

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

ELIEZER WILLIAMS, et al.,)

Plaintiffs,)

vs.)

No. 312 236)

STATE OF CALIFORNIA, DELAINE)
EASTIN, State Superintendent)
Of Public Instruction, STATE)
DEPARTMENT OF EDUCATION,)
STATE BOARD OF EDUCATION,)

Defendants.)

-----)
STATE OF CALIFORNIA,)

Cross-Complainant,)

vs.)

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

Cross-Defendants.)
-----)

DEPOSITION OF STEVEN V. MUZINICH
San Francisco, California
Monday, June 18, 2001

Reported by:
PATRICIA C. STEPHENS
CSR No. 10058
JOB No. 26294

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

3
4 ELIEZER WILLIAMS, et al.,)
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6 Plaintiffs,)
7 vs.) No. 312 236
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9 STATE OF CALIFORNIA, DELAINE)
10 EASTIN, State Superintendent)
11 Of Public Instruction, STATE)
12 DEPARTMENT OF EDUCATION,)
13 STATE BOARD OF EDUCATION,)
14)
15 Defendants.)

16)
17 STATE OF CALIFORNIA,)
18)
19 Cross-Complainant,)
20)
21 vs.)
22)

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

Deposition of STEVEN V. MUZINICH, taken
on behalf of Defendant/Cross-Complainant
State of California, at 425 Market Street,
33rd Floor, San Francisco, California,
beginning at 9:51 a.m. and ending at 3:00 p.m.,
before PATRICIA C. STEPHENS, Certified
Shorthand Reporter No. 10058.

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* (Exhibit was not provided to the reporter to attach to the transcript.)
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1 San Francisco, California, Monday, June 18, 2001
2 9:51 a.m. - 3:00 p.m.

3
4 STEVEN V. MUZINICH,
5 having been first duly sworn, was examined and testified
6 as follows:

7
8 EXAMINATION

9 BY MR. KREEGER:

10 Q Good morning, Mr. Muzinich.

11 A Good morning.

12 Q Could you state and spell your full name for the
13 record.

14 A First name is Steve, S-t-e-v-e, my middle name
15 is Vincent, V-i-n-c-e-n-t, and the last name is Muzinich,
16 M-u-z-i-n-i-c-h.

17 Q Although we met off the record, my name is
18 Matthew Kreeger. I'm an attorney with Morrison
19 Forrester. I represent the plaintiffs in this case.

20 And you're here for the deposition. Have you
21 ever given a deposition before?

22 A Yes.

23 Q I'm going to just go over the ground rules
24 briefly. I'm going to ask you a series of questions, and
25 you're to answer the questions. It's important that you

1 respond audibly because the court reporter here has
2 difficulty transcribing gestures or grunts.

3 If at any time I ask a question that is unclear,
4 please let me know, and I'll do my best to rephrase it.

5 At the end of the process there will be a
6 transcript prepared of what transpired here today, and
7 you have a chance to look over and ensure that it was
8 accurate.

9 Do you have any questions about what we're doing
10 today?

11 A No.

12 Q If at any point during the day you need a break,
13 please let me know, and we'll stop.

14 Are you ill or under medication or any other
15 reason that you can't give accurate testimony today?

16 A No.

17 Q Okay. Can you briefly describe your educational
18 background beginning with college.

19 A I graduated from U.C. Berkeley, and then I went
20 on to Hayward State to get my master's.

21 Q When did you graduate from U.C. Berkeley?

22 A August 1984.

23 Q What's your undergraduate degree?

24 A Sociology.

25 Q Is it a Master's of Education?

1 A Yes.

2 Q When did you receive your master's?

3 A I don't remember.

4 Q Okay.

5 A I did it at night. 1985, somewhere in there.

6 Q When was your first job working as an educator?

7 A It was September of 1985.

8 Q What was that job?

9 A I was a teacher.

10 Q Where were you a teacher?

11 A West Contra Costa Unified School District.

12 Q What did you teach?

13 A Wood shop and math.

14 Q At what grade level or levels?

15 A High school.

16 Q How long did you hold that job?

17 A Five years.

18 Q What was your next job?

19 A High school teacher, suspension alternative
20 class.

21 Q Was that also at the high school in
22 West Contra Costa?

23 A Yes.

24 Q By the way, which high school were you working
25 at in '85?

1 A Gompers Continuation High School.

2 Q Was that also true in 1990, were you also at
3 Gompers?

4 A No -- yeah, 1985 through 1999. Then I started
5 at Kennedy High School.

6 Q Okay.

7 A As a SAC teacher.

8 Q SAC being?

9 A Suspension alternative class.

10 Q Is that a class for kids with discipline
11 problems?

12 A Yes.

13 Q How long did you teach the suspension
14 alternative class?

15 A One year.

16 Q What did you do after that?

17 A I was a math and science teacher at North Campus
18 Continuation High School.

19 Q Is that also part of the West Contra Costa --

20 A Um-hum, yes.

21 Q Mr. Muzinich, if you could just let me finish
22 the questions before you begin your answer, it will make
23 the record a lot cleaner.

24 The North Campus Continuation High School is
25 part of the West Contra Costa District?

- 1 A Yes.
 2 Q And how long did you teach at that school?
 3 A One year.
 4 Q What about after that?
 5 A I moved to DeAnza High School as a dean.
 6 Q That was roughly 1992?
 7 A Um-hum, yes.
 8 Q Is that -- is DeAnza also part of the
 9 West Contra Costa?
 10 A Yes.
 11 Q What are the job responsibilities of a dean?
 12 A Student activities and discipline.
 13 Q How long did you hold that job?
 14 A Three years.
 15 Q So up to roughly 1995?
 16 A Um-hum, that's correct.
 17 Q What job did you take in 1995?
 18 A Vice principal of Helms Middle School.
 19 Q Did you have a particular area of
 20 responsibility?
 21 A Yes.
 22 Q What was that?
 23 A Master scheduling, testing, student activities,
 24 teacher evaluations.
 25 Q How long were you the vice principal at Helms?

- 1 A Three and a quarter years.
 2 Q So it was during the middle of the school year
 3 that you changed jobs?
 4 A November.
 5 Q Of 1998?
 6 A Yes.
 7 Q That's when you became the principal?
 8 A Yes.
 9 Q And you've held that position ever since?
 10 A Yes.
 11 Q Who was the principal before you took on that
 12 job?
 13 A Linda Lanere.
 14 Q How long had she been principal?
 15 A Approximately five years.
 16 Q At the time that you became principal of Helms
 17 Middle School, how would you describe the state of the
 18 facilities at the school?
 19 MS. SACKS: Objection, vague.
 20 MR. KREEGER: Well, I can rephrase the question.
 21 BY MR. KREEGER:
 22 Q Do you -- at the time that you became principal
 23 at Helms Middle School, were there aspects of the
 24 school's facilities that needed improvements?
 25 A Yes.

- 1 Q And what aspects would you identify?
 2 A Roofing, the glass block, painting, heating,
 3 skylights, roofing tiles, the field.
 4 Q Is that the complete list that you can remember
 5 right now?
 6 A Yes.
 7 Q Again, at the time you took over as principal,
 8 what were the issues surrounding roofing?
 9 A Leaks.
 10 Q Did the roof leak in more than one location at
 11 the school?
 12 A Yes.
 13 Q Approximately how many different locations were
 14 you experiencing leaking?
 15 A Probably about six.
 16 MS. VANCE: Counsel, could I just clarify what
 17 roofs are we talking about here? Are -- is there more
 18 than one roof at Helms?
 19 THE WITNESS: Yes.
 20 BY MR. KREEGER:
 21 Q What do you mean when you say there's more than
 22 one roof?
 23 A Well, there's several buildings on the site.
 24 There's the main building, the gymnasium. There's some
 25 portables.

- 1 Q Were the leaks located in one, just one of those
 2 buildings?
 3 A The leaks were located in the gymnasium, the 400
 4 building, which is a separate building, and in the main
 5 building.
 6 Q Is the 400 building a portable?
 7 A No.
 8 Q What functions are housed in the 400 building?
 9 A Art classes and our suspension alternative
 10 class.
 11 Q So you weren't experiencing leaking in any of
 12 the portables?
 13 A Yes. Two of them.
 14 Q Which two portables experienced leaking?
 15 A 604 and 605.
 16 Q So is this a complete list of the leaking
 17 buildings: The gymnasium, the main building, the 400
 18 building and classroom 604 and 605?
 19 A That I recall.
 20 Q And this is as of the time that you took over as
 21 vice principal?
 22 A Yes.
 23 Q Was there a particular area within the main
 24 building where the leaking occurred, or was it
 25 throughout?

1 A It was the office area, upstairs and a couple of
2 the hallways and a few classrooms.
3 Q When you refer to upstairs, what sort of
4 functions were housed upstairs?
5 A Regular classrooms.
6 Q So when you said there were leaks upstairs, you
7 mean there were leaks in classrooms?
8 A In the hallways and in classrooms.
9 Q At the time that you came in as principal in
10 1998, was there a plan in place to address the issue of
11 leaking, roof leaking?
12 A No.
13 Q Did you take any actions since you became
14 principal to try to address the problem of leaking roofs?
15 A Well, we have to refer that to the district's
16 maintenance and operations department, so that's
17 basically what I've done.
18 Q You informed the district of the problem?
19 A Um-hum.
20 Q Has any corrective action taken place since
21 you've become principal?
22 A Yes.
23 Q What's happened?
24 A Umm, there's a new roof and skylights on the
25 gymnasium, and on the 400 building.

1 MR. KREEGER: I'm sorry, could you read the
2 answer back.
3 (Record read.)
4 BY MR. KREEGER:
5 Q And when was that new roof put in place?
6 A Approximately December of 2000. And then those
7 two -- the two portables, 604 and 605, also received a
8 new roof.
9 Q When did that take place?
10 A I'm not sure.
11 Q Has any corrective action taken place with
12 respect to the leaks in the main building since you
13 became principal?
14 A No.
15 Q Does the main building still leak?
16 A Yes.
17 Q From the time that you've been principal at
18 Helms, has the leaking roof affected your school's
19 ability to provide education to the students?
20 MS. VANCE: Objection, vague. Also haven't
21 established which roof we're talking about.
22 MR. KREEGER: You can answer.
23 MS. SACKS: If you understand the question.
24 THE WITNESS: Which roofs are you referring to?
25 BY MR. KREEGER:

1 Q I'm referring to -- let me -- I'll start again.
2 Have any of the leaky roofs in the time that you
3 have been principal affected your school's ability to
4 provide education to the students?
5 A No.
6 Q Why not?
7 A Well, for example, the gymnasium, when the
8 skylights were leaking, the district maintenance
9 operation came out and put a blue tarp over the
10 skylights, so that was a temporary fix. We did have some
11 puddles in the gymnasium. We had tarps on the floor that
12 kids just worked around it. Most of the leaking in the
13 classroom came down like an interior wall.
14 Q In your experience working as a teacher before
15 Helms, before you started working at Helms Middle School,
16 did you ever experience problem with leaking roofs at any
17 of the other schools?
18 A Not that I recall.
19 Q You mentioned an issue, a facilities issue with
20 glass block?
21 A Yes.
22 Q First of all, what do you mean by glass block?
23 A Well, I'm not sure I described -- glass block,
24 little 4x4 glass squares.
25 Q How are they used at your school?

1 A They're used in the hallways and in the -- in
2 some classrooms.
3 Q They form a wall?
4 A A part of a wall. It would be enclosed like
5 this window here and in part of a wall.
6 Q And what was the facility issue associated with
7 the glass blocks?
8 A It was my understanding that the water leaks
9 into the glass block and then runs down the wall and then
10 leaks onto the floors. Mainly in the hallways on the
11 first floor. And then on the second floor it was leaking
12 down into the -- on into the classrooms down the wall.
13 Q Has this issue with leaking in the glass blocks
14 been true for all the time that you have been there at
15 Helms?
16 A Yes.
17 Q Do you have a plan to deal with the issue of
18 leaky glass blocks?
19 A I report it to maintenance and operations. It
20 is my understanding now they received a critical hardship
21 grant from the State and that the funding is supposed to
22 be awarded in August of this year. It's my understanding
23 they're going to try to fix the roof and the glass block
24 with that grant.
25 Q Are the glass blocks only located in the main

1 building?
 2 A Yes.
 3 Q So the hardship grant will allow the district to
 4 fix both the glass blocks and the roof at the main
 5 building?
 6 A That's my understanding.
 7 Q What funding is it that you're waiting for
 8 that's supposed to come in in August?
 9 A Critical hardship case.
 10 Q That's funding from the State?
 11 A Yes.
 12 Q Does the school or the district have to provide
 13 funding as part of that?
 14 A I believe they have to match it.
 15 Q Do you have any understanding about whether the
 16 district is going to match the hardship funding from the
 17 State?
 18 A I believe they are.
 19 Q Has there been any issue with mold or mildew at
 20 the school?
 21 A Yes.
 22 Q And what issue is that?
 23 A There's some mold and mildew in the classrooms.
 24 Q How many classrooms are suffering from mold or
 25 mildew?

1 A I'm not sure.
 2 Q How is it that this issue came to your
 3 attention?
 4 A I was notified by the teachers.
 5 Q And what, if anything, has been done in response
 6 to the teachers' concerns about mold or mildew?
 7 A I reported it to maintenance and operations. I
 8 believe they sent an outside contractor in to evaluate
 9 the air samples.
 10 Q What was the result of that evaluation?
 11 A You would have to check with maintenance and
 12 operations.
 13 Q You're not sure what they found?
 14 A No.
 15 Q Are you aware of any corrective action that's
 16 been taken to address the issue of mold or mildew?
 17 A No.
 18 Q Do you know what caused the mold or mildew?
 19 A I would venture to guess the leaking glass
 20 block, roof.
 21 Q You mentioned painting is another facilities
 22 issue. What were you referring to?
 23 A Well, the classrooms needed to be repainted when
 24 we had the water damage.
 25 Q Has that taken place?

1 A No.
 2 Q Is there any plan in place to paint the
 3 classrooms?
 4 A I believe they're going to do some painting this
 5 summer.
 6 Q They being the district?
 7 A Um-hum.
 8 Q When was the last time that the classrooms at
 9 Helms Middle School were painted?
 10 A The school was renovated in -- or most of it was
 11 renovated in, about 12 years ago, I believe, and so most
 12 of the classrooms were painted then. And we did some
 13 painting this last April in the upstairs hall as part of
 14 our cleanup day, and we did some painting last April as
 15 part of the cleanup day, and I think the April before
 16 that as part of the cleanup day.
 17 Some classrooms have not -- were not renovated
 18 in the renovations, and they haven't been painted in I'm
 19 not sure how long.
 20 Q Aside from painting what other work went into
 21 the renovation 12 years ago?
 22 A New drop ceilings in the classrooms, new heating
 23 system. The chalkboards were removed and we have white
 24 boards in most of the classrooms. Let's see, what else
 25 did they do now. I believe they put new floors in the

1 classrooms.
 2 Q Is that all that you can remember?
 3 A Well, I wasn't there at the time they did it.
 4 Q Fair enough. You mentioned that when you took
 5 over as principal there were issues with heating. What
 6 issues were those?
 7 A Part of the building was renovated and we got
 8 the new heating system. And parts of the building are
 9 still on the old boiler system, so occasionally we would
 10 have difficulty with those boilers.
 11 Q Which classrooms -- first of all, start again.
 12 Are there any classrooms that make use of the
 13 old boiler system?
 14 A The gymnasium is on the older boiler system.
 15 The 400 building is on the old boiler system. The
 16 library and the offices are on the old boiler system.
 17 The cafeteria is on the old boiler system. And about
 18 four other additional classrooms are on the boiler
 19 system -- pardon me one minute.
 20 The bathrooms were also renovated during that
 21 time.
 22 Q This is back 12 years ago?
 23 A Yeah, approximately.
 24 Q What sort of problems do you experience
 25 involving the old boiler system?

1 A Sometimes they don't start up in the morning so
 2 you don't have heat.
 3 Q Are there occasions when the lack of heat
 4 persists for the whole day?
 5 A Yes.
 6 Q And the boilers don't start up and there's no
 7 heat. Does that affect all of those classrooms and areas
 8 that you mentioned that make use of the old boiler
 9 system?
 10 A There's two separate boiler systems. I believe
 11 one does the gymnasium and the 400 building, and then the
 12 other one does the rest of the classrooms and the office
 13 and the library.
 14 Q So it could be the case that one boiler system
 15 is working and the other is not?
 16 A That's correct.
 17 Q Is there any plan in place to try and improve
 18 the boiler system?
 19 A Not that I'm aware of.
 20 Q How cold does it get in -- start again.
 21 How cold can it get in the classrooms that don't
 22 have access to heat?
 23 A I'm not sure.
 24 Q Have you reported to the district maintenance
 25 the problem with your heating?

1 A Yes.
 2 Q What do you do on a day when the boiler isn't
 3 working?
 4 A I report it to the district's maintenance and
 5 operations department.
 6 Q Does the district send someone to help?
 7 A Yes.
 8 Q And sometimes they're able to get the boiler
 9 started?
 10 A Yes.
 11 Q I take it sometimes they're not?
 12 A Yes.
 13 Q You mentioned a problem with the skylights. Is
 14 that also a problem of leaks occurring?
 15 A Yes.
 16 Q Where are the skylights that leak?
 17 A Now there's just -- I believe they're just in
 18 the main building now.
 19 Q They used to be leaking, skylights in the 400
 20 building?
 21 A In the gym and the 400 building.
 22 Q And that got fixed last year?
 23 A Yes.
 24 Q How many skylights in the main building leak?
 25 A Maybe two.

1 Q Where do those leak?
 2 A In the hallways.
 3 Q You mentioned a problem with tiles. I think you
 4 said roofing tiles. Did you mean roof?
 5 A Interior ceiling tiles.
 6 Q What are the problems with ceiling tiles?
 7 A Some of them are missing, loose or broken.
 8 Q How many tiles are missing, loose or broken?
 9 A Oh, I don't know.
 10 Q Are they throughout the school?
 11 A I don't believe so. Mainly in the hallways that
 12 weren't renovated.
 13 Q These are the areas of the school that didn't
 14 get the renovation 12 years ago?
 15 A Correct.
 16 Q That included some classrooms, did it not?
 17 A Yes.
 18 Q Are there missing, loose or broken ceiling tiles
 19 in those classrooms that didn't get renovated?
 20 A Yes.
 21 Q Is there any plan in place to try to deal with
 22 the issue of ceiling tiles?
 23 A Not that I'm aware of.
 24 Q Have you had a problem with ceiling tiles
 25 falling while the students are in class?

1 A Not that I'm aware of.
 2 Q You said there were facilities issues associated
 3 with the field. You mean the grass field where children
 4 play?
 5 A That's correct.
 6 Q What issue or issues faced you with respect to
 7 the field?
 8 A Irrigation.
 9 Q What do you mean?
 10 A Lack of irrigation.
 11 Q And did you take any action to deal with the
 12 problem with the field while you were principal?
 13 A Yes.
 14 Q What did you do?
 15 A I've met with the City of San Pablo, and they
 16 were going to renovate the field, provided they had
 17 access to it after school hours for soccer and things of
 18 that nature.
 19 Q And did that happen?
 20 A It's -- well, I met with them a few months ago,
 21 so I'm not exactly sure where it is in the process.
 22 Q You're going to continue to try to get the City
 23 to renovate the field?
 24 A Yes.
 25 Q But I take it as of now they haven't made any

1 commitment to do so?
 2 A Not that I'm aware of.
 3 Q Have you had any problems with the bathrooms at
 4 the school?
 5 A In terms of what?
 6 Q How many bathrooms are at the school?
 7 A Well, let's see. There's a boys' and the girls'
 8 downstairs in the first floor, a boys' and the girls'
 9 upstairs on the second floor. There's one in each of the
 10 locker rooms. There's one outside the cafeteria, one of
 11 each outside the cafeteria. Those are the major
 12 functioning ones I believe. There's some more bathrooms
 13 on the campus, but they haven't been used.
 14 MR. KREEGER: I'm sorry, I lost track. Can you
 15 read the answer back, please.
 16 (Record read.)
 17 BY MR. KREEGER:
 18 Q If I counted right, you have four boys' and four
 19 girls' bathrooms that are functioning?
 20 A Yeah, that's correct.
 21 Q And you said there were others that are not
 22 functioning?
 23 A Yes.
 24 Q And how many bathrooms are there on campus that
 25 are not functioning?

1 MS. VANCE: I'm going to object as vague as to
 2 functioning. I don't think that's been described yet as
 3 to what that means.
 4 THE WITNESS: Well, they haven't been in use
 5 since I've been there.
 6 BY MR. KREEGER:
 7 Q And how many fall into that category?
 8 A I think there's one of each additional.
 9 Q And why is it that those particular bathrooms
 10 have not been used?
 11 A I don't know.
 12 Q Are they locked so that the students can't gain
 13 entry?
 14 A Yes.
 15 Q But you don't know why?
 16 A I don't know why.
 17 Q As to the four boys' and four girls' bathrooms
 18 that are functioning, are they ever locked at any time?
 19 A Sometimes.
 20 Q And why are they locked?
 21 A We've had a fire in the bathroom or a problem
 22 with the toilets or kids flooding them or something of
 23 that nature.
 24 Q How frequently do those sorts of problems with
 25 the bathrooms that require them to be locked, how

1 frequently does that take place?
 2 A It varies.
 3 Q When a bathroom is locked for a reason of that
 4 sort, how long does it stay locked?
 5 A It depends on the nature of the problem. When
 6 we had a fire, you know, maybe a couple of days. If the
 7 kids flood the rest room, maybe a couple of hours. It
 8 just depends upon what the nature of the problem is and
 9 how long it takes to rectify that problem.
 10 Q How regularly are the bathrooms cleaned?
 11 A Every day, every night.
 12 Q Are there other occasions when you or someone at
 13 the school receives a complaint about the state of a
 14 bathroom?
 15 A Yes.
 16 Q And what is the procedure for that?
 17 A Well, depending on the nature of the complaint,
 18 I take the appropriate action to rectify the problem.
 19 Q How often would you say that you receive
 20 complaints about the bathrooms?
 21 A Maybe one or two a month.
 22 Q Are they written down; are they recorded in some
 23 way, the fact that there's been a complaint?
 24 A No, they're not usually written.
 25 Q Do you, yourself, visit the bathrooms that are

1 used by the children?
 2 A Occasionally.
 3 Q Have you found them to be clean and sanitary?
 4 A Most of the time.
 5 Q When you do have issues with the bathrooms
 6 needing repair, how quickly are you able to repair the
 7 issue?
 8 MS. SACKS: Objection, vague as to issues.
 9 BY MR. KREEGER:
 10 Q I take it you said before the length of time it
 11 takes to repair depends on the issue?
 12 A That's correct.
 13 Q Have you had complaints about the lack of
 14 toilet paper in the bathrooms?
 15 A Sometimes.
 16 Q How often do you get those kinds of complaints?
 17 A Umm, maybe once every two or three weeks.
 18 Q What other kind of complaints do you receive
 19 about the bathrooms?
 20 A No soap, no paper towels, they're dirty.
 21 Q Have people complained about the floors being
 22 wet in the bathrooms?
 23 A Not that I recall.
 24 Q Graffiti, has that been an issue in the
 25 bathrooms?

1 A They are graffitied.
 2 Q By that you mean the walls are covered with
 3 graffiti?
 4 A No -- well, usually if they're graffitied, we
 5 try to paint it out within 24 hours.
 6 Q Have you had reports of liquor bottles being
 7 found in bathrooms?
 8 A Maybe one.
 9 Q What about condoms?
 10 A Not in the rest room.
 11 Q Have you had problems with condoms elsewhere in
 12 the school?
 13 A I think I found two unused condoms in the six
 14 years I've been there.
 15 Q Those are ones you personally found?
 16 A Yes.
 17 Q Let me ask you about the cafeteria. How many
 18 students can fit -- start again.
 19 Does the cafeteria have seats where the students
 20 can sit to eat?
 21 A Yes.
 22 Q And how many students can sit in the cafeteria?
 23 A Approximately 225.
 24 Q And I'm not clear how your master scheduling
 25 works. How many students are eating lunch at one point

1 in time?
 2 A About half the school.
 3 Q And how big is your school?
 4 A It's about 1,300 now.
 5 Q So roughly 650 students are eating lunch at one
 6 time?
 7 A Correct.
 8 Q So there's not space for everybody to sit in the
 9 cafeteria?
 10 A Not in the cafeteria. We have other locations.
 11 Q Where else can students eat their lunch?
 12 A There's a covered snack bar area outside the
 13 cafeteria, and there's a covered lunch area outside.
 14 Q What do you mean by covered lunch area?
 15 A Well, there's a -- the main building is here
 16 (indicating), and then there's -- the cafeteria starts
 17 here. And the space in between those two buildings is
 18 covered.
 19 Q Is there anywhere to sit in the covered lunch
 20 area?
 21 A Yes.
 22 Q Are there benches?
 23 A Benches and tables, yes.
 24 Q How many kids could sit down in the covered
 25 lunch area?

1 A I'm not -- I'm not sure. Maybe about 80.
 2 Q And is the covered snack bar area yet a third
 3 area?
 4 A Yes, third area.
 5 Q And where is that located?
 6 A It's located just outside the cafeteria.
 7 Q And roughly how many kids can sit down there?
 8 A Probably about 60.
 9 Q Is there anywhere elsewhere the kids can eat
 10 lunch?
 11 A There's places for them to sit outside on the
 12 yard.
 13 Q Do you have a problem with students waiting
 14 to -- have to wait a long time in line to get food in the
 15 cafeteria?
 16 A Yes, in the beginning of the year.
 17 Q And how long might a student have to wait in
 18 line at the beginning of the year in order to get food?
 19 A Half an hour.
 20 Q How long is the lunch period for students?
 21 A Forty minutes.
 22 Q Why is the problem worse at the beginning of the
 23 year?
 24 A Most of my students are free and reduced lunch,
 25 so they have a number and they're assigned a number, and

1 they have to give that number to the cafeteria worker in
 2 order to get their lunch.
 3 So most students have not memorized that number
 4 at the beginning of the year. So when they go through
 5 the line, they have to look it up, pull it out of their
 6 back pack and give it to the cashier, so they can enter
 7 it. So once they memorize that number, then the line
 8 moves more quickly.
 9 Q And how -- after the school year is well
 10 underway, how long might a student have to wait in line
 11 in order to get food?
 12 A Twenty minutes.
 13 Q Have you looked into whether the line could be
 14 sped up somehow?
 15 A Yes.
 16 Q And what's the outcome of that?
 17 A We would need an additional worker and an
 18 additional computer to operate.
 19 Q You have not been able to get that?
 20 A No.
 21 Q And why not?
 22 A I'm not sure. You would have to check with the
 23 district office.
 24 Q You asked the district for that additional
 25 resource?

- 1 A I've inquired about it.
 2 Q What response have you gotten back?
 3 A Not possible.
 4 Q Have you received any complaints from students
 5 about not having a place to sit?
 6 A No.
 7 Q Have you received any complaints about the
 8 physical condition of the cafeteria?
 9 A No.
 10 Q Are there issues with the physical condition of
 11 the cafeteria that you think need to be improved?
 12 A Maybe some new tables and chairs.
 13 Q Is there something wrong with the existing
 14 tables and chairs?
 15 A They're just old.
 16 Q Let's talk a little about the library. Does
 17 Helms Middle School have a library?
 18 A Yes.
 19 Q Does Helms Middle School share that library with
 20 another school?
 21 A No.
 22 Q Is the library open only some days during the
 23 week?
 24 A Yes.
 25 Q Which days is it open?

- 1 A It's open like two days the first semester and
 2 three days the next semester.
 3 Q When the library is not open, is it locked and
 4 inaccessible to the students?
 5 A It is locked. I'm not sure how you mean
 6 inaccessible to students.
 7 Q When the library is closed, can the students get
 8 in?
 9 A If they're with their teacher, they can get in.
 10 Walking in by themselves like at lunchtime, no.
 11 Q Why is it that it's, the library is open only
 12 some of the days?
 13 A We only have a half-time librarian.
 14 Q Have you looked into the possibility of
 15 obtaining a full-time librarian?
 16 A That's something the district has looked into
 17 for the last several years.
 18 Q And what response have you gotten back from the
 19 district?
 20 A Well, it's been a case of funding.
 21 Q There's not enough funds for it?
 22 A That's correct.
 23 Q So there's been a half-time librarian at Helms
 24 as long as you have been there either as a vice principal
 25 or principal; is that true?

- 1 A Yes, I believe so.
 2 Q Is there a computer lab at Helms?
 3 A There's several of them.
 4 Q How many computer labs are there?
 5 A Four.
 6 Q Where are they located?
 7 A One downstairs and three up.
 8 Q When do the students use the computer labs?
 9 A They go in with their teachers during class
 10 time. Sometimes they're used before and after school or
 11 tutoring program.
 12 Q Are the computer labs otherwise locked when
 13 they're not being used by a specific class or for a
 14 specific tutoring program?
 15 A Yes.
 16 Q And they're locked because there's no adult
 17 supervision available?
 18 A That's correct.
 19 Q Have you considered making the computer labs
 20 accessible for greater periods of time?
 21 A No.
 22 Q Why not?
 23 A Well, they're open before school, they're open
 24 after school. They're available all day for student use.
 25 I'm not sure when else I would make them available.

- 1 Q Maybe I misunderstood your answer. Are they
 2 always available after school?
 3 A They are available when -- there's a tutoring
 4 program that runs in one. There's what we call Webheads.
 5 It's part of the after school program that students will
 6 go in there and work on the Internet.
 7 So if there's a specific program that involves
 8 the computers, they are available for students.
 9 Q Are these before school and after school
 10 programs always going on, or is there a limited time?
 11 A I'm not sure what you mean by limited time.
 12 They have certain hours that they are in session.
 13 Q Is it every day?
 14 A No. The Webheads I think is two days a week,
 15 and then before school tutoring program is like four days
 16 a week.
 17 Q When those programs are taking place, can any
 18 student come and make use of the computer?
 19 A If they've signed up ahead of time. It's open
 20 to all students, but they have to sign up prior to going
 21 in.
 22 Q Can students sign up for one day or do they have
 23 to sign up for the whole program?
 24 A Well, generally they would enroll in the
 25 program, and then how long they elected to stay in the

1 program would be up to them.
 2 MR. KREEGER: We've been going about an hour.
 3 Do you want to take a five-minute break?
 4 MS. SACKS: That's fine.
 5 (Brief break.)
 6 BY MR. KREEGER:
 7 Q You mentioned that you had leaks in the
 8 gymnasium. Did you ever have leaks in the locker room?
 9 A I don't remember.
 10 Q Do you ever remember any issue with water
 11 leaking into the students' lockers?
 12 A I don't remember.
 13 Q Was there ever a situation where gym classes had
 14 to be cancelled because of leaking roofs?
 15 A I'm not sure what you mean by cancelled. They
 16 might have had to, you know, adjust their playing area or
 17 maybe change a game that they were going to be playing.
 18 I'm not sure if they were cancelled.
 19 Q And by adjust the area or change the game, that
 20 would be because certain areas of the gym were not usable
 21 because they were wet?
 22 A Correct.
 23 Q Had students ever been injured due to wet
 24 floors?
 25 A I'm not sure.

1 Q Have you received complaints or concerns from
 2 parents or students about safety at Helms Middle School?
 3 MS. VANCE: Objection, vague.
 4 MR. KREEGER: You can answer.
 5 MS. SACKS: Do you understand the question?
 6 THE WITNESS: Yes.
 7 Yes.
 8 BY MR. KREEGER:
 9 Q What sorts of complaints or concerns have you
 10 heard about safety?
 11 A Well, they would be concerned sometimes about
 12 safety in the rest rooms, students fighting, gangs.
 13 Q Roughly how many complaints have you received in
 14 your tenure as principal about safety issues?
 15 A I'm not sure.
 16 Q A lot?
 17 A No, not a lot. A few.
 18 Q Less than ten complaints about safety issues?
 19 A Well, it depends. Complaint, are you talking a
 20 written complaint, are you talking a verbal complaint?
 21 Are you talking from parents, from students?
 22 Q Let's divide it up. How many written complaints
 23 have you received from anybody regarding safety issues?
 24 A Probably only a few, four or five probably.
 25 Q What about verbal complaints or concerns from

1 parents?
 2 A I don't remember.
 3 Q When people express concerns about safety in
 4 rest rooms, what specifically are they concerned about?
 5 A Their son or daughter's safety in the rest room.
 6 Q Have there been instances where students have
 7 been harmed in the rest room?
 8 A Yes, we've had altercations in the rest room.
 9 Q What do you mean by altercations?
 10 A Fight.
 11 Q Do you have any security guards at the school?
 12 A Yes.
 13 Q How many security guards are employed by the
 14 school?
 15 A I believe now there's four and a half.
 16 Q That means at one time there's at least four
 17 security guards?
 18 A Um-hum.
 19 Q Have you increased the number of security guards
 20 in your tenure as principal?
 21 A No.
 22 Q Do students report that they're afraid for
 23 their safety at school?
 24 A Sometimes.
 25 Q Is there gang activity at Helms?

1 A No, not very much. Very little.
 2 Q When there's an instance of students fighting,
 3 is a record kept of that activity?
 4 A Yes.
 5 Q And how is that recorded?
 6 A Normally by the counselors, into the computer.
 7 Q Is that part of the disciplinary process or is
 8 it reported in some other way?
 9 A No, it's part of the disciplinary process.
 10 Q How frequently do you have incidences of
 11 fighting at Helms Middle School?
 12 MS. SACKS: Objection, vague as to what kind of
 13 fights, physical, verbal.
 14 BY MR. KREEGER:
 15 Q How often are those instances of fighting that
 16 you referred to that got reported on the computer, how
 17 often are those entries made?
 18 A I'm not sure. I don't make the entries.
 19 Q Fair enough.
 20 Last year you had this rape incident at the
 21 school; is that correct?
 22 A Yes.
 23 Q Read about that in the newspaper.
 24 Did that incident take place during school
 25 hours?

1 A No.
 2 Q It was after school?
 3 A After school.
 4 Q But it took place at the school?
 5 A No.
 6 Q Nearby the school?
 7 A Nearby the school.
 8 Q Helms students were involved in some way in the
 9 incident?
 10 A Yes.
 11 Q Did you take any action after the rape to
 12 address security issues associated with that rape?
 13 A Yes.
 14 Q What did you do?
 15 A The district cleared the area. The incident
 16 happened at a creek behind Helms so that area was cleared
 17 for greater visibility. Foliage in that area was cleared
 18 for greater visibility.
 19 There was some holes in the fence that divided
 20 the school from this creek area. Those were also
 21 repaired.
 22 I also requested that one of the site
 23 supervisors to, you know, periodically walk that fenced
 24 area to make sure that there were no other further holes
 25 in the creek. And occasionally I will walk that area, as

1 well, to check for any holes or any broken locks or
 2 anything of that sort, you know, that are in that fenced
 3 area.
 4 Q How did the hole in the fence relate to this
 5 incident in any way, or why do you connect it to the
 6 incident?
 7 A Well, the students were walking out in the
 8 field, and then they saw this hole in the fence. And
 9 then they cut through that hole into the creek, and
 10 that's where the incident occurred.
 11 Q So, by plugging the hole, you expect to prevent
 12 the students from walking from the school yard into the
 13 creek?
 14 A That's correct. There's also signs that are
 15 posted there, no trespassing signs, as well.
 16 Q You're trying to keep students out of the creek
 17 area?
 18 A Yes, yes. It's an unauthorized -- students know
 19 that they are not supposed to be in the creek area and
 20 the creek. There are signs posted that it's against the
 21 law to trespass in that area, as well as they have been
 22 informed by the school that this creek is an unauthorized
 23 area.
 24 Q In general, what is the -- is there a system in
 25 place to help protect students from violence at Helms?

1 MS. SACKS: Objection, vague.
 2 MR. KREEGER: If you understand, you can
 3 answer.
 4 THE WITNESS: Sure. We have the floor site
 5 supervisors, the vice principal and myself who go out on
 6 supervision. We have four counselors. They are the main
 7 disciplinarians. They work with students in school
 8 safety. Teachers provide supervision outside of their
 9 doors.
 10 We have some outside agencies that come on
 11 campus, you know, to talk with students that may be
 12 having difficulty with other students.
 13 BY MR. KREEGER:
 14 Q Just so we're clear, we've referred to security
 15 guards. Is that the same as site --
 16 A Site supervisors, we call them.
 17 Q And you mentioned four counselors that also
 18 patrol the school; is that right?
 19 A They patrol occasionally, yes.
 20 Q That isn't their only responsibility, obviously?
 21 A No, no.
 22 Q How often are the counselors on patrol?
 23 A They each probably go out like for one -- for
 24 some part of the day.
 25 Q And the site supervisors, are they always on

1 patrol?
 2 A Um-hum, yes.
 3 MR. KREEGER: Can you mark this as Exhibit 1.
 4 (Plaintiffs' Exhibit Number 1
 5 was marked for identification
 6 by the court reporter.)
 7 BY MR. KREEGER:
 8 Q I've -- Mr. Muzinich, I've handed to you a copy
 9 of what's been marked as Exhibit Number 1 and ask you to
 10 review the document and tell me if you recognize it.
 11 A Yes, I recognize it.
 12 Q What is the document?
 13 A It looks like it was the results of the air
 14 samples they had taken in -- the outside contractor had
 15 taken in a number of classrooms.
 16 Q This was the deal with the mold and mildew
 17 issue?
 18 A That's correct.
 19 Q And this indicates that they found levels of
 20 spores that may cause allergies? I'm reading from the
 21 bottom of the first page.
 22 MS. VANCE: I'm going to object also to the
 23 extent the document states that and it will speak for
 24 itself. You can ask what the witness knows.
 25 THE WITNESS: Yes, that's correct.

1 BY MR. KREEGER:
 2 Q Does that jive with your memory of what they
 3 found?
 4 A Yes.
 5 Q And this particular classroom was in the main
 6 building, right?
 7 A Yes. You're speaking of 225?
 8 Q Right. That's where they took the samples,
 9 right?
 10 A Yes.
 11 Q Is this the only instance in which air samples
 12 have been screened at Helms Middle School to look for
 13 mold?
 14 A That I'm aware of.
 15 Q Has anything been done do address this
 16 particular issue in classroom 225?
 17 A I've referred this -- this document has gone to
 18 the district maintenance and operations, so they're in
 19 charge of the corrective process.
 20 Q And sitting here today, has any corrective
 21 process taken place with respect to room 225?
 22 A Not that I'm aware of.
 23 MS. SACKS: Can I take a break for just a
 24 second?
 25 MR. KREEGER: Absolutely. Off the record.

1 (Brief break.)
 2 BY MR. KREEGER:
 3 Back on.
 4 Q Did you have something you wanted to correct?
 5 A I wanted to clarify. I haven't been in room 225
 6 in the last several months, so I don't know what
 7 corrective action the district has taken.
 8 Q You mentioned earlier the issue with the glass
 9 blocks. Are some of the glass blocks broken?
 10 A Yes, a few.
 11 Q Are there any sharp edges exposed on those
 12 broken glass blocks?
 13 A There could be, yes.
 14 Q Have you had any complaints about dangerous
 15 glass blocks?
 16 A No.
 17 Q You've worked at a few schools in the West
 18 Contra Costa School district, right?
 19 A Yes.
 20 Q Would you say that Helms Middle School is in
 21 worse physical shape than the other schools you worked
 22 at?
 23 MS. SACKS: Objection, vague.
 24 MS. VANCE: Also calls for speculation.
 25 MR. KREEGER: If you understand you can answer.

1 THE WITNESS: No.
 2 BY MR. KREEGER:
 3 Q It's the same, roughly?
 4 A It depends on what school you're comparing it
 5 to.
 6 Q Is there any of the schools that you worked at
 7 that you thought were in worse physical condition than
 8 Helms?
 9 MS. SACKS: Objection as to time, vague as to
 10 time.
 11 THE WITNESS: Possibly Gompers.
 12 BY MR. KREEGER:
 13 Q What about the other schools you worked at, did
 14 you consider them, generally speaking, to be in better
 15 condition?
 16 MS. VANCE: Objection, compound. He's worked at
 17 several schools.
 18 MS. SACKS: If you understand the question, you
 19 can answer it.
 20 THE WITNESS: Yes.
 21 BY MR. KREEGER:
 22 Q So you thought that Kennedy High School was in,
 23 generally speaking, better physical condition than Helms?
 24 A Yes.
 25 Q And same with the North Campus Continuation High

1 School, better condition than Helms?
 2 A Yes.
 3 Q What about DeAnza High School, did you consider
 4 that to be, generally speaking, in better physical
 5 condition than Helms?
 6 A I'm not sure.
 7 Q You mentioned the grant that you're hoping will
 8 improve the roof of the remaining buildings as part of
 9 the Helms Middle School. Are there other initiatives
 10 that you have in mind to improve the physical condition
 11 at Helms Middle School?
 12 A No.
 13 There is some money, something they call MRAD
 14 money, that's being utilized to address some issues at
 15 Helms that is not going to be the roof. It's going to be
 16 lighting, drinking fountains, things of that nature,
 17 MRAD.
 18 Q And what is MRAD?
 19 A I forget what the acronym stands for.
 20 Q Generally speaking, what is it, what is --
 21 what's its function?
 22 A I believe it was a bond issue to improve the
 23 facilities. And those were, I believe, facilities having
 24 to do with student use, like fields, drinking fountains,
 25 things of that nature.

1 Q And how much money is Helms going to see from
2 the MRAD?
3 A I believe this year it's about \$33,000. I'm not
4 sure what the overall -- I don't remember what the
5 overall total is.
6 Q And that money has to be used on outdoor playing
7 fields and --
8 A I think so.
9 Q -- things of that sort?
10 A Um-hum.
11 Q That's a restriction on the use of the funds
12 from the bond?
13 A I think so.
14 Q Is there anything else, any other initiatives
15 that you are aware of to improve the physical condition
16 at Helms Middle School?
17 A That's all I can think of.
18 Q Okay. I think I read something in the newspaper
19 about Measure M. Was that related at all to Helms Middle
20 School?
21 MS. VANCE: Objection, lacks foundation.
22 THE WITNESS: I believe the first go-round was
23 targeted towards the elementary schools.
24 BY MR. KREEGER:
25 Q As far as you know, Measure M funds aren't going

1 to find their way to Helms Middle School?
2 MS. VANCE: Objection, we still haven't
3 established that there is a Measure M.
4 BY MR. KREEGER:
5 Q Are you aware of something called Measure M?
6 A Yes.
7 Q What is it?
8 A From my understanding I think it was another
9 bond passed for elementary schools.
10 Q As far as you know, it doesn't have any impact
11 on Helms Middle School?
12 A Not directly, no.
13 (Discussion off the record.)
14 BY MR. KREEGER:
15 Q In the time that you have been principal at
16 Helms, have you undertaken any effort to assess whether
17 there have been adequate textbooks or instruction
18 materials for students?
19 A Yes.
20 Q What do you do in that regard?
21 A We have a textbook inventory that we take at the
22 end of every year.
23 Q That's all, basically, a physical count of all
24 the textbooks that you have available?
25 A That's correct.

1 Q Is there some process to compare that physical
2 inventory to what's going to be needed?
3 A Yes.
4 Q And do you order additional textbooks if you're
5 going to need more textbooks than are present in the
6 inventory?
7 A Yes.
8 Q Have you run into a situation where you had,
9 despite of ordering additional textbooks, you still
10 lacked all the textbooks that you need to achieve the
11 educational -- let me start again.
12 Have you ever not had enough textbooks to
13 accomplish your objectives?
14 MS. VANCE: Objection, vague.
15 THE WITNESS: Depends how you define not enough
16 textbooks.
17 BY MR. KREEGER:
18 Q Well, I think you mentioned that there was a
19 process of comparing what you had on hand to what you
20 needed, right?
21 A Correct.
22 Q And how did you determine what you needed?
23 A Well, we usually determine what our losses were
24 from the years prior, so if kids lost textbooks, damaged
25 them, didn't replace, we have looked and, say we had 200,

1 we lost 100, so we have to order another 100, too.
2 Q Well, so that will bring you up to the same
3 state each year that you were the previous year, correct?
4 A That's our first goal, yes.
5 Q Well, let's -- this year, for example, were
6 there any teachers who felt they didn't have adequate
7 textbooks to accomplish their objectives for their
8 classes?
9 MS. VANCE: Objection, vague, calls for
10 speculation as to what the teachers thought.
11 BY MR. KREEGER:
12 Q Did any of the teachers tell you that they
13 thought that they didn't have enough textbooks?
14 A No.
15 Q You never got a complaint about lack of
16 textbooks from a teacher in your years at Helms?
17 A I'm not sure from teachers.
18 Q Had you received complaints about lack of
19 textbooks from other sources?
20 A Yes.
21 Q From whom?
22 A Parents have complained about the lack of
23 textbooks.
24 Q And what have been the nature of the parent
25 complaints?

1 A Well, there's not a textbook for every kid to
2 take home.

3 Q Is that true, there isn't enough textbooks for
4 every kid to take one home?

5 A That's correct.

6 Q And why is it that there aren't enough textbooks
7 for every kid to take home?

8 A Lack of funds.

9 Q If you had the funds, would you purchase enough
10 textbooks so that every kid would be able to take one
11 home?

12 A Sure.

13 Q And how many classes is it true that there
14 aren't enough textbooks for every student to take one
15 home?

16 A Probably most of the classes.

17 Q Are there any classes in which there aren't
18 enough textbooks for every student to have one in class?

19 A I don't believe so.

20 Q You think that it's always true that there's
21 enough textbooks for every kid to have one in class,
22 right?

23 A Yes.

24 Q You mentioned that if you had the funds you
25 would purchase enough textbooks that, so every kid can

1 take one home. Why is that?

2 A I think it's beneficial for a student's
3 education to have access to the textbook at home as well
4 as at school.

5 Q Have you made any effort to analyze whether the
6 textbooks that Helms has meet the content standards that
7 you think ought to be taught?

8 MS. VANCE: Objection, vague. I don't know what
9 you're referring to with content standards.

10 THE WITNESS: Are you talking about State
11 standards?

12 MR. KREEGER: It's a poor question. I'm not
13 trying to get into the standards.

14 BY MR. KREEGER:

15 Q Have you undertaken any efforts to make sure
16 that textbooks have the content that should be taught for
17 the classes?

18 A Well, there are State standards. There are the
19 district's standards and benchmarks that we're all
20 supposed to be teaching to. Are the books aligned to
21 those standards?

22 Q Yes.

23 A No.

24 Q And why not?

25 A One is insufficient funds so far to purchase

1 those textbooks. And, two, these State standards are
2 relatively new. Our district has just adopted the
3 standards within the last year or so.

4 Q Were there previous standards that were in
5 effect at the district level before these standards that
6 came into effect last year?

7 A I wouldn't say they were standards, no.

8 Q There were State standards, though, before last
9 year, right?

10 A Yeah, there were State standards, yes.

11 Q Does the Helms textbooks -- start again.
12 Were the Helms textbooks aligned to the State
13 standards as of last year?

14 A Well, the State standards, the new ones have
15 been in -- have been evolving for the last couple of
16 years. So no, they would not be aligned from last year
17 either.

18 Q Do you have a plan in place to bring the
19 textbooks so that they're -- start again.
20 Do you have a plan in place to purchase new
21 textbooks and instructional material so that they will be
22 aligned to the district and State standard?

23 A Yes. The district is -- my understanding is the
24 district is adopting textbooks in math, science and
25 social studies. It will be math, grades six through

1 eight; science, grades six through -- no. Math -- I'm
2 sorry.

3 Math, grades six and seven, because they're
4 really supposed to take algebra, and science, six through
5 eight, and I believe social studies, six through
6 eight. So they will be purchasing textbooks that would
7 be aligned to State and district standards in those
8 areas.

9 Q And when will that purchasing take place?

10 A It's my understanding it's going to happen this
11 summer, so they will be in place for next year.

12 Q And will Helms have new textbooks for all of its
13 students by the beginning of next year?

14 A That's my understanding.

15 Q At that point will you have enough textbooks so
16 every student can have one in class and take one home?

17 A That's my understanding.

18 Q And these new textbooks are going to be
19 purchased by the district?

20 A Yes.

21 Q Previously when you had to purchase new
22 textbooks, was that also done by the district?

23 MS. VANCE: Objection. What time frame are we
24 speaking of when you say previously?

25 BY MR. KREEGER:

1 Q Well, you mentioned that every year you would do
2 an inventory and purchase additional textbooks, correct?

3 A Well, textbooks are purchased two ways. The
4 site is given a limited amount of funds to purchase
5 textbooks, in my case mainly for replacement, as I
6 indicated earlier.

7 And the district will purchase like an adoption,
8 If they're adopting, like they will next year, science
9 books for grade six through eight, they will go through
10 an adoption process and purchase those books for the
11 whole district.

12 Q Now, your understanding is that this new
13 district purchase is going to be in math, science and
14 social studies?

15 A That's correct.

16 Q Do you have other courses that require textbooks
17 at Helms?

18 A Yes.

19 Q I guess language arts would be an obvious one,
20 right?

21 A Yes and ESL.

22 Q And your understanding is the district isn't
23 going to be purchasing any additional books in those
24 areas?

25 A No, they are not.

1 Q At that point the Helms textbooks will be -- you
2 will continue to use the textbooks you're using now in
3 those subjects?

4 A Yes. And I will -- my plan is to utilize the
5 site funds that I have, since I'm not going to be using
6 those site funds to replace science, math and history
7 textbooks, to then supplement the English textbooks or
8 language arts textbooks.

9 Q Have your teachers had to limit the kind of
10 homework assignments they can give because the students
11 don't have textbooks to bring home?

12 A I'm not sure.

13 Q Have you made any complaints to the district
14 or -- well, start there.

15 Have you made any complaints to the district
16 about inadequate textbooks at Helms Middle School?

17 A The district is aware of the insufficient
18 textbooks.

19 Q And how do you know they're aware?

20 A I just had a meeting with my regional
21 superintendent on, with some several parents from Helms,
22 and she indicated at that meeting that there were
23 insufficient textbooks, not just at Helms but at other
24 schools in the district.

25 Q And who was this regional superintendent that

1 you were meeting with?

2 A Carolyn Slayter.

3 Q Was the subject of the meeting to talk about
4 textbooks, or was there more to the meeting than just
5 that?

6 A There was more to the meeting than just that.

7 Q What else was on the agenda for that meeting?

8 A The parents had made a complaint to the school
9 board; some parents filed a complaint to the school
10 board, so we were addressing those issues.

11 Q What else had the parents raised besides
12 textbooks?

13 A Textbooks was an issue. Whether the principal
14 was qualified or not. I think bathrooms came up. There
15 was a number of issues that they raised.

16 Q Does the district have any policy about
17 availability of textbooks for students?

18 A I'm not sure.

19 Q Have any teachers or other school employees
20 spent their own money, to your knowledge, to purchase
21 textbooks for kids?

22 A No.

23 Q Do you know how much Helms Middle School spends
24 per pupil on classroom supplies, including textbooks?

25 A No, not off the top of my head.

1 Q Okay. Fair enough.

2 You mentioned that in most classes there aren't
3 enough textbooks for students to use one in class and
4 take one home. Has this been true throughout your tenure
5 at Helms?

6 A I'm sorry, could you restate what you said.

7 MR. KREEGER: Why don't you just read it back.
8 (Record read.)

9 THE WITNESS: Yes.

10 BY MR. KREEGER:

11 Q Are there extra copies of the textbooks
12 available in the school library?

13 A No.

14 Q At this meeting where the parents and you were
15 present and the regional superintendent was present, what
16 specifically did the parents -- what was their concern
17 about textbooks?

18 A There wasn't one for every kid to take home.

19 MS. VANCE: If I could just interject, when was
20 this meeting?

21 THE WITNESS: It was about a week ago.

22 MS. VANCE: Okay.

23 BY MR. KREEGER:

24 Q What was the response of the regional
25 superintendent, if any?

1 A As I recall, that we would be ordering, as I've
2 indicated earlier.

3 Q She responded that there was going to be
4 district ordering of new textbooks; is that right?

5 A Yes, I believe so.

6 Q Do you know how the district is funding the
7 purchase of those additional textbooks?

8 A No, I do not.

9 Q Okay. I want to change topics and talk a bit
10 about teacher credentialing. Some of the teachers at
11 Helms are on emergency teaching credentials?

12 A That is correct.

13 Q That means they haven't yet qualified for a
14 credential; is that right?

15 A Yes.

16 Q How many of the Helms teachers are on emergency
17 credential?

18 A I'm not sure how many are on this year.

19 Q Are there also instances where the teacher is
20 not fully credentialled for the class that they are
21 teaching?

22 MS. VANCE: Objection, vague. I don't know
23 exactly what we're referring to when you speak of
24 credential.

25 MR. KREEGER: Do you understand the question?

1 THE WITNESS: Are you talking about subject
2 matter competency?

3 MR. KREEGER: Yes. I guess so, yes.

4 BY MR. KREEGER:

5 Q What do you mean by subject matter competency?

6 A Well, the teaching credentials are issued by
7 subject matter, science, math, social studies. In order
8 to qualify for an emergency credential, you have to show
9 so many units in that area in order to, you know, to
10 teach in a long term in that particular area. I believe
11 that's the way it's done.

12 Q Well, are there instances at Helms where a
13 teacher may have subject matter competency to one area
14 but yet is teaching in a different area?

15 A No. Not to my knowledge.

16 Q If a fully credentialled teacher was available,
17 would you prefer to use a fully credentialled teacher
18 than an emergency credentialled teacher?

19 A Yes.

20 Q So the reason you don't have every position
21 staffed by a fully credentialled teacher is that you
22 couldn't find somebody to fill the position?

23 A That is correct.

24 Q Why is it that you prefer to employ a fully
25 credentialled teacher?

1 A Well, I think that the fully credentialled
2 teacher did necessary training and that makes him a more
3 qualified teacher for our students.

4 Q Why is it that you have had difficulty filling
5 all of the positions at Helms?

6 MS. SACKS: To the extent that you know.

7 THE WITNESS: Lack of fully credentialled
8 teachers.

9 BY MR. KREEGER:

10 Q And do you know why you've had difficulty
11 attracting fully credentialled teachers to take the
12 positions at Helms?

13 MS. VANCE: Objection that I think that
14 mischaracterizes his testimony.

15 MR. KREEGER: If you understand the question.

16 THE WITNESS: The district is in charge of
17 teacher recruitment. The personnel office does all of
18 the recruiting and then sends us, you know, the
19 applicants. So I'm not -- I'm not sure exactly why
20 they're having difficulty recruiting qualified
21 applicants. It's not under my direct jurisdiction.

22 BY MR. KREEGER:

23 Q Does the school have a say as to which
24 applicants are given the positions at the school, or is
25 that decision made by the district?

1 A No, it's made by the school and the district, I
2 guess I should say.

3 Q The district provides you with a group of
4 applicants and you can just say yes or no?

5 A That's correct, in most instances.

6 Q And they just haven't been providing you with
7 enough applicants to fill the positions; is that correct?

8 A Yes.

9 Q And you're not sure why they've -- why that's
10 so?

11 A Well, I could only speculate.

12 Q Has anybody at the district given you any
13 explanation about why they're unable to provide you with
14 applicants?

15 A Well, there are some shortages in California of
16 certain credentialled teachers in certain areas. Our
17 district is not particularly high-paying, so I would
18 imagine those two things are a big, a big contributing
19 factor to why we're short applicants.

20 Q Do you know whether Helms has a greater or
21 lesser shortage of qualified teachers than the other
22 schools in the district?

23 A I think our need is a little greater.

24 Q And do you have any sense about why Helms faces
25 a greater need than the other schools in the district?

1 A Probably because of its location in the inner
2 city or drawing students from the inner city.
3 Q And why would that give you -- cause Helms to
4 have a greater need for --
5 A I think some teachers are afraid of teaching in
6 a larger inner city environment, so they opt to move to
7 the more suburban schools in the district, so to speak.
8 Q When a teacher is temporarily absent from
9 school, do you have a process for obtaining a substitute
10 teacher for that class?
11 A Yes.
12 Q And how does that work?
13 A The teachers are supposed to call in to a
14 central computerized sub finder and post their absence,
15 and then the sub finder either finds a substitute or it
16 does not.
17 Q What happens if the computerized system finds a
18 substitute?
19 A Then they come to the school and substitute in
20 the class.
21 Q And what happens if the computer system does not
22 find a substitute?
23 A Then we cover it internally.
24 Q How do you cover it internally?
25 A Each teacher has a prep period or conference

1 period. So what we will do in that case is there's,
2 what, six teaching periods in the day. So we'll just
3 find teachers that are off first period, second period,
4 third period, and use one of those teachers each period
5 to cover the class.
6 Q And how often does this occur that you have to
7 use -- cover absences internally as you described?
8 A Probably three or four days a week. Actually,
9 maybe like four or five days a week.
10 Q Have you had instances where a teacher has left
11 in the middle of the school year and then been absent for
12 the rest of year?
13 A Yes.
14 Q What do you do in those instances?
15 A Umm, we try to find either a long-term sub to
16 take over the class or in some instances that's not
17 possible, we will have one of our regular teachers take
18 that class during their conference period for the rest of
19 the year.
20 Q Have you had instances where there were a string
21 of temporary substitutes that took the place of a teacher
22 who left in the middle of the year?
23 A Yes.
24 Q When you use substitutes to fill the spot of a
25 teacher who is absent, does the substitute also have the

1 subject matter capability to be able to teach the class
2 effectively?
3 MS. VANCE: Objection, are we talking about a
4 long-term situation or a daily substitute basis?
5 MR. KREEGER: If you understand the question you
6 can answer.
7 THE WITNESS: Well, it depends upon what the
8 situation is. You know, if a day-to-day sub -- you know,
9 they're qualified to be a substitute, I'm not sure if
10 they have the competency in the particular subject area.
11 If it's a longer term situation, then we get
12 someone like an emergency credentialled sub who would in
13 most cases, who would be qualified in that subject area.
14 BY MR. KREEGER:
15 Q You mentioned that you took on the role of
16 principal in November of 1998, and that was in the middle
17 of the school year, right?
18 A I wouldn't say the middle. I would say the
19 beginning of the school year.
20 Q But it wasn't the transition between school
21 years?
22 A Correct.
23 Q Do you know why it was that the previous
24 principal left?
25 A She was promoted.

1 Q What was her new job?
2 A Area director.
3 Q And do you know why that happened during the
4 school year?
5 A I guess the other area director -- I can't
6 recall if they left the district -- I can't recall who it
7 is now, if they left the district themselves or whatever.
8 Q How many vice principals are at Helms?
9 A One.
10 Q During the time that you have been the
11 principal, how many teachers have left Helms?
12 A It varies from year to year. I've lost as many
13 as 20, you know, this year probably maybe around ten.
14 Q And how many teacher positions are there at
15 Helms?
16 A Approximately 60.
17 Q How did the turnover rate at Helms -- start
18 again.
19 How does the turnover rate at Helms compare to
20 the turnover rate at other schools?
21 MS. SACKS: To the extent that you know.
22 THE WITNESS: I don't know what the turnover
23 rate is at the other schools so I can't really answer
24 that question.
25 BY MR. KREEGER:

1 Q Do you consider the turnover rate at Helms to be
2 high?

3 A Yes.

4 Q Have you done any analysis to try to figure out
5 why the turnover rate is high?

6 A Umm, most of my teachers at Helms do not
7 transfer to other schools in the district. They go
8 outside the, of the district for a variety of reasons.
9 It could be change of job, marriage, change of districts,
10 you know, a whole host of reasons.

11 Q Would you prefer that the turnover rate were
12 lower?

13 A Yes.

14 Q Why is that?

15 A I think consistency helps in building a school
16 team, and if you're, you know, constantly changing staff,
17 you're constantly having to, you know, go back and
18 revisit your school level plan and goals, all that. So I
19 think if there was consistency in the staff, it would
20 definitely help us achieve our goals of educating kids.

21 Q Does the turnover rate affect the students?

22 MS. VANCE: Objection, calls for speculation.

23 THE WITNESS: Well, students change teachers
24 every year anyway, so I'm not sure what impact that would
25 have on them.

1 A Well, the -- basically, what I stated to you
2 earlier. You know, I did textbook inventory. You know,
3 I mean most of those issues I was aware of, so it's
4 nothing new that the roofs were leaking, we were short
5 textbooks or anything of that nature, so I didn't.

6 Q The allegations didn't come as a surprise to
7 you?

8 A Some of them did. You know, some of them did
9 not. The fact that the rest rooms were regularly strewed
10 with condoms and liquor bottles came as a surprise to me,
11 yes. The fact that our roof leaks, no, that did not come
12 as a surprise to me.

13 Q Other than the issue of the liquor bottles and
14 condoms in the bathroom, is there anything else in the
15 Complaint that you were hearing about for the first time?

16 MS. SACKS: Objection, vague. He doesn't have
17 the Complaint in front of him, and I think that's a
18 difficult question to answer.

19 MR. KREEGER: That's fair. I can show you the
20 Complaint after the next break.

21 BY MR. KREEGER:

22 Q The Complaint mentions particular students, for
23 example, Moisses Canel. Do you know Moisses?

24 A I know who he is.

25 Q He's a student at Helms?

1 BY MR. KREEGER:

2 Q How did you first hear about this lawsuit?

3 A I don't remember.

4 Q At some point it came to your attention?

5 A Yes.

6 Q What did you do when you -- well, start again.
7 What -- did you take any action when you learned
8 about the existence of this lawsuit?

9 A I'm sure that I would have called the district
10 office and referred it to our legal counsel.

11 Q Have you looked over any of the documents
12 associated with this lawsuit?

13 A Some of them.

14 Q What have you looked at?

15 A The complaints that were related to Helms about
16 the bathrooms, textbooks, things of that nature.

17 Q Did you undertake any investigation about the
18 complaints that related to Helms that were mentioned in
19 the lawsuit?

20 A I'm not sure what you mean by that.

21 Q Did you try to figure out if the complaints that
22 were mentioned in the lawsuit that related to Helms were
23 true?

24 A Yes, I investigated.

25 Q What did you find out?

1 A Yes.

2 Q What about Eduardo Solano?

3 A I can't remember the rest of them. Some of
4 those students have moved on. I had -- I had written it
5 up one day who was who and where they were, but I can't
6 recall off the top of my head about the rest of them.
7 Sorry.

8 Q That's fair. As far as you remember, were the
9 students that were mentioned in the Complaint, were they
10 actually Helms --

11 A They were actual Helms students. They may not
12 be there this year, but they were actually Helms
13 students, yes.

14 Q Have you seen a statement by June Tolbert?

15 A In regards to?

16 Q Helms, a statement associated with this lawsuit.

17 A I don't think so.

18 Q Is Ms. Tolbert a teacher --

19 A She's a teacher there. I would have to see the
20 statement to answer that question.

21 Q All right. I won't ask.

22 What about Randy Row, is he a teacher of yours?

23 A Yeah, he's a teacher there.

24 Q Do you know Sata Canel? I guess she's --

25 A Sarah Canel? Yes, I know her.

1 Q Moisses' mother?
 2 A Yes.
 3 Q Is she an active parent at Helms?
 4 A Yes.
 5 Q And what about Julio Canel? That's Moisses'
 6 father?
 7 A No.
 8 Q You don't know him?
 9 A I know of him. I've met him a couple of times.
 10 I mainly deal with his wife, Sarah.
 11 Q Does she volunteer at Helms at times?
 12 A She comes to our what we call a coffee club.
 13 It's like a parent meeting on Tuesday mornings. She
 14 comes to that. And she is paid to do some translating at
 15 our school site counselor meetings, and she does some
 16 translating of some letters from English to Spanish.
 17 Q You mentioned one way in which you interact with
 18 the district is that you refer facilities issues to the
 19 district maintenance organization?
 20 A Um-hum.
 21 Q Is there any other way in which the district
 22 monitors or has responsibility over the facilities at
 23 Helms?
 24 MS. VANCE: Objection, vague.
 25 THE WITNESS: I'm not understanding the

1 question.
 2 BY MR. KREEGER:
 3 Q Okay. Let me try a more specific question.
 4 Other than reports that you provide to the
 5 district maintenance office, is there any other way in
 6 which the district learns about the facilities conditions
 7 at Helms?
 8 A I'm not sure.
 9 The head custodian also makes out most of the
 10 work orders, so they could get -- they would -- but it's
 11 the same process, so I'm not sure if that's any different
 12 whether I make out the work order or he makes out the
 13 work order. The district will still get that via
 14 telephone call or via memo.
 15 So I'm not sure if that clarifies that or not,
 16 but they could get information that way.
 17 Q That's all right. Thanks.
 18 A But it still comes from the site, so.
 19 Q Does the district ever make any inspections
 20 or -- start with just that. As far as you know, does the
 21 district come and inspect the facility?
 22 A I'm not sure.
 23 Q Have you had any discussions with teachers or
 24 other staff members about this lawsuit?
 25 A Not in depth.

1 Q What sort of discussions have you had?
 2 A Just that we're -- I'm involved in this, you
 3 know, lawsuit and, you know, that this is the case and
 4 that's it.
 5 Q Have you had any communications with any State
 6 official in connection with this lawsuit?
 7 MS. SACKS: Objection, vague as to State
 8 official.
 9 BY MR. KREEGER:
 10 Q Anybody -- do you know -- can you answer the
 11 question?
 12 A I'm not sure who you're speaking of.
 13 Q Okay. Anybody associated with the State Board
 14 of Education?
 15 A No.
 16 Q Or the State superintendent?
 17 A No.
 18 Q Have you discussed this case with anyone, any
 19 attorney representing the State?
 20 A Yes.
 21 Q Who is that?
 22 A Her name was -- I don't remember her name.
 23 Q And what did you discuss?
 24 MS. VANCE: Objection.
 25 THE WITNESS: That was a confidential summary

1 that we had.
 2 MR. KREEGER: Are you instructing?
 3 MS. VANCE: I don't believe I can instruct.
 4 MS. SACKS: Well, it was -- I'll object. It was
 5 a confidential settlement discussion.
 6 THE WITNESS: There you go.
 7 MR. KREEGER: Are you instructing the witness
 8 not to answer?
 9 MS. SACKS: Yes.
 10 BY MR. KREEGER:
 11 Q When did this meeting take place?
 12 A Maybe a month or so ago.
 13 Q And who was present?
 14 A Myself, the state attorney and Marlene.
 15 Q And how long did that meeting take place?
 16 MS. SACKS: Objection, relevance.
 17 MR. KREEGER: You can answer.
 18 MS. SACKS: Objection, it was a confidential
 19 settlement discussion. Instruct the witness not to
 20 answer.
 21 MR. KREEGER: You're not going to let him say
 22 how long the meeting was?
 23 MS. SACKS: What's the relevance?
 24 MR. KREEGER: Are you going to continue with the
 25 instruction?

1 MS. SACKS: I'll continue unless you can explain
 2 why that's a relevant question.
 3 BY MR. KREEGER:
 4 Q Okay. Have you given any signed statement to
 5 anybody about -- in connection with this lawsuit?
 6 A No.
 7 Q Have you gathered any documents associated with
 8 the allegations in this lawsuit?
 9 A Yes.
 10 Q And to whom did you give those documents?
 11 A Our law offices.
 12 Q The district offices?
 13 A No, where Marlene works. And the district
 14 office, as well, got a copy.
 15 MR. KREEGER: Off the record for a minute.
 16 (Lunch break.)
 17 BY MR. KREEGER:
 18 Q Good afternoon, Mr. Muzinich.
 19 A Good afternoon.
 20 MR. KREEGER: Let me try a couple documents
 21 here.
 22 (Plaintiffs' Exhibit Number 2
 23 was marked for identification
 24 by the court reporter.)
 25 BY MR. KREEGER:

1 Q I've shown you what's been marked as Exhibit 2.
 2 And the parties have stipulated that this voluminous
 3 exhibit need not be attached to the transcript. That is
 4 a copy of the First Amended Complaint in this action.
 5 I would like to direct your attention to page 30
 6 beginning at paragraph 98. There's four paragraphs that
 7 relate to Helms Middle School.
 8 A Yes.
 9 Q Do you see those?
 10 A Um-hum.
 11 Q We discussed earlier today your becoming aware
 12 of the lawsuit and reviewing the allegations that have
 13 been raised with respect to Helms. Are these the
 14 allegations that you remember looking at?
 15 A Not exactly, but similar.
 16 Q And paragraph 98 involves the issue of
 17 textbooks. And I take it that before -- the issue of
 18 inadequate textbooks was something that you were well
 19 aware of before this lawsuit was filed?
 20 A Right.
 21 Q So these particular allegations in paragraph 98
 22 did not surprise you, did they?
 23 A No.
 24 Q Paragraph 99 talks about ceiling tiles and roof
 25 leakage.

1 A Yes.
 2 Q Again, that's an issue that has been present at
 3 Helms as long as you've been there, right?
 4 A Yes.
 5 Q So again, the allegations in paragraph 99 did
 6 not surprise you?
 7 A Did not surprise me, no.
 8 Q What about paragraph 100? There's some issues
 9 there with respect to the bathrooms.
 10 A The -- well, the fact that the toilets often do
 11 not work in the school bathrooms, that surprised me.
 12 The fact that the bathrooms are regularly
 13 strewn with used condoms, cigarette butts and empty
 14 liquor bottles surprised me.
 15 Most of the stalls in the boys' bathrooms are
 16 missing doors, that surprised me.
 17 The fact that the bathrooms only rarely have
 18 soap, toilet paper, paper towels, well, there are some
 19 issues there.
 20 Q Let's take these one at a time. Is it true that
 21 toilets often do not work in the school bathrooms at
 22 Helms?
 23 A No, not unless the students have plugged them up
 24 with toilet paper or paper towels or something of that
 25 nature.

1 Q Did that often happen that students plug up the
 2 toilets?
 3 A Sometimes, yes.
 4 Q I take it you don't agree that the bathrooms
 5 regularly are strewn with these items?
 6 A No, no, not at all.
 7 Q What about the missing doors, is it true that
 8 most of the stalls in the boys' bathrooms are missing
 9 doors?
 10 A No. Most the times the stalls are there. You
 11 know, occasionally a door may, you know, may come off or
 12 be torn off the hinges, but then we put in an order to
 13 the district maintenance and operations department.
 14 Usually it's probably a week or something to get that
 15 fixed. But that's not a regular occurrence, nor is it
 16 that most of the stalls in the boys' bathrooms are
 17 missing doors.
 18 Q What about having soap, toilet paper or paper
 19 towels, is it --
 20 A Well, soap, we've hung soap dispensers. They
 21 have been regularly torn off. So a few months ago I
 22 instructed the janitorial supervisors to use those small
 23 airline soaps in the bathrooms because, one, they could
 24 not be used to plug the toilets or flushed or something
 25 of that nature. So we've gone to that to deal with the

1 soap issue.

2 As far as paper towels, there are hand dryers
3 installed in the main building rest rooms, so we don't
4 put paper towels in those rest rooms because the kids use
5 it to back up the sinks and/or the toilets. You know,
6 they clog the drain with a paper towel, then turn the
7 water on to flood the sink and flood the rest room. So
8 that's why we have hand dryers in there.

9 Toilet paper, it could well be that they have
10 run out from time to time, although I've asked the
11 custodial supervisor to check the rest rooms, you know, a
12 couple of times during the day for soap and, you know,
13 toilet paper. But that's not to say that, you know, the
14 kids could have taken the toilet paper or the -- or the
15 soap out or whatever the case may be.

16 Q Paragraph 101 deals with credentialling of
17 teachers at Helms?

18 A Yes.

19 Q I take it from memory you don't know if these
20 numbers are correct; is that correct?

21 A That is correct.

22 Q Are they approximately correct?

23 A I'm not even sure what area they are speaking
24 of. This is going to vary year to year, as well,
25 because, you know, we do a lot of hiring, as I indicated

1 earlier. So I really couldn't answer that question,
2 honestly.

3 Q Fair enough. Is it true that, of the
4 credentialled teachers, that most of them fewer than four
5 years' teaching experience? I take that back. That
6 isn't quite right. This statement is that of the 41
7 credentialled teachers, at one point in time 15 had fewer
8 than four years' experience.

9 A I really can't remember.

10 Q Again, the fact that Helms had a large number of
11 emergency credentialled teachers was something you were
12 aware of before the filing of this lawsuit?

13 A Yes.

14 MS. VANCE: Objection, mischaracterizes his
15 testimony. I don't think he testified of a large number
16 of emergency credentialled teachers, you know.

17 BY MR. KREEGER:

18 Q This allegation in paragraph 101 didn't surprise
19 you, did it?

20 A No.

21 MR. KREEGER: Okay. Let me ask you to mark one
22 more document, please.

23 (Plaintiffs' Exhibit Number 3
24 was marked for identification
25 by the court reporter.)

1 BY MR. KREEGER:

2 Q Mr. Muzinich, I've put in front of you a
3 document that's been marked as Exhibit 3. It contains
4 documents that were produced to us from the school
5 district --

6 A Um-hum.

7 Q -- bearing Bates numbers at -- the little number
8 in the corner there --

9 A Yes.

10 Q -- DTWC 464 through 509.

11 MS. VANCE: Counsel, would you also like to
12 stipulate as to not attaching a copy of these to the
13 extent that all parties have copies of what the district
14 has produced?

15 MR. KREEGER: This one I want to go ahead and
16 use because it's particular to Helms. I appreciate the
17 sentiment.

18 MS. VANCE: That's fine.

19 BY MR. KREEGER:

20 Q Are you familiar with this document?

21 A Yes.

22 Q What is it?

23 A This looks like the work orders that were
24 generated from Helms to the district office.

25 MS. VANCE: Are we just referring to the first

1 document, the 464 numeric --

2 MS. SACKS: Pages --

3 MR. KREEGER: Let's actually break it down.

4 MS. SACKS: It looks like there's a series of
5 documents.

6 MR. KREEGER: I think there's some interspersed.
7 Let's take it a chunk at a time.

8 BY MR. KREEGER:

9 Q So if you look at 464 through 478, they appear
10 to be continuous documents that span page 1 through page
11 15; is that a report with which you're familiar?

12 A Well, I haven't seen it exactly, I don't
13 believe, in this form. But I'm familiar with the report,
14 yes.

15 Q And that document, pages 464 through 478,
16 consist of work orders that were generated from Helms?

17 A 464, I'm not sure where you're referring to.

18 MS. SACKS: The Bates stamped numbers on the
19 side.

20 THE WITNESS: 464 to what?

21 MR. KREEGER: 478.

22 THE WITNESS: This looks like all -- these look
23 like work orders.

24 MS. SACKS: But have you ever seen this
25 computer-generated document before?

1 THE WITNESS: I've seen one of them. I'm not
 2 sure if it's this exact one. I have seen a
 3 computer-generated document from the District Office.
 4 I'm not sure if it's this exact one.
 5 BY MR. KREEGER:
 6 Q But it had this same format?
 7 A Similar to this, yes.
 8 Q And these particular work orders relate to
 9 Helms, at least appear to relate to Helms; is that right?
 10 A They appear to, yes.
 11 Q And then if you look at page 479, which is the
 12 next one --
 13 A Yes.
 14 Q -- it looks to be a single-page document that
 15 again looks to be a work order associated with Helms.
 16 Are you familiar with that document?
 17 A No.
 18 Q Okay.
 19 A It wasn't put in by me.
 20 Q Have you seen this type, this form of document
 21 before, the one that appears on 479?
 22 A No.
 23 Q Same with 480?
 24 A That's true.
 25 Q You're not familiar with that?

1 A I haven't seen this in this particular form, no.
 2 Q Okay. And then there starts a multi-page
 3 document of -- looks to be the same form as the first one
 4 we looked at?
 5 A Correct.
 6 Q 482 through 499?
 7 A Correct.
 8 Q Is that right?
 9 A Up to 498.
 10 Q It looks like 499.
 11 A Okay.
 12 Q And then I guess 500 is another form of document
 13 that we have looked at. Are you familiar with that
 14 document?
 15 A I've seen the bottom.
 16 Q What's the bottom?
 17 A The work order request, I've seen that before.
 18 I mean I've seen, you know, that document before.
 19 Q Is that the kind of document you or someone at
 20 Helms fills out in order to request work?
 21 A Yes. Or it could be called in if it's an
 22 emergency.
 23 Q Let me direct your attention to page 504, which
 24 looks to be another computer printout of work requests.
 25 A Where is it?

1 MS. SACKS: 504?
 2 MR. KREEGER: Please.
 3 THE WITNESS: Yes.
 4 BY MR. KREEGER:
 5 Q Let me just ask you about how one reads this
 6 report, if you know. The top entry looks like -- the
 7 task description is "water leaks in middle of gym"?
 8 A Yes.
 9 Q "Boys' locker room in two spots, third hall,
 10 main building"?
 11 A That's correct.
 12 MS. VANCE: Objection. Have you asked the
 13 deponent whether or not he's actually seen this document?
 14 BY MR. KREEGER:
 15 Q Well, have you?
 16 A I've seen one similar to this. I'm not sure if
 17 I have seen this exact one.
 18 Q But you're familiar with the format of the
 19 report?
 20 A Yes.
 21 Q So in the task description, is that a
 22 description of the work that needs to be performed?
 23 A Right.
 24 Q And then there's an entered date, due date or
 25 date completion, I guess. I guess it's the third column;

1 do you see that?
 2 A Yes.
 3 Q And there's a date of 2/16/00. Does that mean
 4 that that's the date that this particular problem was
 5 reported to the district?
 6 A I'm not sure how they set that up. This
 7 obviously came out of the district office, so I'm not
 8 exactly sure what those dates refer to.
 9 Q Okay. And I take it you're also not aware of
 10 what the March 20th date refers to or do you know?
 11 A No, I don't know.
 12 Q You mentioned earlier that there were times when
 13 maintenance workers would put up temporary fixes to deal
 14 with problems of roof leakage.
 15 A Yes.
 16 Q Did it sometimes take weeks to, for someone to
 17 put up a temporary fix to solve the problem of a
 18 particular leak?
 19 MS. VANCE: Objection, vague. I'm not sure what
 20 problems you're referring to.
 21 THE WITNESS: Are you referring to the gym or --
 22 BY MR. KREEGER:
 23 Q I wasn't trying to limit it to one particular
 24 area. I'm trying to get a sense of how long it would
 25 take to have these temporary fixes put in place whenever

1 you reported a leak issue that was present at Helms.
 2 A Well, the tarping was on the gym skylights, so I
 3 don't remember exactly how long it took them to do that.
 4 Q Were there other kinds of temporary fixes that
 5 were put in place besides that tarp over the gym?
 6 A No, I think -- I think that's the only one that
 7 had the temporary fix.
 8 Q What about the leakage that occurred in the
 9 classrooms or other areas in the main building? Were
 10 those leaks just, unrepaired and --
 11 A Well, like some of that was due to like the
 12 glass block leaking, so.
 13 Q So there was nothing you could do?
 14 A Nothing they could do about that.
 15 Q Okay. And other skylights that were leaking,
 16 was there any solution to those problems?
 17 A No.
 18 Q Okay.
 19 A Not that I'm aware of.
 20 Q Were there instances in which broken windows at
 21 Helms were replaced with boards?
 22 A Oh, yes.
 23 MS. VANCE: Objection to the fact that we
 24 haven't established there were any broken windows at
 25 Helms.

1 BY MR. KREEGER:
 2 Q And how often would there be broken windows that
 3 were replaced with boards at Helms?
 4 A Most of the time.
 5 Q And why were boards used?
 6 A It was my understanding that the glaze has
 7 asbestos in it so that the district -- the district
 8 maintenance, district glaziers are unable to take out the
 9 glazes because they need abatement removal.
 10 Q And there wasn't sufficient funds for abatement?
 11 A That I don't know.
 12 Q How many of -- sitting here today, how many of
 13 Helms' windows are boarded up?
 14 A I'm not sure, but there's quite a few.
 15 Q Would you say more than 20?
 16 A Probably in that neighborhood, I'm guessing. I
 17 haven't walked the school and counted the boarded
 18 windows, but there are -- there are, you know, a fair
 19 number of them.
 20 Q You mentioned about the roof that there had been
 21 approval of a critical hardship fund to help rebuild the
 22 roof?
 23 A Um-hum.
 24 Q Do you know whether or not the State is going to
 25 come through with that funding for that --

1 MS. VANCE: Objection, calls for speculation.
 2 BY MR. KREEGER:
 3 Q -- repair?
 4 A It was my understanding that the funding is
 5 going to be coming through in August of this year.
 6 Q What's the basis of that understanding?
 7 A I've spoken to the assistant superintendent
 8 who's in charge of operations and maintenance.
 9 Q Who's that?
 10 A Vince Kilmartin.
 11 Q When did speak to Mr. Kilmartin?
 12 A I spoke to him a day or two ago.
 13 Q At that point he told you that the money was
 14 coming through?
 15 A It was his understanding that the money was
 16 coming through in August.
 17 Q Has something happened recently to persuade him
 18 that the money was going to be coming through?
 19 MS. VANCE: Objection, vague and calls for
 20 speculation.
 21 MR. KREEGER: If you know.
 22 THE WITNESS: It's my understanding that we were
 23 applying for the critical hardship case and that the
 24 funding was going to be released in August.
 25 MR. KREEGER: Mark this one, please.

1 (Plaintiffs' Exhibit Number 4
 2 was marked for identification
 3 by the court reporter.)
 4 BY MR. KREEGER:
 5 Q Are you familiar with the document that's been
 6 marked as Exhibit 4?
 7 A Vaguely.
 8 MS. SACKS: Have you ever seen this document
 9 before, to your knowledge?
 10 THE WITNESS: I think I've just seen it once.
 11 BY MR. KREEGER:
 12 Q Do you know who Gale Associates is?
 13 A I believe it was, I think, an architectural firm
 14 that did a study at Helms.
 15 Q You mentioned that one of the projects that you
 16 hope -- start again.
 17 You mentioned one of the projects that was in
 18 the works was to repair the water fountains. Are the
 19 water fountains currently not functioning?
 20 A I think most of them are functioning now.
 21 Q You talked about complaints about the bathrooms
 22 that you've received over time. Have you ever heard from
 23 students who told you that they, that they choose to hold
 24 it in and not use the bathroom because of -- the whole
 25 school day because they're dissatisfied with the

1 bathrooms?

2 A I've heard that a time or two, yes.

3 Q Did you -- you may have mentioned this. The
4 parents that met with you and the regional
5 superintendent, did they raise bathrooms as an issue with
6 respect to --

7 A I was -- it was a four-hour conversation. I
8 think they did.

9 Q Okay. And the other subjects we talked about
10 that they raised with the regional superintendent
11 included textbooks and facilities issues?

12 A Yes.

13 Q I think you mentioned something that I wanted to
14 follow up on which had to do with the qualifications for
15 the principal?

16 A Yes.

17 Q They raised a separate question about your
18 qualifications?

19 A Yes.

20 Q What was their concern?

21 A They questioned whether I was qualified to be a
22 principal.

23 Q And what was the -- what was the source? Why
24 were they questioning that?

25 A I don't know.

1 Q Okay. Did you have a response?

2 A Yes.

3 Q What was your response?

4 A That I have a master's degree in education and a
5 valid California administrative credential that allows me
6 to be an administrator in any K-12 school.

7 MR. KREEGER: Off the record a minute.

8 (Brief break.)

9 BY MR. KREEGER:

10 Back on the record.

11 Q You mentioned Mr. Kilmartin at the district.

12 Did you know that he gave a presentation to some parents
13 at Helms a couple weeks ago?

14 A Yes.

15 Q At that presentation he expressed skepticism
16 about whether this money was going to come through for
17 the roof repair, didn't he?

18 A I was not at that meeting. I cannot answer that
19 question.

20 MR. KREEGER: That's all I have. Thank you for
21 your time.

22 THE WITNESS: Sure.

23
24 EXAMINATION

25 BY MS. VANCE:

1 Q Hi.

2 A Hi.

3 Q I'm Jennifer Vance. I represent the State of
4 California from O'Melveny and Myers. And I have just a
5 few questions to follow up with what you talked about
6 this morning. And to the extent that I'm off on
7 something you may have testified to, please feel free to
8 correct me.

9 I think you mentioned earlier about there were
10 some problems with leaking on the roofs in various
11 buildings at Helms?

12 A Yes.

13 Q How often did leaking occur?

14 A Oh, probably almost every time we had a good
15 rain.

16 Q And how often is that?

17 A Oh, I don't know, I'm not sure. I mean some
18 winters we didn't have much rain, we had a drought. And
19 some winters it poured. But pretty much every time we
20 had a, you know, a fair -- you know, if it sprinkled or
21 showered, it may not necessarily leak. But if we had a
22 good rain, in most instances we would have leaks, yes.

23 Q Was it limited to the winter season?

24 A Yes. We don't get much rain outside of the
25 winter season.

1 Q And what was the extent of the leaking in the
2 gym? Was that -- was the gym the worse building for
3 leaks?

4 A Not necessarily, no.

5 Q Were there any of the buildings that had what
6 you would characterize as a greater problem with leaking
7 than others?

8 A Well, the glass block leaking probably created
9 one of the greatest hazards because it was leaking onto
10 the hallway floors. The water would, I believe, run down
11 the glass block and then run down the hallway floors.

12 That did not happen every time it rained. That
13 would happen, depending on which direction the rain was
14 coming from and the wind. But when that happened, yes,
15 there would be water in a number of the hallway floors.

16 Q So say, for example, this past winter, how many
17 times were the hallways affected by the rain with
18 leaking?

19 A I couldn't -- I don't know. I couldn't -- I
20 couldn't tell you.

21 Q That's fair. Did leaking ever disrupt classes?

22 MR. KREEGER: Objection, vague.

23 MS. VANCE: Do you understand what I mean by
24 that?

25 THE WITNESS: Yes.

1 MS. VANCE: Okay.

2 THE WITNESS: Most of the leaking that occurred
3 in the classroom, as I said, ran down the walls. There
4 was some leaking in the SAC classroom that, you know,
5 leaked on, you know, more into the classroom per se.
6 There was leaking in the halls. There was some leaking
7 like in the faculty room and in the counselors' office
8 and things of that nature.

9 MS. SACKS: Listen to her question. Her
10 question was did it ever disrupt classes?

11 THE WITNESS: I don't know. The SAC class, I
12 would say no, not that I'm aware of.

13 BY MS. VANCE:

14 Q Did it ever disrupt a gym class? Was there ever
15 a time a gym class could not happen or occur because of
16 leaking?

17 A Well, there were leaks in the gym. I'm not
18 exactly sure how the instructors compensated for that. I
19 know they would have to compensate for that, but I'm not
20 sure exactly how they did that.

21 Q I think you testified earlier that you thought
22 that sometimes they might modify their schedules?

23 A Yes.

24 Q For the SAC classroom what kind of disruption
25 occurred there?

1 A Well, they would have to move the kids out of
2 the area that was -- that had -- that was affected by the
3 leak.

4 Q Were there other areas where they could move at
5 the school site?

6 A Well, the SAC class, they could move internally,
7 depending on the number of students in the class, or we
8 could move them to another room.

9 Q Was there ever an occasion that you're aware of
10 that there was not another room available to move them
11 into?

12 A No.

13 Q And I think you testified that when you became
14 principal there was no plan in place to address the leaks
15 that occurred at Helms; is that correct?

16 A Well, there was no plan that I put into place.
17 The district office might have had a plan.

18 Q While you were vice principal at Helms, how --
19 did you observe how the principal before you dealt with
20 leaking problems or with roofing problems?

21 A Pretty much the same way that I dealt with them.

22 Q Okay. Do you know if she ever spoke to the
23 district about forming a plan to address the problems?

24 A That I don't know.

25 Q Do you consider mold and mildew to be a problem

1 at Helms?

2 A Yes, it is in certain areas.

3 Q And is this something that you were concerned of
4 before the study that I think we mentioned earlier
5 occurred?

6 A Yes, I was aware that some teachers were
7 suffering from -- a few teachers were suffering from
8 allergies.

9 Q And how were those issues addressed?

10 MR. KREEGER: Objection, vague, go ahead.

11 THE WITNESS: Well, I think that's what brought
12 about the study at the school.

13 BY MS. VANCE:

14 Q Do you know if that study was something the
15 district did on its own, or was there someone at Helms
16 who approached the district to conduct that study or have
17 that study done?

18 MS. SACKS: Objection, compound, but you can
19 answer.

20 THE WITNESS: I think one of the teachers
21 complained and that's sort of what sparked the study.

22 BY MS. VANCE:

23 Q Okay. The parts of Helms that are still heated
24 by the old boilers, how often would you say you have
25 problems with those?

1 A It varies.

2 Q Do you have an estimate?

3 A Umm, no, not really.

4 Q And is this something that the school reports to
5 the district?

6 A Yes.

7 Q Do you know about how many times the district is
8 not able to repair it within that same day?

9 A No.

10 Q You talked about the field and that there's a
11 lack of irrigation. What exactly does that problem --
12 what exactly -- let me just rephrase that.

13 What kind of problems does that cause for the
14 field?

15 A We have a dry field.

16 Q Does that hinder the students from using it?

17 A No.

18 Q Do you know what additional uses you could make
19 of the field if it was irrigated?

20 A No.

21 Q Any other problems with the field besides the
22 lack of irrigation?

23 A They have a problem with gophers and holes.

24 Q Is that something that the district fixes or
25 addresses?

1 A Yeah, that would be the district office.
 2 Q When students eat lunch, are there ever any
 3 students who are not able to sit down and eat their
 4 lunch?
 5 A No, I don't think so.
 6 Q Have you ever heard any other -- had anyone
 7 complain, any students complain that they couldn't sit
 8 down and eat their lunch?
 9 A They complain that like at the beginning of the
 10 year that they may be late getting to class because the
 11 line is so long. They still are able to sit and eat.
 12 Q And the long lines, those occur during the
 13 beginning of the semester?
 14 A Yes.
 15 Q About how long I guess does it usually take
 16 students to memorize their numbers and have the line
 17 start going faster?
 18 A Probably a good three weeks, three to four weeks
 19 probably.
 20 Q You mentioned that the computer labs are used
 21 for tutoring programs and then a program called Webheads?
 22 A Yes.
 23 Q Anything else that they're used for?
 24 A Well, they're used throughout the day by
 25 teachers.

1 Q Are there specific computer classes at Helms
 2 like a class on computers that would meet in the computer
 3 classroom?
 4 A No, we don't have one this year. We had them in
 5 the past but not this year.
 6 Q Do you know if that's something you're going to
 7 add to your schedule again in the future, or is it
 8 just --
 9 A I don't believe it's slated for the next coming
 10 year either.
 11 Q What does the tutoring program involve in the
 12 computer lab?
 13 A It's a math tutorial.
 14 Q Is that for all of the math classes?
 15 A It's for students who seek the additional help.
 16 Q Does it use special software?
 17 A Yes.
 18 Q Do students have access to that software at
 19 other times during school?
 20 A That I don't know.
 21 Q Like are there disks that they can take home to
 22 use on computers or anything of that nature?
 23 A If they had a computer at home, I believe they
 24 can do it at home, yes.
 25 Q Any other tutoring areas outside of math that

1 use the computer lab?
 2 A We have -- we've had a -- I think we've had
 3 English in the past, but not this year.
 4 Q And what are the Webheads?
 5 A That's a group of students who meet after school
 6 as part of the after-school program. And they work on
 7 like Internet -- not Internet, what do you call that?
 8 What do you call when you make like a web page? They
 9 make -- like we have our Helms web page, they design
 10 that.
 11 Q I think that's what it's called, web page.
 12 A Web page design, yes.
 13 Q So this is something extracurricular that they
 14 went to be a part of?
 15 A Yes.
 16 Q Have you ever had any complaint from students
 17 that they couldn't use the computer lab when they wanted
 18 to?
 19 A No, I don't believe so.
 20 Q How about any complaint from parents?
 21 A No.
 22 Q Does Helms keep reports of student injuries?
 23 A Yes.
 24 Q Have you ever had a report of a student injured
 25 because of water leaking, water in the gym or any other

1 area?
 2 A That -- there may well be, but I'm not the one
 3 who takes those reports. It's done by the counselors, so
 4 there's a possibility that that's true. I mean I sign
 5 them, but I can't remember. I've seen a lot of them.
 6 Q So the student injury reports aren't something
 7 that you specifically look at or?
 8 A Well, I don't generate them, you know.
 9 Q Okay.
 10 A So I do sign them, but.
 11 Q You mentioned that there have been some safety
 12 concerns about the rest rooms. Were those safety issues
 13 related to the facilities and conditions in the rest room
 14 or student activity in the rest room or neither and it's
 15 something else?
 16 MR. KREEGER: Objection, vague, compound. Go
 17 ahead.
 18 THE WITNESS: Probably both. You mentioned the
 19 issues of students and fighting and that sort of thing in
 20 the rest room. And of course you're going to have safety
 21 issues if the kid sets the rest room on fire or floods
 22 the sink and there's water on the floor. So you're going
 23 to have issues there.
 24 BY MS. VANCE:
 25 Q But are there any issues that you're aware of

1 that were not somehow related to a student either doing
 2 something to the rest room or student activity in the
 3 rest room, whether it was student created, flooding or
 4 students fighting?
 5 MR. KREEGER: Objection, sorry.
 6 MS. VANCE: Go ahead.
 7 MR. KREEGER: Objection, vague, go ahead.
 8 THE WITNESS: I'm not sure if I understand your
 9 question.
 10 BY MS. VANCE:
 11 Q Okay. Are you aware of any safety concerns from
 12 the conditions in the rest room alone, just -- I don't
 13 know, sharp object or something that's in the rest room
 14 that --
 15 A You mean that wasn't -- a condition that wasn't
 16 created by a student?
 17 Q Yes.
 18 A You mean like the sinks falling off the wall or
 19 something of that nature?
 20 Q Right, exactly.
 21 A Any safety, no, I don't believe so.
 22 Q For the first exhibit that we used in here, the
 23 mold study, do you have any recollection of what that
 24 study found independent of that document?
 25 A No.

1 Q Did you discuss the findings that are listed in
 2 that document with anyone?
 3 A If I did, it was only in passing and very
 4 briefly.
 5 Q Did anyone from the district discuss it with
 6 you?
 7 A Just briefly.
 8 Q And what was that discussion just, in general,
 9 if you can recall?
 10 A I just mentioned it to Mr. Kilmartin I had a
 11 teacher complaint.
 12 Q The glass blocks that are at the school, have
 13 you ever seen any sharp edges on the blocks?
 14 A Yeah, there could be some.
 15 Q Have you ever seen any?
 16 A Yeah.
 17 Q And where were those?
 18 A There's one down on the main hall. One of
 19 the -- couple of glass blocks are cracked or broken.
 20 Q And were they repaired?
 21 A No.
 22 Q Is there anything to prevent students from
 23 getting injured on them?
 24 A No.
 25 Q Have there been any students injured on those

1 blocks?
 2 A Not that I'm aware of.
 3 Q Does Helms have regular parent meetings?
 4 A We have a parent meeting about once a month.
 5 It's for parents that meet. And then on Tuesdays we have
 6 a coffee club that meets fairly regularly, as well as a
 7 gardening club.
 8 Q Any other meetings?
 9 A For parents?
 10 Q Yes.
 11 A I think that's all I can recall. Well,
 12 there's -- that's not necessarily for parents. I think
 13 that's it.
 14 Q For the parent meeting that meets once a month,
 15 what types of issues are addressed?
 16 A It varies. We talked last -- couple times ago
 17 we talked about high school exit exam. We talked about
 18 Star 9 testing.
 19 On one of the last meetings we had I invited one
 20 of the assistant principals at Richmond High to come over
 21 since most of my eighth-graders are going to Richmond
 22 High, so they could have an overview of the school,
 23 things of that nature.
 24 Q Do you always attend these meetings, the
 25 once-a-month meetings?

1 A Most of the time.
 2 Q If you don't attend, does someone from Helms
 3 attend in your place?
 4 A Yes.
 5 Q Do parents ever make suggestions about the
 6 school or how to improve it?
 7 A Yes, sometimes.
 8 Q What do you do when they make suggestions?
 9 A Well, I take them under consideration and then,
 10 you know, depending on the suggestions, you know, I take
 11 what steps I can to implement it.
 12 Q Do you ever pass the suggestions on to the
 13 district?
 14 A Umm. Well, the parents may have complained
 15 about the lack of textbooks. Well (indicating), the
 16 district is already well aware of that fact. I'm well
 17 aware of that fact, you know, But in answer to the
 18 question, I would pass on to the district, you know, if I
 19 thought they weren't, you know, aware of the situation.
 20 Q And the coffee club meetings, is this just for
 21 parents or does someone from Helms also attend?
 22 A No, someone from Helms attends.
 23 Q Are these different types of meetings than the
 24 once a month?
 25 A Yes.

1 Q What's different about the coffee club meetings?

2 A Well, the coffee club was originally designed to
3 give parents helpful hints, you know, like about doing
4 school and how to best help your son or daughter with
5 their homework or, you know, what do you see the
6 counselor for or, you know, these are the extra programs
7 we have available for your student to get help, things of
8 that nature.

9 Q Do you have -- do you know about how many
10 parents attend the coffee club meetings?

11 A Probably eight or ten.

12 Q How are parents -- well, are parents aware that
13 they occur, these coffee club meetings?

14 A Yes.

15 Q And how are they made aware?

16 A I believe it goes out in the monthly newsletter
17 that we send to all parents.

18 Q About how many parents attend the once-a-month
19 meetings?

20 A It varies. Maybe on average 15 to 20.

21 Q And are they made aware the same way that
22 they're made aware of the coffee club meetings?

23 A I believe so, yes.

24 Q And what is the gardening club?

25 A It's a group of parents -- we have a courtyard

1 might discuss?

2 A Well, for example, at the last staff meeting we
3 talked about the close of school. You know, your
4 textbook has to be in by this date, all these issues
5 around closing the school. We informed the teachers
6 about how we're going to do it, what you have to do, you
7 know, the last day special schedule, all that kind of
8 thing. Mostly school-wide issues that generally impact
9 the whole staff.

10 Q Have you ever discussed textbooks or the need
11 for more textbooks at these meetings?

12 A Textbooks are generally discussed, you know, in
13 the departments. So each math department, science
14 department, that's where the discussion would come about
15 textbooks. So these discussions are probably happening
16 on like the collaboration day.

17 Q During the once-a-month teacher meetings, do
18 teachers ever suggest ways to improve the curriculum or
19 the school?

20 A Sometimes.

21 Q And do you try and implement those suggestions?

22 A Yes, if they're possible.

23 Q If a teacher's suggestion is not possible, how
24 do you deal with that?

25 A Well, for example, like the leaking roofs, you

1 at Helms and they're planting that courtyard.

2 Q Was this something the parents started or that
3 Helms started?

4 A I believe it was sort of a mutual undertaking.

5 Q Are there staff meetings at Helms?

6 A Yes.

7 Q And how often do those occur?

8 A Well, if you're talking about including the
9 whole staff of teachers --

10 Q Are there two separate types of staff meetings?

11 A Yes.

12 Q Okay. What are they?

13 A Well, the teacher one meets once a month, the
14 first Monday of the month, for about an hour -- for an
15 hour. And then we meet -- the counselors and myself and
16 the vice principal meet Thursday mornings for about an
17 hour.

18 And then the teachers also meet on Wednesday
19 mornings. They have collaboration time. So we have a
20 shortened day for the kids to give us about 69 minutes, I
21 think, for teachers to meet and collaborate.

22 Q For the teacher meeting that occurs once a
23 month, what is generally discussed in those meetings?

24 A Oh, issues that impact the whole school.

25 Q Can you give me any examples of some things you

1 know, my understanding, there was no fundings in the
2 district to deal with that, and I just convey that
3 information back to the teachers.

4 Q Is that generally sufficient, or do they have
5 additional complaints that they bring up at that time?

6 A I guess --

7 MR. KREEGER: Objection, vague, go ahead.

8 THE WITNESS: -- it depends on the issue.

9 BY MS. VANCE:

10 Q For the Wednesday morning teacher meetings, is
11 that by department?

12 A By department and by committee. There's
13 school-wide committees that usually meet one week, and
14 then the departments meet the next week. And then
15 occasionally thrown in the mix is what we call faculty
16 forum, which would be meetings where all of us would meet
17 again.

18 Q And are these department and committee meetings
19 and the faculty forum, are they different than the
20 once-a-month teacher meetings?

21 A Yes.

22 Q How are they different?

23 A Well, by union contract we can only call a
24 faculty meeting once a month for an hour in length. So I
25 can only hold that meeting once a month. These meetings

1 are built into the instructional day, so they're held
2 once a week.

3 Q Are different topics discussed at the Wednesday
4 morning meetings than at the general faculty?
5 A Sometimes.

6 Q And then on Thursdays you meet with the
7 counselors, vice principal and then yourself. What is
8 generally discussed at those meetings?
9 A Those would be issues concerning discipline of a
10 student, you know, programming, for next year, you know,
11 what classes we're going to offer next year, things of
12 that nature. I also meet with the department chairmans
13 once a week or at least five of the department chairmans.

14 MR. KREEGER: Off the record for a minute.
15 (Brief break.)

16 BY MS. VANCE:
17 Q At the teacher meetings is there -- do the
18 teachers ever share suggestions to each other about
19 instructional methods?
20 A They will do that on the collaboration day.
21 Q And how often does that occur?
22 A Well, it's every week, but the meeting in
23 departments, that would be like every other week. So
24 that's probably the time they would be most likely to
25 share instructional strategies.

1 Q Do you attend those?
2 A Sometimes. Not very often.

3 Q You mentioned earlier an MRAD. Was that a local
4 bond?
5 A I believe so.

6 Q Do you know how -- was that granted to Helms or
7 was that granted to the district?
8 A The district, I believe it was the district.

9 Q Were you involved in the proposal for that?
10 A No.

11 Q Do you know how the district may have allocated
12 the money that was given?
13 A No.

14 Q For Measure M I think you stated that there was
15 no direct impact that you thought it would have on Helms?
16 A I mean -- my recollection of the Measure M isn't
17 very good, so if I'm recalling that measure correctly, I
18 don't think it will have any impact on Helms.

19 Q I'm just wondering if you thought there might be
20 an indirect impact as a result of the measure. If you
21 don't know, it's perfectly fine to state as well.
22 A I don't know. Those various bonds are starting
23 to run together in my mind.

24 Q So have there been other bonds related to the
25 school district?

1 A I don't know.

2 Q Do you know if there are other materials used in
3 classrooms at Helms besides textbooks?
4 MS. SACKS: Objection, vague. What do you mean
5 by materials?
6 BY MS. VANCE:
7 Q Okay. Do you understand the question, or would
8 you like me to clarify?
9 A I think you need to clarify that for me.

10 Q Okay. I'm assuming that most classrooms at
11 Helms use textbooks?
12 A Yes, most of them do.

13 Q Do you know of any other supplemental materials
14 that a teacher might use in the classroom?
15 A They could use the computer lab. They could use
16 a video. There are some other supplemental materials
17 besides textbooks that are available.

18 Q What are those other supplemental materials?
19 A We've ordered other, you know, books that are
20 not necessarily textbooks that could be used in the
21 classroom. I would imagine maps, you know, things of
22 that nature are all supplemental materials.

23 Q Are these generally materials that the teachers
24 decide they want, or is this something that's part of a
25 bigger program and curriculum?

1 A Generally, I think it would be decided by the
2 teachers in that department.

3 Q Do you know if most students at Helms receive
4 homework in their classes on a regular basis?
5 A Some teachers assign homework and some do not.
6 I'm not sure exactly what percentage do and what
7 percentage do not.

8 Q For the teachers that do assign homework, is
9 that something that the department actually -- let me
10 think about that question and I'll come back.

11 A Okay.

12 Q When you were talking about alignment to State
13 standards, and you said I think that the books or
14 textbooks that you had were not aligned?
15 A Yes.

16 Q What did you mean by that?
17 A Well, there are -- certain standards dictate
18 what you're supposed to teach at a particular grade
19 level. And most of the textbooks that we have for that
20 grade level are not addressing those standards that are
21 outlined.

22 Q Do you know if this is just at Helms or if it's
23 at other schools in West Contra Costa School District?
24 A I really can't speak for the other schools.
25 Q That's fine.

1 The district has a collective bargaining
2 agreement, right?
3 A Yes.
4 Q Does that cover substitute teachers?
5 MS. SACKS: Objection, vague. The district
6 actually has four collective bargaining agreements or
7 three -- no, four.
8 BY MS. VANCE:
9 Q Okay. So how many collective bargaining
10 agreements are you aware of that apply to Helms?
11 A I believe, three.
12 Q And in any of those agreements are there
13 provisions that cover substitute teachers at Helms?
14 A I don't understand what you mean by provisions
15 that cover substitute teachers.
16 Q Are you familiar with the collective bargaining
17 agreements?
18 A Somewhat.
19 Q Are you familiar with any portions of the
20 agreements that deal with either the ability to
21 substitute or requiring teachers to substitute within the
22 school?
23 A Well, there is a section stating that teachers
24 are required to substitute if no other substitute is
25 available. I believe that's how it's stated, something

1 to that effect.
2 Q Any other provisions that speak to substitutes?
3 MS. SACKS: That you can recall off the top of
4 your head.
5 MS. VANCE: Yes.
6 THE WITNESS: That's the only one that I really
7 recall.
8 BY MS. VANCE:
9 Q You stated that you think it's better to have
10 full credentialed teachers. Is that always the case, in
11 your experience?
12 MR. KREEGER: Objection, vague. Go ahead.
13 THE WITNESS: Generally, yes, I think that a
14 fully credentialed teacher is better than someone who
15 has not had the appropriate training.
16 BY MS. VANCE:
17 Q Do you think there are some non-fully
18 credentialed teachers who could still be effective
19 teachers?
20 A I don't know.
21 Q Maybe I can ask it this way: Have you ever had
22 experience working with a teacher at Helms who did not
23 have a full credential but who you considered to be an
24 effective and/or a good teacher?
25 A Yes.

1 Q Is Helms involved in a district internship
2 program?
3 A Yes. Some of our teachers are involved in
4 internship programs.
5 Q Is that both district and university internship
6 programs?
7 A I think it's just university.
8 Q Do you happen to know what university that's
9 affiliated with, if it's one or several?
10 A No.
11 Q Do you think that's been an effective program,
12 the internship program?
13 A Yes.
14 Q And how so?
15 A Well, it provides teachers with, you know, the
16 proper training they need to get certified. And also it
17 provides them with additional support.
18 Q Since you've been at Helms, either as a vice
19 principal or as principal, has the school ever
20 participated in an accreditation process?
21 A Well, I don't believe middle schools are
22 accredited in the same way high schools are. They go
23 through what they call a PQR, program quality review.
24 Q And has Helms gone through a PQR since you have
25 been at the school?

1 A No.
2 Q Do you know if Helms has been -- go ahead, I'm
3 sorry.
4 A I don't remember. I mean they might have gone
5 through it when my old boss was in charge, but certainly
6 not since I've been principal.
7 Q So you don't know if you went through it as a
8 vice principal?
9 A I don't believe so. I don't believe so.
10 Q Okay. How about a CCR review?
11 A We started the process this year.
12 MS. SACKS: For the record, could you explain
13 what CCR stands for.
14 MS. VANCE: Sure. The Coordinated Compliance
15 Review, correct?
16 THE WITNESS: Yes.
17 BY MR. KREEGER:
18 Q Any other reviews or evaluations that you're
19 aware of that Helms has gone through since you've been at
20 the school?
21 A We're an II, slash, USP -- IIUSP. I don't think
22 there's a back slash in there.
23 Q And when did that review begin?
24 A We had the planning grant -- first year of
25 implementation this year and the planning grant the year

1 before, so I guess what, it's the second year now, or
 2 actually it will be starting its third year this
 3 September.
 4 Q What have you had to do for that review?
 5 A Well, basically, we had to look at our whole
 6 school program, describe what was working, what was not,
 7 and then, you know, make modifications to that program to
 8 improve student achievement.
 9 Q Did you write any reports as to your findings?
 10 A Yes.
 11 Q Did you -- where did you send those reports?
 12 A It went to the school board, then on to the
 13 State of California.
 14 Q Have you made any modifications as a result of
 15 the IIUSP process?
 16 A Yes.
 17 Q What have you modified or changed?
 18 A We changed a lot of things. It was like a
 19 150-page document. We have instituted home rooms this
 20 year. We gave certain department leaders a period off.
 21 We instituted a student incentive program. We instituted
 22 a math and reading lab for students who were performing
 23 below grade level. There's a whole list of things that
 24 we've undertaken as a result of that process.
 25 Q Have you had to follow up with reports or other

1 things of that nature?
 2 A Umm, we're in the process now of sort of
 3 evaluating what we did this year. And then my
 4 understanding is next year will be the full-blown
 5 evaluation.
 6 Q Will that be a self-evaluation, or will there be
 7 other persons coming into the school?
 8 A No, there would be an outside evaluator brought
 9 in.
 10 Q Do you know who that outside evaluator will be?
 11 A No, I do not.
 12 Q Are you aware of any studies that have been
 13 undertaken to observe or study facilities in the West
 14 Contra Costa School District?
 15 MS. SACKS: Objection, vague. Studies by whom,
 16 what?
 17 BY MS. VANCE:
 18 Q That's what I'm just asking, I guess, whether or
 19 not you're aware of any.
 20 A I would only be aware of the ones that were --
 21 I would only feel comfortable speaking to the ones that
 22 were done on my site.
 23 Q So I take it there have been some facilities
 24 studied, is that what you're saying?
 25 A Well, yeah, you got one this issue on mold, the

1 issue from -- the one from the architects. There have
 2 been --
 3 Q Any others that you're aware of?
 4 A Not that I can recall offhand.
 5 MS. VANCE: Okay. I'm going to take a quick
 6 break so that I can review the notes from this afternoon.
 7 (Brief break.)
 8 BY MS. VANCE:
 9 Q When we were speaking earlier about the
 10 allegations pertaining to Helms in the First Amended
 11 Complaint -- and maybe I can just point your attention
 12 again to the page 30, paragraph 98.
 13 A Yes.
 14 Q The third line down talks about one algebra
 15 class has no books at all, not even books for students to
 16 use in class. Was that allegation a surprise to you?
 17 A Yes. I believe the class they're referring to
 18 the teacher has textbooks but does not use them very
 19 often. She tends to do a lot of her instruction from the
 20 overhead.
 21 Q Do you know why she does that or did that?
 22 A No.
 23 Q For the class, algebra class you're referring
 24 to, the teacher did have access to use textbooks in the
 25 classroom?

1 A Yes, I believe so.
 2 Q And pointing your attention to paragraph 99
 3 where it talks about the leaks caused dangerous puddles
 4 on the gym floor --
 5 A Yes.
 6 Q -- do you agree with that categorization of
 7 dangerous puddles?
 8 A There have been -- there aren't anymore. There
 9 were puddles on the gym floor. They have been -- I
 10 remember one time they had tarps down, you know, to catch
 11 the water to save the gym floor.
 12 Q But do you agree with how it's been categorized
 13 as dangerous?
 14 A Well, I would imagine anytime a floor is wet
 15 that could lead to some safety hazards.
 16 Q Again, for that paragraph 99, it states that
 17 students worry that they'll be hit with falling tiles
 18 when they enter the library and other areas of the
 19 school. Were you aware of student complaints about being
 20 hit with falling tiles?
 21 A No, I was not aware of any student who was hit
 22 by a falling tile, not that I can recall, no.
 23 Q Were you ever aware that students were worried
 24 about being hit by falling tiles? I mean did they ever
 25 complain, "I think I'm going to be hit," or "the tiles

1 look loose" or something of that nature?
 2 A Not that I remember.
 3 Q For the windows that you've mentioned have been
 4 covered with the boards at Helms, do you know if -- I'm
 5 assuming the district is aware of that problem?
 6 A As far as I know, they are aware of that
 7 problem, yes.
 8 Q Do you know of anything the district is doing to
 9 remedy that problem?
 10 A It was my understanding they were going to be
 11 fixed this summer.
 12 Q I think you mentioned also that there have been
 13 student complaints that they had to hold it in when they
 14 used the rest room because they didn't want to use the
 15 rest rooms at Helms. When -- can you recall a student
 16 complaining about that particular thing?
 17 A I can't remember exactly, although I have had
 18 students, you know, make comments like that to me.
 19 Q When a student would make a comment of that
 20 nature, did they say what they did instead, do they just
 21 hold it until they got home?
 22 A Yeah. Most kids said they just waited until
 23 they got home.
 24 Q About how many kids do you think have said
 25 something like that to you in your time at Helms?

1 A A few.
 2 Q Would you respond and say anything back to the
 3 student when they tell you that?
 4 A It's hard for me to remember what the
 5 conversation was.
 6 Q Right.
 7 A I would probably -- I probably asked them why
 8 and then, you know, depending on their answer, I would
 9 work from there.
 10 Q Did you ever do anything to kind of remedy a
 11 problem or something that came up as a result of the
 12 comment from the student --
 13 A Sure.
 14 Q -- that they had to hold it in?
 15 A Well, if they said there's no toilet paper in
 16 the rest room, I would call the custodian and say the
 17 downstairs rest room is out of toilet paper, and I would
 18 have the custodian go put the toilet paper in there and
 19 then send the kid back in.
 20 Problems that are reported to me that I would
 21 have control over I would try to remedy as soon as
 22 possible.
 23 Q I think we talked earlier about how Helms gets
 24 textbook money, and you said that there's a district-wide
 25 adoption and then also specific money for Helms?

1 A Yes.
 2 Q About how much money does Helms receive for
 3 textbooks in a, like per year?
 4 A I think last year we got about \$27,000, if I'm
 5 not mistaken, somewhere in that vicinity.
 6 MS. SACKS: For replacement books?
 7 THE WITNESS: For site's discretion textbook
 8 money, which we used for replacement or buying new books
 9 or however the site want to spend it.
 10 BY MS. VANCE:
 11 Q But that does not include like the cyclical
 12 adoption for textbooks?
 13 A No, no.
 14 Q Do you know how the district divides up the
 15 funds it receives for different uses it could have, i.e.,
 16 use for textbooks versus facilities versus teacher
 17 salaries?
 18 A No.
 19 Q Are you aware of any categorical or special
 20 funds that the district reserves specifically for
 21 textbooks?
 22 A No.
 23 Q Are you aware of any money that the district
 24 reserves for a fund called the instructional material
 25 fund?

1 A No.
 2 Q How about Shift Bustamonte funds?
 3 A I'm aware of the Shift Bustamonte funds. I'm
 4 not sure how the district receives that funding.
 5 Q Do you know -- do you know if the district does
 6 have Shift Bustamonte funds?
 7 A Yes.
 8 Q Do you know if they used all of their funds?
 9 A That I do not know.
 10 Q Do you know how the district allocates the money
 11 it receives to the different schools in the district?
 12 A That I do not know. I think it's on a
 13 per-pupil basis, but I'm not sure.
 14 Q Do you know of any additional money the
 15 district receives other than from the State or from local
 16 bond measures? I'm assuming there's sometimes private
 17 grants for use in schools. Are you aware of any of those
 18 that the district has received?
 19 MS. SACKS: Objection, vague. Are you talking
 20 about money for textbooks, money for specific things,
 21 money that they can use for whatever they want?
 22 MS. VANCE: I can break that up. Maybe that
 23 would be a little bit more clear.
 24 BY MS. VANCE:
 25 Q Do you know of any -- other than what we've

1 talked about, the money you receive from the district, or
2 specific like Bustamonte, do you know of any other money
3 the district has received for textbooks?

4 A No.

5 Q How about any money outside of what we've talked
6 about for facilities, repair or renovation?

7 A No, I don't know of any others.

8 Q The critical hardship grant that we've talked
9 about, do you know when, the first time the district
10 applied for a critical hardship grant?

11 A No.

12 Q Are you aware of any critical hardship grants
13 that were implemented at your schools that you were at in
14 the district?

15 A I'm not aware of any.

16 Q Do you know what the application process is
17 like for the critical hardship grant?

18 A No.

19 Q Did you participate in developing the grant for
20 this recent critical hardship grant for the district?

21 A No.

22 Q Going to teacher credentialing, other than what
23 we've talked about earlier, do you know of anything else
24 the district does to recruit fully credentialed teachers
25 to come to the school district?

1 A I think they've recruited some teachers from the
2 Philippines, Spain. They actively recruit at the
3 colleges and the universities. I believe they run
4 newspaper ads. They have held job fairs.

5 Q And how is it that you're aware of these
6 efforts? Was it something that they informed the
7 principals of or something that you just became aware of
8 through other means?

9 A Umm, in most instances I think the principals
10 were informed.

11 Q Does the district have any programs, teacher
12 training programs, not the internship but any special
13 seminars or programs they have put on to help the
14 teachers?

15 A They sponsor a new teacher orientation at the
16 beginning of the school year. It's a week long. There's
17 also mentor teachers that -- one at my site that received
18 a state mentorship to work with new teachers. The
19 district does have -- at the district level, they do have
20 some support for new teachers. I think they also sponsor
21 some workshops after school for new teachers in terms of
22 staff development is also available.

23 Q Are these programs that the teachers can elect
24 to go to or are they required to go to by the district?

25 A It depends.

1 Q What does it depend on?

2 A Like, for example, I think all new teachers, if
3 they're new to teaching, new to the district, are
4 required to go in August. If they're not hired by then,
5 of course they cannot go. I believe the ones that are
6 held, you know, when the school year starts are
7 voluntary.

8 MS. VANCE: I think that's it for me.

9 MR. KREEGER: Did you want to ask any questions?

10 MS. SACKS: I just have a couple of follow-up
11 questions.

EXAMINATION

12 BY MS. SACKS:

13 Q Approximately how much does the average new
14 textbook cost?

15 A I would say somewhere right around \$45.

16 Q And with that -- with the new textbooks are
17 there supplementary materials, for example, like the
18 teacher's version of the book?

19 A Yes, there are supplemental materials usually
20 associated with most textbook purchases.

21 Q Although there may not be sufficient textbooks
22 for each student to be able to take home, do students
23 have the option of checking out textbooks to take home
24

1 with them?

2 A Yes, provided we have additional textbooks on
3 the shelf. Some parents have come and requested, you
4 know, a textbook for their son and daughter in whatever
5 class for them to take home, and we've checked them out
6 to them.

7 MS. SACKS: I don't have any further questions.

FURTHER EXAMINATION

8 BY MR. KREEGER:

9 Q You mentioned the dry field --

10 A Yes.

11 Q -- that you have now.

12 A Yes.

13 Q Does that mean it has no grass on it?

14 A It has grass, but at that time of the year the
15 grass is starting to die.

16 Q So the irrigation would be to turn it into a
17 grass field?

18 A Right.

19 MS. SACKS: Objection, he said the grass is
20 dry, not that it's nonexistent.

21 BY MR. KREEGER:

22 Q The PQR process that you described, you say it
23 hasn't taken place since you've been at Helms. What
24

1 triggers a PQR process?
 2 A I believe it's triggered by the State.
 3 Q The State lets you know that the school needs to
 4 go through that process?
 5 A I believe it's done -- yes.
 6 Q Do you know what criteria the State uses to
 7 select which schools undergo the PQR process?
 8 A I believe all schools go through it eventually.
 9 It's on a cycle.
 10 Q And the CCR process that you began this year,
 11 what triggered that?
 12 A State.
 13 Q Is that also on a cyclical?
 14 A I believe so.
 15 Q The IIUSP review that you mentioned, what
 16 triggered that?
 17 A Low test scores.
 18 Q And what -- when were the low test scores
 19 that -- start again.
 20 When did Helms display low enough test scores
 21 that the IIUSP was triggered?
 22 A We started the process two years ago, so.
 23 Q So it was the tests that took place --
 24 A The year prior, I would presume.
 25 MR. KREEGER: Okay. That's all I have.

1 MS. VANCE: Okay.
 2 MS. SACKS: Okay.
 3 MR. KREEGER: Thank you very much.
 4 MS. VANCE: Thank you.
 5 THE WITNESS: Thank you.
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 9 I, STEVEN V. MUZINICH, do hereby declare under
 10 penalty of perjury that I have read the foregoing
 11 transcript; that I have made any corrections as appear
 12 noted, in ink, initialed by me; that my testimony as
 13 contained herein, as corrected, is true and correct.
 14 EXECUTED this ___ day of _____,
 15 2001, at _____, _____.
 (City) (State)
 16
 17
 18
 19
 20
 21 _____
 22 STEVEN V. MUZINICH
 23 Volume 1
 24
 25

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 2
 3
 4 I, the undersigned, a Certified Shorthand
 5 Reporter of the State of California, do hereby certify:
 6 That the foregoing proceedings were taken before
 7 me at the time and place herein set forth; that any
 8 witnesses in the foregoing proceedings, prior to
 9 testifying, were placed under oath; that a verbatim
 10 record of the proceedings was made by me using machine
 11 shorthand which was thereafter transcribed under my
 12 direction; further, that the foregoing is an accurate
 13 transcription thereof.
 14 I further certify that I am neither financially
 15 interested in the action nor a relative or employee of
 16 any attorney of any of the parties.
 17 IN WITNESS WHEREOF, I have this date subscribed
 18 my name.
 19
 20 Dated: _____
 21
 22
 23 _____
 PATRICIA C. STEPHENS
 CSR No. 10058
 24
 25