.  
 7 Q Have you ever asked your teacher for extra help  
 8 with your math homework?  
 9 A Not Mr. [REDACTED], no.  
 10 Q Just the time with Mr. [REDACTED]  
 11 A Yes.  
 12 Q Do you ever get help at home with your  
 13 homework?  
 14 A No.  
 15 Q Do you get help at the Boys & Girls Club?  
 16 A Yes.  
 17 Q Who helps you there?  
 18 A Mario.  
 19 Q And what kind of help do you get?  
 20 A Don't understand.  
 21 Q How does he help you?  
 22 A He explains it.  
 23 Q You sit down together and --  
 24 A Yes.  
 25 Q And how does it work? Can you describe how it

- 1 happens?  
 2 A Sit down. I ask him how do I do it, and then  
 3 he probably do the first one. And after the first one,  
 4 I'll do the rest of them.  
 5 Q And you normally do your homework at the Boys &  
 6 Girls Club?  
 7 A Yes.  
 8 Q Have you ever seen a mouse in your math class?  
 9 A No.  
 10 Q Have you ever seen a rat in your math class?  
 11 A No.  
 12 Q Have you ever seen a cockroach in your math  
 13 class?  
 14 A No.  
 15 Q Can you describe the physical condition of your  
 16 math class?  
 17 A Clean.  
 18 Q What's on the walls?  
 19 A Wallpaper.  
 20 Q Are there any -- is there anything else?  
 21 A Yeah, like A's that people got on the test or  
 22 something, he'll want you to hang them up on the wall.  
 23 Q Anything else?  
 24 A Formulas of different stuff, different math.  
 25 Q Can you remember what some of the formulas are?

- 1 A Formula of a rectangle, formula of a triangle,  
2 volume, all that stuff.  
3 Q And do you have your own desk in that class?  
4 A Yes.  
5 Q Can you describe the condition of your desk?  
6 A Clean.  
7 Q Anything else about it?  
8 A There's a few carvings, but other than that,  
9 there's no other writing on it.  
10 Q And what grade did you receive in math?  
11 A [REDACTED]  
12 Q And do you think that grade was a fair  
13 reflection?  
14 A Yes.  
15 Q Could you have done anything better?  
16 A No.  
17 Q How about your teacher; what would your teacher  
18 have done to make the class better?  
19 A Nothing. He taught pretty good.  
20 Q Now we're onto fifth period, which is English?  
21 A Yes.  
22 Q Who is your teacher?  
23 A [REDACTED]  
24 Q And what room are you in?  
25 A 309.

- 1 Q How does he compare to Mr. [REDACTED]  
2 A Lower.  
3 Q And how come?  
4 A Because Mr. [REDACTED] is nice.  
5 Q Anything else?  
6 A Mr. [REDACTED] doesn't yell.  
7 Q Anything else?  
8 A No.  
9 Q Have you ever missed your English class?  
10 A Yes.  
11 Q Do you know how many times?  
12 A No.  
13 Q More than once?  
14 A Yes.  
15 Q More than twice?  
16 A I don't know.  
17 Q Have you ever been late to your English class?  
18 A Yes.  
19 Q How many times?  
20 A I don't know.  
21 Q Why were -- do you remember why you were late?  
22 A No.  
23 Q Do you have a textbook in your English class?  
24 A Yes.  
25 Q What color is it?

- 1 Q Can you describe your teacher for me a little  
2 bit?  
3 A Yeah, he's pretty mean.  
4 Q He is?  
5 A Yes.  
6 Q How so?  
7 A He yells a lot.  
8 Q He does? Why does he yell?  
9 A I don't know. We'll be talking.  
10 Q How long does he yell for?  
11 A About 17 seconds.  
12 Q How do you know that?  
13 A Look at the clock.  
14 Q Is that his average?  
15 A Yes.  
16 Q What else can you tell me about your teacher in  
17 there?  
18 A He teaches pretty well. He explains  
19 everything.  
20 Q Anything else?  
21 A No.  
22 Q And how -- where would you rank him?  
23 A About a 7.  
24 Q And how does he compare to your other teachers?  
25 A Mean.

- 1 A Green.  
2 Q Do you remember the title?  
3 A No.  
4 Q What's the cover look like?  
5 A Green with a tree.  
6 Q Anything else?  
7 A Some leaves.  
8 Q How old is the textbook?  
9 A I don't know.  
10 Q Do you have your own copy of the textbook to  
11 use in class?  
12 A Yes.  
13 Q And how does that work? Are you assigned it?  
14 A Yes. You can take it home.  
15 Q Do you ever have to share a copy of the book?  
16 A No.  
17 Q Do any students ever have to share?  
18 A No.  
19 Q And how often do you take your textbook home?  
20 A Monday, Wednesday and Friday.  
21 Q And why do you take it home on those days?  
22 A I don't know. That's just the way you do it,  
23 you bring it Monday, Wednesday and Friday. And those  
24 days you get homework from him, out of the book.  
25 Q And what condition is that textbook in?

- 1 A Pretty new.  
 2 Q Can you describe it a little bit more?  
 3 A It's clean, no writing in it, no pages missing.  
 4 Q Anything else?  
 5 A No. Hardcover.  
 6 Q And do you see the condition of the other  
 7 children's textbooks?  
 8 A Yes.  
 9 Q Do they look the same as yours?  
 10 A Yes.  
 11 Q Other than your textbooks, does your teacher  
 12 use any other kind of instructional materials?  
 13 A Worksheets.  
 14 Q Anything else?  
 15 A Chalkboard.  
 16 Q Anything else?  
 17 A Novels. We read books.  
 18 Q Anything else?  
 19 A No.  
 20 Q And what's on your worksheets?  
 21 A If we learn about punctuation, it's a worksheet  
 22 about punctuation. If it's a paragraph, like about a  
 23 page, you got to do all the corrections and spelling,  
 24 the punctuation, everything. You rewrite it on a  
 25 separate sheet, correctly.

- 1 A Yes.  
 2 Q What are those?  
 3 A I don't know the names. Those are the ones we  
 4 read so far.  
 5 Q And how many copies do you think are there  
 6 of -- was it "Dog Song"?  
 7 A 30, 30 of each.  
 8 Q So enough for everyone in class?  
 9 A Yes, to take it home.  
 10 Q And the same with "Maniac McGee"?  
 11 A Yes.  
 12 Q And the same with "Diary of Anne Frank"?  
 13 A Yeah.  
 14 Q And how often are you assigned homework?  
 15 A Daily.  
 16 Q Can you describe your homework assignments?  
 17 A Monday, Wednesday and Friday is out of the  
 18 book, and Tuesday and Thursday is worksheets.  
 19 Q And when you say "Monday, Wednesday and Friday  
 20 is out of the book," what do you mean by that?  
 21 A It's an assignment out of the book.  
 22 Q What's the assignment like?  
 23 A It's different ones.  
 24 Q Can you tell me what one is like?  
 25 A One is rewriting sentences, one is punctuation,

- 1 Q And how often do you use your worksheets?  
 2 A Tuesday and Thursday.  
 3 Q How often does the teacher use the chalkboard?  
 4 A Daily.  
 5 Q What's he put up there?  
 6 A Vocabulary. He puts up vocabulary every  
 7 Monday, and Tuesday he do the definitions, and then  
 8 Wednesday and Thursday we -- Wednesday we study the  
 9 words, Thursday we study the definitions, and Friday we  
 10 do our test.  
 11 Q Anything else put up on the chalkboard?  
 12 A No -- oh, yeah. The page -- on Monday,  
 13 Wednesday, and Friday, the page we're doing for English.  
 14 Q The homework assignment?  
 15 A Yes.  
 16 Q And do you have access to novels in your  
 17 English class?  
 18 A Yes.  
 19 Q What novels?  
 20 A So far we read "Dog Song," "Maniac McGee.  
 21 Right now we're finishing up the "Diary of Anne Frank."  
 22 Q And do you read in class?  
 23 A Yes. We come in, 15 minutes of reading  
 24 assignments.  
 25 Q Any other novels that you have access to?

- 1 and one is spelling, and one is combining sentences,  
 2 different ones.  
 3 Q How long do those assignments take you?  
 4 A Ten minutes.  
 5 Q On Tuesday and Thursday you get worksheets.  
 6 What are those assignments like?  
 7 A A messed-up paragraph, misspelling,  
 8 mispunctuation, and we just rewrite it with the  
 9 corrections, staple it together.  
 10 Q How long does that homework take you?  
 11 A About 20.  
 12 Q And do you do all your homework when it's  
 13 assigned?  
 14 A Yes.  
 15 Q Have you ever missed a homework assignment?  
 16 A No.  
 17 Q Do you want more homework in that class?  
 18 A No.  
 19 Q And what happens in the English class if you  
 20 don't finish your homework?  
 21 MS. LHAMON: Objection. Lacks foundation.  
 22 THE WITNESS: I don't know. It's a small  
 23 class. There's only about 20 people in the class.  
 24 BY MR. SIMMONS:  
 25 Q Have you ever seen anybody not finish their

- 1 homework?  
 2 A No.  
 3 Q How does he check homework?  
 4 A Come around. Either he comes around and  
 5 collects it, or he calls your name, and wants to see it,  
 6 call you up to his desk, he wants to see it. X you off  
 7 if you got it.  
 8 Q And do you do any book reports in your English  
 9 class?  
 10 A Yes.  
 11 Q What are the requirements of the book reports?  
 12 A You can do like -- you could pick a character,  
 13 using a character chart, a wanted poster, a diagram.  
 14 You can get more people in your group and do a play on a  
 15 certain part of the book, different ones.  
 16 Q And how many book reports have you done this  
 17 year?  
 18 A Six.  
 19 Q What books did you do them on?  
 20 A "Dog Song," "Maniac McGee," and "Diary of Anne  
 21 Frank."  
 22 Q And did you do two per each?  
 23 A Yeah, except for "Diary of Anne Frank," we got  
 24 to do three, because this book is longer.  
 25 Q And what report have you already done for the

- 1 A He gives you a sentence, a long sentence. You  
 2 got to put the proper punctuation.  
 3 Q And where does -- does he pass out a paper or  
 4 does he write the sentence on the board?  
 5 A Write it on the board.  
 6 Q And how do you study for your test?  
 7 A Basically do the book. The test is going to be  
 8 on what you did through the book for the week.  
 9 Q So if you have -- the vocabulary, though, is  
 10 words that he puts up on the board at the beginning of  
 11 the week?  
 12 A Yes.  
 13 Q So you find the definitions out for those  
 14 words?  
 15 A Yeah, and the pronunciation.  
 16 Q And so how -- and then what will you do to  
 17 study, to prepare for the test?  
 18 A The spelling test?  
 19 Q Yeah.  
 20 A He review it the day before.  
 21 Q And on the spelling test, do you have to give  
 22 both the spelling and the meaning; correct?  
 23 A No, you do the spelling. He call out the  
 24 spelling, like call out the word, you spell it. Then he  
 25 had this other paper -- he come around and collect it,

- 1 "Diary of Anne Frank"?  
 2 A I did the Holocaust, and I did one about her.  
 3 Q And what was in those reports?  
 4 A Holocaust. It's what the Holocaust meant, and  
 5 what went on during the Holocaust.  
 6 And then on her, the one I did about her, it  
 7 was how she died, where she died, how long she was in  
 8 hiding, when she went in hiding, and stuff like that.  
 9 Q And do you have tests in your English class?  
 10 A Yes.  
 11 Q What kind of tests?  
 12 A Science tests -- I mean, not science test, but  
 13 punctuation tests and spelling tests on the vocab, every  
 14 Friday.  
 15 Q How long do the tests take?  
 16 A Ten minutes.  
 17 Q And what's the procedure for the testing?  
 18 A Everything off your desk, under your desk. Pen  
 19 or pencil, he pass it out, unless it's the -- spelling  
 20 test, he do it different. He do like one part, he call  
 21 out the spelling, and do the spelling, and then he come  
 22 around and collect it, and then he pass out the other  
 23 paper with the spelling and the definition, and you got  
 24 to match them together.  
 25 Q How about for the punctuation?

- 1 the spelling test, then he passes out the other paper  
 2 with the spelling and the definition. And then he  
 3 always put an extra definition so -- try to trick you.  
 4 Q And how do you prepare for the punctuation  
 5 test?  
 6 A Do the book. Like what we've been doing  
 7 through the book is what's going to be on the test. And  
 8 it be pretty easy, simple.  
 9 Q Go through it with me. You would study on  
 10 Thursday for the punctuation test?  
 11 A Nu-huh. You really don't study for the  
 12 punctuation test. It's basically on what you know and  
 13 what you did through the book.  
 14 Q It's based on previous homework?  
 15 A Yes.  
 16 Q And previous stuff that you learned in class?  
 17 A Yes.  
 18 Q And so you know it or you don't. You don't  
 19 need to review it?  
 20 A Yes.  
 21 Q And where do you normally do your homework for  
 22 your English class?  
 23 A At home or at the Boys & Girls Club.  
 24 Q And do you ever seek out help with your English  
 25 homework?

- 1 A No.  
 2 Q Have you ever seen a mouse in your English  
 3 class?  
 4 A No.  
 5 Q Have you ever seen a rat in your English class?  
 6 A No.  
 7 Q Have you ever seen any cockroaches in your  
 8 English class?  
 9 A No.  
 10 Q And can you describe your English classroom for  
 11 me?  
 12 A Clean, wallpaper, maps, and previous tests we  
 13 did, and other classes have did, hanging up.  
 14 Q What maps are in there?  
 15 A Maps that we make of the United States.  
 16 Q And what are the -- where do you sit in the  
 17 classroom?  
 18 A In the back -- not in the back. Like -- our  
 19 class is like one side, the other side. I sit in the  
 20 corner, on the right-hand side.  
 21 Q And you have your own desk?  
 22 A Yes.  
 23 Q And what's the desk like in there?  
 24 A Clean.  
 25 Q What grade did you receive for English?

- 1 A He help -- like if you miss his stuff on  
 2 Friday, he'll call you up and say, well, you're missing  
 3 this, this, and that. He'll give it to you, and tell  
 4 you to turn it in on Monday to get the full points.  
 5 Q Have you ever had to do that?  
 6 A No.  
 7 Q And how would he compare with a teacher like  
 8 Mr. [REDACTED]  
 9 A A little lower.  
 10 Q What's he a little weaker at?  
 11 A Jokes, being funny.  
 12 Q And have you ever missed your social studies  
 13 class?  
 14 A Yeah.  
 15 Q And how many times?  
 16 A I don't know.  
 17 Q A couple?  
 18 A I don't know.  
 19 Q More than once?  
 20 A Yes.  
 21 Q Do you know why you missed?  
 22 A No.  
 23 Q Have you ever been late to that class?  
 24 A I don't know.  
 25 Q What textbook do you use in social studies?

- 1 A [REDACTED]  
 2 Q Do you think that grade was a fair grade?  
 3 A Yes.  
 4 Q Could you have done anything more in that  
 5 class?  
 6 A No.  
 7 Q What could your teacher have done to make that  
 8 class better?  
 9 A Nothing.  
 10 Q We're on to your last class, social studies?  
 11 A Yep.  
 12 Q What room do you have social studies in?  
 13 A 105.  
 14 Q And who is your teacher?  
 15 A Mr. [REDACTED]  
 16 Q Is he a good teacher?  
 17 A Yes.  
 18 Q Where do you rank him on the scale?  
 19 A About an 8.  
 20 Q And what makes him a good teacher?  
 21 A He's nice. That's about it, basically. He's  
 22 nice and he explain everything.  
 23 Q Does he show concern for the students?  
 24 A Yes.  
 25 Q How does he do that?

- 1 A A history book, a blue one with a flag.  
 2 Q Do you know the title of it?  
 3 A No.  
 4 Q And how old is the textbook?  
 5 A Very old.  
 6 Q How do you know that?  
 7 A Because it looks terrible.  
 8 Q Have you ever looked at the date that it was  
 9 published?  
 10 A No.  
 11 Q Do you have your own copy of the textbook to  
 12 use in class?  
 13 A No.  
 14 Q How do you get a textbook for the day?  
 15 A You have two students passing them out.  
 16 Q And how many textbooks do you think there are?  
 17 A About 30. Can't take them home, though.  
 18 Q How many students are there?  
 19 A 30.  
 20 Q So there's 30 students and about 30 texts?  
 21 A Um-hmm.  
 22 Q But you still have to share?  
 23 A Hm-umm.  
 24 Q No, you don't?  
 25 A You just can't take them home.

- 1 Q And how do you get assigned a book for use  
2 during the day?  
3 A Students come around and pass them out.  
4 Q Do you ever see any other students sharing a  
5 textbook?  
6 A No.  
7 Q Do you know whether you could check your book  
8 out if you wanted to?  
9 A No.  
10 Q And can you describe the condition of the book?  
11 A Very bad. Some of the covers are missing,  
12 pages missing, there's writing all over them.  
13 Q How many books are missing a cover?  
14 A About seven.  
15 Q And how many books have writing in them?  
16 A All of them.  
17 Q Have you used all the books?  
18 A No, but I've passed them out before. They all  
19 have writing in them.  
20 Q How many of the books have torn pages?  
21 A I don't know.  
22 Q Other than the textbooks, what kind of  
23 instructional materials do you use in class?  
24 A Worksheets.  
25 Q And can you describe those for me?

- 1 projector?  
2 A About -- I don't know.  
3 Q Are there specific types of assignments that  
4 he's generally using the projector for?  
5 A Yes.  
6 Q What kind of assignments are those?  
7 A Maps.  
8 Q Maps of?  
9 A The United States, the colonies, the 13  
10 colonies, and different worksheets.  
11 Q So worksheets and maps?  
12 A Yeah.  
13 Q Anything else?  
14 A No.  
15 Q How often are you assigned homework in your  
16 class?  
17 A Daily.  
18 Q And what type of homework do you get?  
19 A Worksheet.  
20 Q Can you describe what you're required to do for  
21 your homework?  
22 A Read and answer the questions.  
23 Q And what do you have to read?  
24 A A paragraph above.  
25 Q What's that paragraph? What kind of subject

- 1 A It depends on what we're learning. Like right  
2 now we're learning about heroes, Frederick Douglass and  
3 all them. We did a worksheet about him, we read about  
4 him, when he was born and all that, and you answer the  
5 questions.  
6 Q And how often do you use worksheets?  
7 A About three times a week.  
8 Q And are there any other instructional materials  
9 you use?  
10 A Yeah, he writes notes on the chalkboard. That  
11 would be -- and then the notes that are on the  
12 chalkboard will be on the test, the next Friday, the  
13 following Friday.  
14 Q And you copy down the notes?  
15 A Yes.  
16 Q So other than writing on the chalkboard and the  
17 worksheets and then the texts, are there any other  
18 instructional materials that you use in class?  
19 A Yes. Overhead projector.  
20 Q And how is that used?  
21 A He pull down this little screen thing, and he  
22 turn it on, with his little paper or whatever, for  
23 whatever we're about to do, and he help you up there, he  
24 write what -- he just help you with the work.  
25 Q How often does -- do you use the overhead

- 1 does that paragraph normally talk about?  
2 A The different ones.  
3 Q Can you give me some examples?  
4 A One -- I just gave you one, of Frederick  
5 Douglass; one about the earth, like volcano eruptions  
6 and all that, like that. I just did a report, history  
7 report. You have to use a outside source.  
8 Q Tell me a little bit about that.  
9 A You have to do a report -- he gave you a list  
10 of about 30 people, about 40 people, something like  
11 that, and you could pick one, do a report on them, you  
12 can look it up on the Internet, and then write -- write  
13 about him, see if you can print a picture of him or  
14 something. And on a separate sheet, you got to write  
15 where you got all your information from, what Web site.  
16 Q What Web site did you use?  
17 A I forgot.  
18 Q Any other types of homework that you get  
19 assigned?  
20 A No.  
21 Q And you always do your homework when you get  
22 it?  
23 A Yes.  
24 Q Have you ever missed it?  
25 A No.

- 1 Q Do you want more homework?  
 2 A No.  
 3 Q And do you know what happens if you didn't  
 4 finish your homework?  
 5 A No.  
 6 Q And so the report that you did required you to  
 7 use materials outside of that which you find in class.  
 8 Did you have any other projects like that?  
 9 A No.  
 10 Q And you have tests in this class?  
 11 A Yes.  
 12 Q How often do you have them?  
 13 A Every other Friday.  
 14 Q Can you describe the test?  
 15 A Based on the notes you took. He writes notes  
 16 Monday, Tuesday, Wednesday, Thursday.  
 17 Q And what's the form of the test that he gives  
 18 you?  
 19 A It's a written test. The questions are the  
 20 notes you wrote.  
 21 Q Does he send it out to you, though, on a form,  
 22 or does he write it up on the board?  
 23 A Form.  
 24 Q And it's based on the notes. Do you study your  
 25 notes the night before?

- 1 A No, open book. Open notebook.  
 2 Q And does anybody help you with your work in  
 3 social studies?  
 4 A No.  
 5 Q Have you ever asked anybody to help you?  
 6 A No.  
 7 Q Have you ever seen a mouse in your social  
 8 studies class?  
 9 A No.  
 10 Q Have you ever seen a rat in your social studies  
 11 class?  
 12 A No.  
 13 Q Have you ever seen any cockroaches in your  
 14 social studies class?  
 15 A No.  
 16 Q Can you describe the condition of the  
 17 classroom?  
 18 A It's clean.  
 19 Q What's on the walls?  
 20 A Wallpaper.  
 21 Q Anything else?  
 22 A No.  
 23 Q What's at the front of the room?  
 24 A A chalkboard and his desk.  
 25 Q Anything else?

- 1 A His papers.  
 2 Q What grade did you receive in this subject?  
 3 A [REDACTED]  
 4 Q Do you think that grade was a fair one?  
 5 A Yes.  
 6 Q And what could you have done to have made your  
 7 educational experience in that class a little better?  
 8 A Nothing.  
 9 Q How about your teacher?  
 10 A Nothing.  
 11 Q We've been through the subjects. Do you  
 12 want -- we've been going for an hour.  
 13 MS. LHAMON: You want to take a break, Silas?  
 14 THE WITNESS: No.  
 15 MR. SIMMONS: You're good, okay.  
 16 Q Now, you said that you were taking your  
 17 schoolwide tests?  
 18 A Huh?  
 19 Q You say that you just got done taking a bunch  
 20 of schoolwide tests?  
 21 A Yes.  
 22 Q And what tests were those?  
 23 A Standard (sic) 9.  
 24 Q And how many days do you have to take that  
 25 test?

- 1 A I don't know.  
 2 Q Do you know -- did you take those tests last  
 3 year?  
 4 A Yes.  
 5 Q Do you know how you did on them?  
 6 A No.  
 7 Q Do you know whether you ever got a report on  
 8 how you did on them?  
 9 A No.  
 10 Q You don't know, or that you didn't get a  
 11 report?  
 12 A Didn't, did not get a report on it.  
 13 Q Now, do the teachers at your school complain  
 14 about the textbooks?  
 15 A No.  
 16 Q Do other students?  
 17 A Yes.  
 18 Q What do they say?  
 19 A I don't know, really. They just don't like  
 20 them.  
 21 Q Which classes don't they like them for?  
 22 A History.  
 23 Q And which books don't they like?  
 24 A The history book.  
 25 Q And what do they say about them?

- 1 A They're messed up. They just don't like them.  
 2 I don't know, really.  
 3 Q Have you heard any other types of complaints  
 4 about the books?  
 5 A No.  
 6 Q Do you guys get lockers?  
 7 A Yes.  
 8 Q Do you have your own personal locker?  
 9 A Yes.  
 10 Q How does that work? How are they assigned?  
 11 A Assigned by your homeroom.  
 12 Q Do you have -- do you have to bring your own  
 13 lock for that?  
 14 A Yes.  
 15 Q In which classes do you have your own texts  
 16 assigned to you?  
 17 A What, to take home?  
 18 Q (No audible response.)  
 19 A Math and English.  
 20 Q And how about, do you know of other classes  
 21 where students have a book assigned to them like in the  
 22 math and English courses?  
 23 A I don't know.  
 24 Q And who is responsible for taking care of your  
 25 math and English books?

- 1 A Yourself.  
 2 Q Does the school tell you how to take care of  
 3 them?  
 4 A No.  
 5 Q Are there any rules about how you're supposed  
 6 to take care of the books?  
 7 A No.  
 8 Q So you're not supposed to tear the covers off;  
 9 that's not a rule?  
 10 A It's not a rule, but -- no, it's not a rule.  
 11 Q Do any teachers impose class rules?  
 12 A Yes.  
 13 Q Which teachers?  
 14 A All of them.  
 15 Q Do any -- I'm sorry, do any teachers impose  
 16 rules about their -- about the books?  
 17 A Mr. [REDACTED]  
 18 Q And what are his rules?  
 19 A "Don't write in them."  
 20 Q Anything else?  
 21 A "If you mess them up, you're going to pay for  
 22 them."  
 23 Q Anything else?  
 24 A That's it.  
 25 Q Do you put a book cover on your books?

- 1 A Yes.  
 2 Q Why did you do that?  
 3 A So I can write on it. Like on mine, like I did  
 4 use like a paper bag, and I designed it, and then I put  
 5 it on.  
 6 Q Did someone ask you to put the cover on?  
 7 A No.  
 8 Q Do other students put covers on their books?  
 9 A Yes.  
 10 Q Do you know which books they put the covers on?  
 11 A No.  
 12 Q And you have covers on both your math and  
 13 English?  
 14 A Yes.  
 15 Q Do you ever see students abusing the textbooks?  
 16 A No.  
 17 Q Have you ever seen anyone throw a textbook?  
 18 A Yes.  
 19 Q Tell me about that.  
 20 A He threw it.  
 21 Q Who threw it?  
 22 A I don't know who threw it. I just seen a  
 23 book -- I don't know his name, but I just seen him throw  
 24 it.  
 25 Q Where was this?

- 1 A In history.  
 2 Q Do you know why he threw it?  
 3 A He was upset, I guess.  
 4 Q When was this?  
 5 A Last Friday.  
 6 Q Have you seen anybody else throw a book?  
 7 A No.  
 8 Q Have you seen anybody step on a book?  
 9 A No.  
 10 Q Kick it?  
 11 A No.  
 12 Q Tear the pages?  
 13 A No.  
 14 Q Have you seen anybody write in it?  
 15 A Yes.  
 16 Q When was the last time you saw somebody write  
 17 in the book?  
 18 A I don't know.  
 19 Q Do you know how many times you've seen somebody  
 20 write in a book?  
 21 A No.  
 22 Q Can you identify anyone who's written in a  
 23 book?  
 24 A Yes.  
 25 Q Who?

- 1 A I don't know their -- I can identify them by  
2 face, but I don't know their name.
- 3 Q Do you know what they wrote?  
4 A No.
- 5 Q And how will the return of your math and  
6 English textbooks work?  
7 MS. LHAMON: Lacks foundation.
- 8 THE WITNESS: A certain -- like you get a  
9 certain day; he'll give you a certain day to bring it  
10 back. You bring it back. And he got a list of your  
11 book number. Like when you take it -- when you first  
12 get it, they write your name and your book number, and  
13 if you don't got the book number that he gave you, then  
14 you got to pay for your book or you don't graduate.  
15 BY MR. SIMMONS:
- 16 Q And who told you the rules?  
17 A Mr. Michaelson.
- 18 Q Anybody else?  
19 A No.
- 20 Q Does anybody get to keep their book over the  
21 summer?  
22 A No.
- 23 Q And did you have to return any books last year?  
24 A Yes.
- 25 Q Which books?

- 1 A No, I didn't. Didn't have none.
- 2 Q And other than requiring someone to pay for  
3 their book, do you know of any types of penalties that  
4 could be imposed on someone who didn't return the book?  
5 A It could result in not graduating on stage, if  
6 you're in the eighth grade.
- 7 Q What does that mean, "not graduating on stage"?  
8 A You don't cross the stage. You get your  
9 diploma mailed to you instead of wearing a cap and gown  
10 on stage.
- 11 Q Okay. Can you describe how your education has  
12 been affected by the lack of textbooks to bring home?  
13 A Could you repeat it.
- 14 Q Can you describe how your education has been  
15 affected by not bringing -- being able to bring home  
16 textbooks in certain classes?  
17 A This year it really hasn't been affected. But  
18 last year was. Last year, we was behind a lot. This  
19 year, that was kind of more our task.
- 20 Q How did you know you were behind last year?  
21 A Our teacher said it.
- 22 Q Which teacher?  
23 A [REDACTED].
- 24 Q Anybody else?  
25 A [REDACTED].

- 1 Q Anybody else?  
2 A No.
- 3 Q But it hasn't affected your education this  
4 year?  
5 A No.
- 6 Q What do you think should be -- what do you  
7 think should be done with respect to textbooks to  
8 improve your educational experience?  
9 A Say it again.
- 10 Q What do you think should be done with respect  
11 to textbooks that would help improve your educational  
12 experience?  
13 A I don't get it.
- 14 Q Is there anything that you would like the  
15 school to do with respect to textbooks?  
16 A Yeah, get some more.
- 17 Q In what classes?  
18 A Science, and -- just science and history.
- 19 Q Any other classes?  
20 A No.
- 21 Q I'm just going to ask you about some terms,  
22 just to see if you have ever heard of them or know what  
23 they mean, and they relate to teachers. Do you know  
24 what a full nonemergency teaching credential is?  
25 A No.

- 1 Q Have you ever heard the term?  
2 A No.
- 3 Q Do you know what a multiple-subject credential  
4 is?  
5 A No.
- 6 Q Have you ever heard the term?  
7 A No.
- 8 Q How about a single-subject credential?  
9 A No.
- 10 Q Never heard of that?  
11 A I heard of it.
- 12 Q Where did you hear of it?  
13 A A teacher talking.
- 14 Q When was that?  
15 A Last year.
- 16 Q Do you remember what teacher?  
17 A [REDACTED].
- 18 Q Do you remember what she said about it?  
19 A No.
- 20 Q Who was she talking to?  
21 A Someone on the phone.
- 22 Q In the classroom?  
23 A Yeah.
- 24 Q Do you remember anything else about the  
25 conversation?

1 A No.  
 2 Q Have you ever heard of a university internship  
 3 credential?  
 4 A No.  
 5 Q How about a district internship credential?  
 6 A No.  
 7 Q Do you know what an emergency permit is?  
 8 A No.  
 9 Q How about a credential waiver?  
 10 A No.  
 11 Q Do you know whether any of your teachers  
 12 possess any of those types of credentials that we just  
 13 discussed?  
 14 A No.  
 15 Q Do you know the percentage of teachers at your  
 16 school that have full nonemergency teaching credentials?  
 17 A No.  
 18 Q What do you think -- how do you think the  
 19 teachers at your school could be improved?  
 20 A Slow down the teaching, explain a little more.  
 21 That's all there is, basically.  
 22 Q Have any of -- we know that [REDACTED] left  
 23 your school; right?  
 24 A (No audible response.)  
 25 Q Have any of your other teachers left?

1 A I don't know. She was a seventh grade teacher.  
 2 Q Oh, she wasn't one of your teachers?  
 3 A No.  
 4 Q So [REDACTED]?  
 5 A Yes.  
 6 Q And [REDACTED]?  
 7 A Oh, [REDACTED] and [REDACTED], [REDACTED] --  
 8 MS. LHAMON: Do you know how to spell that?  
 9 THE WITNESS: [REDACTED]  
 10 [REDACTED]  
 11 MS. LHAMON: Do you want to spell that one?  
 12 THE WITNESS: [REDACTED]  
 13 [REDACTED]  
 14 BY MR. SIMMONS:  
 15 Q Anybody else?  
 16 A [REDACTED]  
 17 MS. LHAMON: Do you know how to spell that?  
 18 THE WITNESS: [REDACTED]  
 19 Ms. Marshall. That's it.  
 20 BY MR. SIMMONS:  
 21 Q So it was [REDACTED]  
 22 A Yes.  
 23 Q [REDACTED]  
 24 A Yes.  
 25 Q [REDACTED]

1 A Yes.  
 2 Q Who would those be?  
 3 A [REDACTED]  
 4 Q Could you spell that?  
 5 A [REDACTED]  
 6 Q What subject did he teach?  
 7 A Math.  
 8 Q And what year was he your teacher?  
 9 A This year.  
 10 Q When did he leave?  
 11 A I don't know.  
 12 Q Did he leave in the first semester?  
 13 A I don't know.  
 14 Q Do you know why he left?  
 15 A No.  
 16 Q Do you have any other teachers that have left  
 17 your school?  
 18 A Yes. [REDACTED]  
 19 Q How do you spell that?  
 20 A Just like that.  
 21 Q [REDACTED]  
 22 A Yeah.  
 23 Q Any other teachers?  
 24 A No.  
 25 Q And what did [REDACTED] teach?

1 A Yes.  
 2 Q [REDACTED]  
 3 A Yes.  
 4 Q [REDACTED]  
 5 A Yes.  
 6 Q [REDACTED]  
 7 A Yes.  
 8 Q [REDACTED]  
 9 A Yes.  
 10 Q And [REDACTED]  
 11 A [REDACTED]  
 12 Q And [REDACTED]  
 13 Do you know how long [REDACTED] was at your  
 14 school?  
 15 A No, this was his first year.  
 16 Q He started at the beginning of the year?  
 17 A Yes.  
 18 Q And then he left at some point during the year?  
 19 A Yes.  
 20 Q And that's the 2000-2001 school year?  
 21 A Yes.  
 22 Q And how about [REDACTED] do you know how long she  
 23 was at the school for?  
 24 A This year.  
 25 Q And do you know when she left?

- 1 A No.  
 2 Q Sometime during this school year, though?  
 3 A Yes.  
 4 Q And how about [REDACTED]?  
 5 A Last year.  
 6 Q Do you know her first name?  
 7 A No.  
 8 Q Do you know how old she was?  
 9 A Kind of old.  
 10 Q Do you know how long she had been at this  
 11 school for?  
 12 A No.  
 13 Q What subject did she teach?  
 14 A Computers.  
 15 Q And do you know why she left?  
 16 A No.  
 17 Q And when did [REDACTED] start?  
 18 A Years ago.  
 19 Q Do you have an estimate of how many years?  
 20 A About five.  
 21 Q What did [REDACTED] teach?  
 22 A Eighth grade math.  
 23 Q Do you know how old she was?  
 24 A No.  
 25 Q Was she -- can you guess whether she was in her

- 1 that school year, she left.  
 2 Q And how about [REDACTED]  
 3 A The same.  
 4 Q So she started at the beginning of -- she  
 5 started in the fall of '99?  
 6 A Yeah.  
 7 Q And she stayed for one school year?  
 8 A Yes.  
 9 Q Do you know whether she was a respected  
 10 teacher?  
 11 MS. LHAMON: Objection. Calls for speculation.  
 12 THE WITNESS: Yes.  
 13 BY MR. SIMMONS:  
 14 Q Do you know, or she was a respected teacher?  
 15 A She was respected by the students, I don't know  
 16 about the staff.  
 17 Q And why was she respected?  
 18 A By the students?  
 19 MS. LHAMON: Calls for speculation.  
 20 THE WITNESS: By the students?  
 21 BY MR. SIMMONS:  
 22 Q (No audible response.)  
 23 A She was nice. She showed respect; the people  
 24 showed her respect.  
 25 Q Anything else?

- 1 thirties?  
 2 A I don't know.  
 3 Q Did she seem about as old as your mom?  
 4 A I don't know.  
 5 Q Can't tell whether she was younger or --  
 6 A No, can't tell.  
 7 Q And she left last year?  
 8 A Yes.  
 9 Q And how long had she been at the school?  
 10 MS. LHAMON: Asked and answered.  
 11 THE WITNESS: Huh?  
 12 MS. LHAMON: I said it was asked and answered.  
 13 It was an objection. You can go ahead and answer.  
 14 THE WITNESS: About five years, [REDACTED]  
 15 BY MR. SIMMONS:  
 16 Q When did [REDACTED] arrive at Burbank?  
 17 A Last year.  
 18 Q 1999-2000?  
 19 A Yes.  
 20 Q What did she teach?  
 21 A History.  
 22 Q She wasn't one of your teachers, though?  
 23 A No.  
 24 Q And when did she leave?  
 25 A This year, the end of that year; the end of

- 1 A No.  
 2 Q How about [REDACTED]  
 3 MS. LHAMON: There's no question pending.  
 4 BY MR. SIMMONS:  
 5 Q When did he start at Burbank?  
 6 A Last year.  
 7 Q And when did he leave?  
 8 A In the middle, like right before the end of  
 9 school year.  
 10 Q So who replaced [REDACTED]  
 11 A Some lady, then she quit. She didn't replace  
 12 him, she just subbed. [REDACTED] subbed and kept the  
 13 job, I guess.  
 14 Q And do you know who replaced [REDACTED]?  
 15 A No.  
 16 Q How about [REDACTED]  
 17 A No.  
 18 Q [REDACTED]  
 19 A [REDACTED]  
 20 Q When did [REDACTED] come to the school?  
 21 A When [REDACTED] left; this year.  
 22 Q And who replaced [REDACTED]  
 23 A [REDACTED]  
 24 Q And how about [REDACTED]?  
 25 A I don't know.

1 Q When did [REDACTED] come to the school?  
 2 A Last year.  
 3 Q And when did she leave?  
 4 A The end of the year.  
 5 Q And who replaced her?  
 6 A [REDACTED]  
 7 MS. LHAMON: Do you know how to spell that?  
 8 THE WITNESS: [REDACTED]  
 9 BY MR. SIMMONS:  
 10 Q And when did [REDACTED] come to the school?  
 11 A Last year.  
 12 Q And when did he leave?  
 13 A The end of the year.  
 14 Q What did he teach?  
 15 A Math.  
 16 Q And who replaced him?  
 17 A I don't know. Oh, [REDACTED].  
 18 Q Did the fact that any of those teachers left  
 19 your school affect your education?  
 20 MS. LHAMON: Calls for speculation.  
 21 THE WITNESS: Yes.  
 22 BY MR. SIMMONS:  
 23 Q How so?  
 24 A When [REDACTED] left, he left right in the middle  
 25 of the school year, like right at the end he left.

1 Everybody else left when the school year was over.  
 2 Q Do you know why [REDACTED] left halfway through?  
 3 A No.  
 4 MS. LHAMON: Mischaracterizes his testimony.  
 5 BY MR. SIMMONS:  
 6 Q When did you testify that [REDACTED] left?  
 7 A Hmm?  
 8 Q When did [REDACTED] leave?  
 9 A Like toward the end of the school year, last  
 10 year.  
 11 Q And how much time was left in the school year?  
 12 A About a month, two months.  
 13 Q And how did that affect your education?  
 14 A Because we had about five different subs, no  
 15 stable teacher.  
 16 Q And how did having different subs affect your  
 17 education?  
 18 A Because we kept having different ones every  
 19 day, and everybody took advantage of the sub.  
 20 Q So the students wouldn't listen to the  
 21 substitute teachers?  
 22 A No.  
 23 Q Anything else? Is there any other way that  
 24 your education was affected by having the substitute  
 25 teachers?

1 A Yeah, not like -- they didn't know what we were  
 2 learning, they didn't know where we were at during our  
 3 work. Nobody knew.  
 4 Q Did you still get homework when the substitute  
 5 teachers came?  
 6 A No.  
 7 Q Did you have any tests when the substitute  
 8 teachers were there?  
 9 A No.  
 10 Q And how many substitute teachers did you have  
 11 after [REDACTED] left?  
 12 A About four or five.  
 13 Q Heading off to a new section. I'm wondering if  
 14 you want to take a break?  
 15 THE REPORTER: I need to change paper.  
 16 (Recess.)  
 17 (Discussion off the record.)  
 18 MR. SIMMONS: It's 3 o'clock, and we're going  
 19 to cut out for the day. Silas is over there with some  
 20 droopy eyes. He looks a little tired, so we're going to  
 21 try and meet back on Friday, this coming Friday, which  
 22 is --  
 23 MS. LHAMON: The 25th of May.  
 24 MR. SIMMONS: -- the 25th of May, at 9:00 a.m.  
 25 again, and hope we will be able to conclude on that day,

1 but recognize that there may be the possibility of a  
 2 third day, but we'll do our best to conclude within two.  
 3 And then I guess we'd like to stipulate that  
 4 the original will be sent to Ms. Lhamon, and I believe  
 5 you have her card and her address. And then also,  
 6 we'll -- instead of 15 days that we're requesting, we'll  
 7 request 30 days, but just hope that you'll do your best  
 8 to help us out getting that as soon as possible.  
 9 MS. LHAMON: I appreciate that. Thank you.  
 10 THE REPORTER: Are you getting a copy also?  
 11 MS. LHAMON: Yes, I should get an original and  
 12 a copy. Thank you.  
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I, SILAS MOULTRIE, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

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

\_\_\_\_\_  
SILAS MOULTRIE  
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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: \_\_\_\_\_

\_\_\_\_\_  
GINA GLANTZ  
CSR No. 9795